United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, JUNE 20, 2001 No. 86

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 20, 2001.

I hereby appoint the Honorable CHRISTOPHER SHAYS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Rabbi Rafael G. Grossman, Senior Rabbi, Baron Hirsch Synagogue, Memphis, Tennessee, offered the following prayer:

O merciful God, in this august Chamber, Thy servants represent a nation blessed to live in freedom. Grant wisdom and courage so the path they pave can be traversed by all.

You chose us, the American people, from among all people, to be the ''light unto the nations'' and the voice for the silenced and the suffering. Thy children everywhere look to this hall of democracy for hope and strength, as old and young continue to face the evil hand of terror and exploitation. Give us determination to bring joy and life to victims of terror and might against those who perpetrate it. Your voice resonates in our hearts, and this is the vision of America's destiny.

Isaiah, in the language of the Bible: (Here the cited verse was read in Hebrew.) He ''has sent me to bind up the broken hearted, to proclaim liberty to the captives, and opening of the eyes of those who are bound.'' The old Prophet's words beckon the hearts of Americans to bring the freedom of our blessings to humankind's downtrodden, to those shackled by chains of exploitation and demagoguery. The free, dear God, are only free when all of God's children are free.

Would you join me in saying, Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kansas (Mr. TIAHRT) come forward and lead the House in the Pledge of Allegiance.

Mr. TIAHRT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 657. An act to authorize funding for the National 4–H Program Centennial Initiative.

S. Con. Res. 35. Concurrent resolution expressing the sense of Congress that Lebanon, Syria, and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

S. Con. Res. 42. Concurrent resolution condemning the Taleban for their discriminatory policies and for other purposes.

WELCOME TO RABBI RAFAEL G. GROSSMAN

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

Mr. BRYANT. Mr. Speaker, I would like to join my colleagues in welcoming today's guest Speaker, Rabbi Rafael Grossman, and thank him for leading the House in prayer.

Rabbi Grossman has led the Baron Hirsch Congregation in Memphis for some 25 years. In those 25 years, Rabbi Grossman has overseen the construction of a new synagogue building and has established numerous programs that have benefited members of his congregation, the City of Memphis, and the State of Israel. Through the programs and his continued counsel, the Rabbi has touched the lives of each member of his congregation.

The Rabbi was chosen as one of a group of 10 Rabbis to be recognized and honored at the centennial celebration of the Union of Orthodox Jewish Congregations of America for his outstanding achievements. He also was a recipient of the National Rabbinic Leadership Award from that organization and has written many scholarly works for numerous journals.

Rabbi Grossman is married to Mrs. Shirley Grossman, and together they are the proud parents of four children and nine grandchildren. It is my distinct pleasure to welcome him here today as our guest chaplain.

PRICE CAPS ARE NOT THE ANSWER

(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, until recently, I thought everyone understood the law of supply and demand, but that was before some in this town started crying for price caps on energy.

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The ins and outs of energy policy may be complicated, but the law of supply and demand is very simple. President Bush has a sensible, balanced, and comprehensive plan to increase supply through new and better energy sources and to address demand through better efficiency and modernization. We should not let anyone tell us that price controls are the answer to the energy crunch we are in.

The Soviet Union tried running things that way for 70 years, and bread lines only got longer. We need to increase supply. Price controls will not produce one drop of oil or one watt of electricity. They only reduce the pain temporarily, but compound the problem actually.

Mr. Speaker, we need a long-term solution, not a short-term fix.

A CHALLENGE FOR VICTORIA'S SECRET

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

Mr. TRAFICANT. A California woman has set a world record by hooking 7,000 brassieres together to create the biggest bra ball in history. This bra ball is a protest against the way women's breasts have been exploited. Now, if that is not enough to challenge Victoria's Secret, this buxom diva has filed a lawsuit against another artist who is also building a ball of bras.

Think about it. America's courts are bogged down with drugs and murder, and now we will be tied up with 200 pounds of Maidenforms. Unbelievable. Even Slappy White of hillzoo.com cannot believe this. What is next, Congress? A stainless steel panty hose contest?

Beam me up. I yield back the fact that all this money being used for this litigation would be better served if they put it towards a cure for breast cancer.

KEEPING THE LIGHTS ON IN AMERICA

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

Mr. TIAHRT. Mr. Speaker, as we embark on the 21st century, Americans expect certain things. We want a secure future for our children, a clean environment; and when we flick the switch on a lamp, we expect the light to shine. Unfortunately, due to extreme environmental policies, many Americans cannot be assured the lights will come on. That is why I commend the President for showing real leadership in developing a national energy plan that takes a balanced approach to solving our energy crisis.

The President's plan takes into account the incredible developments in energy research, exploration, technology, which not only reduces our heavy reliance on foreign oil, but preserves and protects our Nation's environment. This comprehensive energy plan has more than 100 concrete recommendations, nearly 50 percent of which deal with conservation. This is a commonsense, long-term, high-tech solution that protects the environment and secures our future.

Americans should expect the best electric system in the world, while we secure clean air and water for our children. The President's plan will ensure our priorities and keep the lights on in America.

TRIBUTE TO BIOTECHNOLOGY

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

Mr. ISSA. Mr. Speaker, most of us go throughout the day without noticing that many of the products we use are a direct result of biotechnology. Everything from important medical breakthroughs like insulin and many HIV drugs to household detergents and cleaners and the like can be attributed to the discoveries made by biotechnology. It is time we recognize the biotechnology community for the numerous achievements and discoveries that have improved the quality of life for people around the globe.

Mr. Speaker, I am proud to introduce bipartisan legislation recognizing the benefits of biotechnology. I hope my colleagues will join the many cosponsors of this bill which recognizes biotechnology for its contributions of the past and for the amazing potential this technology holds for the future.

HONORING AIRMAN MATHEW KURIAN

(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, I wish today to address just very briefly congratulations for those people who work hard to improve themselves and their community.

So today I rise to salute and congratulate 99th Supply Squadron Airman First Class Mathew Kurian, currently stationed at Nellis Air Force Base, Nevada.

Today, Airman Kurian will receive the Congressional Gold Award, an honor which recognizes initiative, achievement, and excellence among people in the United States aged 14 to 23. Recipients must set and achieve goals in four areas: Expedition and exploration, personal development, physical fitness, and voluntary public service. They must set and achieve challenging goals for the betterment of themselves and their community.

Airman Kurian met and exceeded those goals. Over the past 2 years he volunteered for over 400 hours of public service, including helping with children's ceramic classes, and he served on the Nellis Honor Guard. Airman Kurian is a role model for all Air Force members, and for all Americans as well.

I congratulate him on his achievement and thank him for his devoted efforts to better Nevada and to serve our Nation.

TRIBUTE TO EDWARD J. ROSASCO

(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 rise today to honor Edward J. Rosasco for his 17 years of service and dedication as president and chief executive officer at Mercy Hospital. Under Ed Rosasco's leadership, Mercy Hospital has strengthened its long-standing tradition of providing quality health care to all residents of south Florida.

His dedication to improving and establishing his new patient services is evident with Mercy's Pain Management Center which cures patients who never thought that they would live without pain again.

Another example is Mercy Hospital's Diabetes Treatment Center, one of only six in the Nation to be named a model center qualified to serve as a training location and a prototype for other diabetes programs.

Mercy is also recognized as an important provider for international patients and is the leading choice for residents in the Caribbean and Central and South America who seek top quality care and treatment not available in their countries.

For 17 exceptional years, Ed Rosasco has ensured that Mercy has remained true to its mission: maintaining an uncompromising commitment to excellence.

Mercy Hospital will honor Ed tomorrow, and today I ask my colleagues to join me in paying tribute to Ed Rosasco for his service to our south Florida community.

□ 1015

SUPPORTING MEASURE PROVIDING HEALTH CARE COVERAGE FOR LEGAL IMMIGRANTS

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

Mr. FOLEY. Mr. Speaker, I am here to strongly support a bill introduced by my colleagues, the gentleman from Florida (Mr. DIAZ-BALART) and the gentlewoman from Florida (Ms. ROS-LEHTINEN), among others, that would allow us to provide health care coverage for legal immigrants of the United States.

Let me be very specific. My colleague, the gentleman from Florida (Mr. DIAZ-BALART), will speak a little more on this subject. What we have to

make certain of is that everybody is provided good quality health care.

Yesterday a report was issued that included the fact that if folic acid was administered to pregnant women early in their pregnancies, the likelihood of a healthy delivery and a healthy baby would result. The March of Dimes and others strongly support this initiative to make certain that we provide the health care for women early in their pregnancies and then after, once the baby has been delivered.

Let us not be penny-wise and pound foolish. The money we think we are saving will evaporate in excess spending if a child is born with a disability, so let us make certain we strongly support this initiative. It is being supported by Senator GRAHAM of Florida on the Senate side, and I know my colleague is going to talk about it in greater detail.

I am thrilled and delighted to be part of this effort. Today is World Refugee Day, and I think this is a fitting tribute to this day, to make certain legal immigrants are covered.

URGING MEMBERS TO COSPONSOR H.R. 1143, THE LEGAL IMMIGRANT CHILDREN'S HEALTH IMPROVEMENT ACT OF 2001

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

Mr. DIAZ-BALART. Mr. Speaker, I want to thank the gentleman from Florida (Mr. FOLEY) for joining us in this very important effort.

Today I rise to speak about the unfortunate fact that legal immigrant children and legal immigrant pregnant women do not have access to federal matching health care funds for health care services.

Legal immigrants who enter the United States after August 22, 1996, must wait 5 years before they are eligible for either Medicaid or S–CHIP medical services. While these legal immigrants sometimes get emergency medical care, they are ineligible for basic medical services that reduce the need for such emergency care. This makes no sense and unnecessarily increases the costs to taxpayers.

The bill I have introduced, H.R. 1143, the Legal Immigrant Children's Health Improvement Act of 2001, will lift the 5-year ban currently in place for health services for lawfully present immigrant children and pregnant women who enter the United States after August 22, 1996. The bill gives States the option of extending such services. The legislation will provide coverage for between 150,000 and 200,000 legal immigrant children and about 50,000 legal immigrant pregnant women and their babies.

I ask my colleagues to please cosponsor H.R. 1143.

WE NEED A BALANCED LONG-TERM PLAN TO ADDRESS AMERICA'S ENERGY NEEDS

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

Mrs. WILSON. Mr. Speaker, this country needs a balanced long-term energy plan to address America's energy needs. We are more dependent on foreign oil today than we were at the height of the energy crisis in the 1970s. Fifty-five percent of the oil used in America comes from foreign sources, mostly in the Middle East.

We have made great strides in energy efficiency over the last two decades. We have cleaner water, cleaner air, and cleaner land today than we did 20 years ago. There is no going back, and nobody wants to. We can have conservation and an adequate energy supply.

Our energy policy must include both. We need to build the safe pipelines and the transmission systems to get our energy to where it is needed to meet the needs of a growing American people. We should expect the best energy system in the world, and we can pass a balanced long-term energy plan through this House in order to do so.

THE DEATH PENALTY IS NOT WORTHY OF A GREAT NATION

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

Mr. LEWIS of Georgia. Mr. Speaker, another man is gone. Another human being is gone. How long will we continue to travel down this inhumane road? The death penalty is not worthy of a great Nation. It is barbaric, it is uncivilized. What do we want, retribution, to get even, or to have revenge?

I happen to believe that in every human being there is the spark of the divine, and no government, not State or federal, has the right to destroy that spark. That right is reserved for the Almighty and the Almighty alone. How can we appeal to our people, especially our young people, not to use an instrument of violence to settle their disputes, and then sanction killing, sentencing someone to death?

It is time for us to join with the majority of the world and put an end to this form of barbaric punishment. It is time to put an end to the death penalty. Enough is enough, Mr. Speaker.

ELECTION OF RANDY FORBES TO THE HOUSE OF REPRESENTATIVES

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

Mr. HAYWORTH. Mr. Speaker, we of course champion the role of a free press in our society, and so it is for that reason that I come to the floor today, because there is a story that some of our establishment media outlets have not really talked about. So I return to my profession as a broadcaster to inform the House that last night, in the Commonwealth of Virginia, voters displayed great common sense in electing Randy Forbes to this Chamber.

It means a political realignment probably not receiving the same prominence as a recent political alignment in the other body. Yet, it bears testimony to the common sense of Commonwealthy voters because, in his election, we are seeing now the prevalence of a sound policy striking a balance between protecting our precious environment and also our economy, understanding that education is a national priority but ultimately a local concern, and the notion that the money sent here to Washington belongs not to the federal bureaucrats, but to the people.

It was a sound election. We welcome Mr. Forbes to this Chamber, and we will focus on sound policy, rather than partisan politics.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today 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 vote on postponed questions will be taken after debate is concluded on all motions to suspend the rules.

MAKING TECHNICAL CORRECTIONS TO MANUFACTURED HOUSING PROGRAM

Mrs. ROUKEMA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1029) to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program.

The Clerk read as follows:

S. 1029

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

SECTION 1. MANUFACTURED HOUSING.

(a) AVAILABILITY OF FEES.—Notwithstanding section 620(e)(2) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5419(e)(2)), any fees collected under that Act, including any fees collected before the date of enactment of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701 note) and remaining unobligated on the date of enactment of this Act, shall be available for expenditure to offset the expenses incurred by the Secretary under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), otherwise in accordance with section 620 of that Act.

(b) DURATION.—The authority for the use of fees provided for in subsection (a) shall remain in effect during the period beginning in

fiscal year 2001 and ending on the effective date of the first appropriations Act referred to in section 620(e)(2) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5419(e)(2)) that is enacted with respect to a fiscal year after fiscal year 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

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

GENERAL LEAVE

Mrs. ROUKEMA. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on S. 1029, the Senate bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

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

Mr. Speaker, S. 1029 is a technical correction to last year's Manufactured Housing Improvement Act. This bill authorizes HUD, the Housing and Urban Development Department, to continue operating its manufactured housing program with its fees collected through the program until Congress enacts appropriations for the Department for the year 2002.

Mr. Speaker, S. 1029, and I want everyone to hear this and understand it, S. 1029 was passed in the other House on June 13 by unanimous consent. Last year, in a bipartisan effort, Congress passed the American Home Ownership and Economic Opportunity Act of 2000, and it was title 6 of that law that is the Manufactured Housing Improvement Act.

Until last year, HUD's manufactured housing program operated under a permanent indefinite appropriation, with the fees collected from the manufactured funding program. The Manufactured Housing Improvement Act was the result of extensive bipartisan negotiations with industry and consumer groups, all of whom supported the final product.

The legislation passed by unanimous consent in both the House and Senate, but that is the past. What today is about is about closing an inadvertent loophole in the law. The manufactured housing program is funded through fees HUD levies on the industry. Prior to the new act, HUD could spend those funds as needed. However, to maintain better oversight over the program, the new law made the spending of the fees subject to the annual appropriations process. Again, it was agreed to unanimously.

The change in operating authority occurred after the approval of HUD's 2001 Appropriations Act. Therefore, this legislation that we have before us today is necessary.

Based on both the specific mandates in the Manufactured Housing Improvement Act and the statutory purposes of the program, it is clear that Congress intended these fees to be available to pay expenses for authorized program activities during the remainder of this current fiscal year. That is what this legislation is about. The legislation here today makes the necessary technical corrections to allow that appropriations continuation, and it is S. 1029, the bill that was enacted last year.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of this legislation to provide a technical clarification of the bill enacted last December to reform HUD's regulation of manufactured housing.

Last year, we labored mightily and successfully to enact long overdue changes to HUD's regulation of manufactured housing. That legislation strengthened consumer protections by authorizing national manufactured housing installation standards and by creating a process for dispute resolution to deal with manufactured housing defects.

It also streamlined and updated the regulatory process. HUD regulation of manufactured housing is funded through fees levied on the industry. As part of last year's reform bill, we made HUD's use of such fees for regulatory purposes subject to appropriations in advance. The purpose of this was to enhance oversight of HUD regulation.

However, due to negotiations on other issues, this authorizing legislation was not able to be enacted until December of last year, after the VA–HUD appropriations bill for the current fiscal year.

Thus, a technical reading of this authorizing legislation might preclude the ability of HUD to use fees collected after December 27 of last year for HUD regulation of manufactured housing until an appropriations bill is enacted for the next fiscal year starting October 1.

This potentially puts in jeopardy critical regulatory activities over the next few months. This was never the intent of the authorizing legislation. Therefore, the bill before us today, which passed the Senate by unanimous consent, would simply authorize HUD to use manufactured housing fees collected after December 27, 2000, for manufactured housing regulation, but only until such time as next year's VA–HUD appropriation bill is enacted.

This allows HUD to continue important manufactured housing regulatory activities while remaining true to the intent of the authorizing legislation to subject such fees in the future to the appropriations process for oversight purposes. I therefore urge support for this noncontroversial legislation.

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

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

Mr. Speaker, I want to acknowledge the statement of my colleague, the gentleman from Missouri (Mr. CLAY), and stress for all Members here that he and I have both concurred on the strong bipartisan, undivided bipartisan support of this technical correction.

Mr. ROEMER. Mr. Speaker, as a long-time advocate and co-sponsor of the Manufactured Housing Improvement Act, I rise in support of this bill today. S. 1029 makes a very important technical correction that effectively prevents the Department of Housing and Urban Development's manufactured housing program from being unintentionally de-funded.

Last year, Congress finally enacted important reforms to the federal government's manufactured housing program as part of the Manufactured Housing Improvement Act. That program, administered by the Department of Housing and Urban Development, is financed through fees collected from the manufactured housing industry. Prior to last year's reforms, HUD was authorized to spend these collected funds at its own discretion. However, the new law made this spending subject to appropriations.

Since the new manufactured housing law was passed after the FY 2001 VA–HUD Appropriations Act had been signed into law, OMB determined that the appropriations measure did not include any provisions addressing HUD's use of collected manufactured housing fees. Consequently, HUD has continued collecting the fees but is unable to spend any of the funds it has collected since the manufactured housing reforms were enacted in late December. Without authority to spend those funds, HUD has indicated that it may be forced to shut down its program soon.

S. 1029 authorizes HUD to continue operating its manufactured housing program with fees it collects through the program until Congress enacts a FY 2002 appropriation for the department. it corrects a technical problem that was unintended by Congress, and will allow business to proceed as usual.

The manufactured housing industry is extremely important to my district and the nation as one of the leading methods of providing Americans with affordable homeownership opportunities. I was pleased to see the other body pass this measure so expediently, and am pleased the House followed suit today.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Jersey (Mrs. ROUKEMA) that the House suspend the rules and pass the Senate bill, S. 1029.

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

A motion to reconsider was laid on the table.

□ 1030

RECOGNIZING AND SUPPORTING GOALS AND IDEAS OF AMERICAN YOUTH DAY

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H.R. 124) recognizing the importance of children in the United States and supporting the goals and ideas of American Youth Day.

The Clerk read as follows:

H. RES. 124

Whereas national evidence indicates that America's youth are faced with oppressive issues, such as violence, drugs, abuse, and even family stress, causing the future of the youth of the United States, and therefore the future of the Nation, to be at risk;

Whereas youth in America, regardless of their economic status, ethnic or cultural heritage, or geographic location, are experiencing the pressures caused by contemporary society;

Whereas although Americans realize the challenges of today's busy lifestyles and balancing work schedules and youth activities, they remain committed to education, physical fitness, and civic-mindedness;

Whereas it is imperative that the people of the United States act willfully and purposely to secure a positive future for the Nation by devoting time to youth, sharing traditions, and communicating values to children in an effort to sustain ongoing relationships with caring adults;

Whereas America's Promise—The Alliance for Youth, founded by Secretary of State Colin L. Powell, is one of the Nation's most comprehensive nonprofit organizations dedicated to building and strengthening the character and competence of youth by mobilizing the Nation to fulfill the organization's ''Five Promises'' for young people:

(1) ongoing relationships with caring adults;

(2) safe places with structured activities during nonschool hours;

(3) a healthy start and future;

(4) marketable skills through effective education; and

(5) opportunities to give back through community service;

Whereas the citizens of the United States will celebrate American Youth Day and encourage all youth organizations to participate annually on a Saturday near the beginning of the school year; and

Whereas American Youth Day will provide opportunities for America's youth to reclaim the values which foster trust and build better communication and which will encourage parents, grandparents, and extended families to recognize the importance of being involved in the physical and emotional lives of their children: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of youth to the future of the United States;

(2) supports the goals and ideas of American Youth Day; and

(3) encourages the people of the United States to participate in local and national activities that seek to fulfill the Five Promises to America's youth, as established by America's Promise—The Alliance for Youth.

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Mr. GEORGE MILLER) 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 H. Res. 124.

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 H. Res. 124, a resolution which recognizes the importance of children and supports the goals and ideals of American Youth Day, offered by the gentleman from Florida (Mr. CRENSHAW), my colleague.

In the next 24 hours, 1,439 teens will attempt suicide; 2,795 teenage girls will become pregnant; 15,006 teens will use drugs for the first time; and 3,056 teens will run away. That is within a 1-day period.

Without a doubt, teens cope, as we all did, with major physical changes, emotional ups and down, peer pressures and a changing identity; but they are also confronted by a more complex and impersonal society where drugs and alcohol are easily available and tragedies, such as violence and disease, often strike close to home.

In this time of growth and uncertainty, I strongly believe that our children need a caring adult to help them resist negative influences and make positive life choices.

America's Promise, the Alliance for Youth, is one organization which recognizes the importance of strong, positive relationships between young people and adults. Chaired by Secretary of State Colin Powell, America's Promise is based on five promises designed to help strengthen the character of our children and give them the opportunity to mature into successful and responsible adults.

The promises are simple enough. They seek to ensure that every young person has an ongoing relationship with caring adults, but they also attempt to provide every child a safe place to go before and after school, a healthy start into the future, a quality education, and an opportunity to build their neighborhoods and schools through community services.

Of course, a warm and caring family atmosphere is the most important factor in helping our young people resist negative influences, but researchers have found that many relationships are needed in a child's life. In fact, recent studies have demonstrated that youth who have relationships with older role models outside the family, such as teachers, coaches and neighbors, can help develop the broad spectrum of personal resources they need to become healthier and more caring adults.

Like many States across the Nation, the number of single-parent and two working-parent families in my State of Delaware is increasing. As a result, there is a growing need for mentors and our mentoring programs, in cooperation with organizations like Big Brothers/Big Sisters and local businesses are organizing a campaign to ensure that every child in Delaware who wants a mentor gets a mentor.

According to the Delaware youth who participated in these programs, having a mentor means having a trusted friend who cares about them, listens to them. Not surprisingly, children that have mentors or adults involved in their lives are 46 percent less likely to start using drugs, 27 percent less likely to start using alcohol, and 53 percent less likely to skip school.

If we are to continue to enjoy unprecedented freedom and prosperity as a Nation, we need to look at our collective future through the eyes of our children, for they will be responsible for navigating the challenges and opportunities of the new century. Only through the encouragement, structure, and caring provided by parents, adults and organizations such as America's Promise can we help our children realize their potential and make the world a better place for us all.

Mr. Speaker, this resolution rightly recognizes the importance of our children and the need for all Americans to mark American Youth Day through the formation of new relationships with the young people in their lives.

Mr. Speaker, I commend the gentleman from Florida (Mr. CRENSHAW) for his resolution, and I urge an aye vote.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the gentleman from Florida (Mr. CRENSHAW), my colleague, for bringing H. Res. 124 forward today.

The ideals embodied in this resolution promoting American Youth Day that children and youth are to be valued and that we have a responsibility to provide them with the resources they need to secure a healthy and promise future are not to be taken lightly.

Too often, Congress overlooks the needs of our Nation's young people. We somehow fail to make the issues of young people a priority, and we somehow fail to make an adequate investment in their development and well being.

Too often, we also find public programs for young people focus on the problems of youth. In turn, we wind up with a lot of programs and policies that react to the negative behaviors, like juvenile delinquency or teenage pregnancy.

That is not to say that we should ignore these problems, nor can we. In the communities across the country, children are faced with numerous obstacles which prevent them from reaching their full potential.

If you just look at the children in this Nation who are impoverished, in

1999 there were over 12 million youth under the age of 18 who were poor. In spite of low unemployment, my own State of California has one of the highest rates of child poverty among the States, ranking 45th out of the 50 States and the District of Columbia. The gap between high- and low-wage earners in California is the fifth largest among the States.

With much of the job growth that we have in the next 5 years concentrated in low-paying positions, six out of 10 of those jobs are expected to pay under $8 an hour, many working families will continue to have a difficult time making ends meet and to provide for their children.

Affordable housing, nutritious food, quality childcare, quality health care, in fact, are out of reach of many of these families.

In the area of health care, California youth have less access to health care than their counterparts in other States; 21 percent of the children and teens are uninsured as compared to 15 percent nationally. Less access to health care means that children are less likely to be immunized and less likely to receive well-child care. One study found that uninsured children are 3½ times as likely as insured children to go without needed health care, including medical, surgical, dental care, prescription drugs, eyeglasses and mental health care, all of the things that we know are important to children performing well in our schools, to take an advantage of the opportunities for success that were presented to them.

Without this kind of health care coverage, without access to this kind of diagnosis, these children's chances to succeed are greatly diminished.

Two out of three California youth in need of mental services do not receive those services. The teen unemployment rate for youth is 13.1 percent; particularly troubling is the unemployment rate for black teens of 24.7 percent.

In 1999, one out of six of the 16-year-olds to 19-year-olds in California who were looking for work could not find a job. That is why this resolution is important to call attention to these matters.

In the area of youth crime, nationally we see the juvenile crime rate is declining; but yet again, my home State of California ranks 48 out of 50 States and the District of Columbia for the percentage of youth detained in the California Youth Authority, county camps, juvenile halls, and private institutions. For too many of these youth, this incarceration will greatly diminish their chances in later life.

Twenty-two percent of the violent crimes in the U.S. are juveniles, and children under the age of 12 make up approximately a quarter of the juvenile victims known to police.

Tomorrow, the Subcommittee on Select Education will begin work on reauthorizing the Juvenile Justice and the Delinquency Prevention Act to address several of these issues. Yet the need for these programs take a more positive approach to youth still exists.

We must accentuate the positive possibilities that we can bring to these children's lives. An overwhelming body of research has demonstrated that we need to do more to foster positive youth development, to build social and emotional competence and to link young people with adult mentors.

H. Res. 124 is a step in the right direction, and Congress has the opportunity to do even more to ensure that all of these children and the purposes of this resolution are carried out and have access to the core five principles stated in this resolution.

H.R. 17, the Younger Americans Act, which I have introduced with the gentlewoman from New Jersey (Mrs. ROUKEMA), represents the next step. The Younger Americans Act was built around the same five pillars of youth development as found in H. Res. 124, helping youth to access ongoing relations with caring adults, to have safe places, to have a healthy start and future, and education and community service activities.

H.R. 17 provides communities the resources they need to achieve the very goals we are setting out for them in today's resolution. H.R. 17 has 49 cosponsors, Democrats and Republicans; and there is a companion measure in the Senate.

The Younger Americans Act establishes a national policy on youth development and assists communities in developing an infrastructure and network for local initiatives that promote the positive goals and outcomes for youth.

The Younger Americans Act promotes youth development programs that work, such as mentoring, teen employment programs, after-school learning activities, and recreational activities.

It encourages youth-led activities that encourage self-esteem and character development. It does not create new programs; instead, it reinforces, reinforces youth development initiatives that already exist at the local levels in the communities all across this country.

The bill has a vast national coalition of supporters, including Secretary of State and former Joint Chiefs of Staff Colin Powell, the Boys and Girl's Club of America, Big Brothers/Big Sisters, the National Urban League, America's Promise, the Child Welfare League of America, the United Way, the National Mental Health Association and many, many other organizations.

The Younger Americans Act ensures that all children and youth can benefit from youth development programs and have access to education, health and economic resources they need to realize their potential.

Mr. Speaker, if we are to call upon the communities to celebrate American Youth Day, then Congress must do its part.

This resolution should be just the beginning, and I commend the gentleman from Florida (Mr. CRENSHAW) for his efforts; and I hope that this resolution will receive unanimous support in the House of Representatives today. Mr. Speaker, I also invite the gentleman and many of our other colleagues to join me and the gentlewoman from New Jersey (Mrs. ROUKEMA) in supporting the next step, passage of the Younger Americans Act.

The Younger Americans Act will ensure that every day is American Youth Day. This is a commitment that this Nation must make. It is a commitment that this Nation cannot afford not to make. Mr. Speaker, I want to again say how much I appreciate this resolution being brought to the floor, because it is time for this Congress to stop, think and to reflect, and for this Nation to stop, think and reflect about the opportunities, the potential that exist in each of our children as they are born; and then the question will be whether or not that child will be in a position to take advantage of the opportunities for success. Because almost each and every one of these children is capable of doing that.

Mr. Speaker, if they do not have the access to a caring adult, if they do not have access to health, to education, to civic involvement in our communities, then their chances for those opportunities and taking advantage of those opportunities are greatly diminished. That is why we should pass this resolution today, and that is why the Congress should then take the next step, which is the passage of the Younger Americans Act.

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

Mr. CASTLE. Mr. Speaker, I yield 5½ minutes to the gentleman from Florida (Mr. CRENSHAW), the sponsor of the resolution.

Mr. CRENSHAW. Mr. Speaker, I rise today to offer for House consideration H. Res. 124. This simple proposal encourages communities all across the Nation to set aside 1 day each year to honor organizations and individuals that take the time to help young people, especially those who are vulnerable to negative influences and at risk of falling through the cracks, help these young people fulfill their dreams.

For all its wealth and prosperity, in recent years America has been suffering from what I call problems of the soul, where courts and Congress do not have any jurisdiction. So many of our neighbors have lost their moral compass and need help finding their way again when it comes to moral values. This is most true when it comes to our young people.

Nowadays, children are exposed to serious drug and alcohol use, violence, gang influences, and sexual activity at younger and younger ages. Popular culture through music, videos, television and the movies often exposes young people to images and ideas that would have been unthinkable for their age group only a few years ago.

There no longer seems to be a period in young people's lives when kids can

just be kids. Mr. Speaker, it make no difference what their race, their gender, their ethnicity. These negative images and influences make no distinction and no prejudices; all young people are fair game.

So it is incumbent on each and every one of us to offer our time and energy and love to children to provide positive role models and influences to young people to give them guidance and hope.

American Youth Day would honor those who have already made this commitment and encourages others to do the same. In particular, the resolution focuses on an organization that has captured the imagination and sparked the enthusiasm of millions of Americans with its little red wagon symbol that I am wearing on my lapel. It is called America's Promise, the Alliance for Youth.

America's Promise was founded by Secretary of State Colin Powell as an outgrowth of the President's Summit for America's Future in 1997.

Then General Colin Powell answered the call of his Nation, as he has done before in uniform, and founded an organization that would partner with businesses, government, and nonprofit organizations to make and fulfill five promises for all of America's youth.

And since then, more than 550 communities and State partners have joined with America's Promise to act on this commitment. In addition, nearly 500 national organizations representing diverse interests, purposes, and locations have partnered with America's Promise.

□ 1045

America's Promise, the Alliance for Youth, is building and strengthening the character and competence of youth by mobilizing the Nation to fulfill five simple promises. Each of us has organizations and individuals in our communities that exemplify the commitment to these promises. In my district in northeast Florida, there are hundreds of groups that expend their time and energy for this good cause, fulfilling these promises to America's young people. I would like to name just a few outstanding examples of how they live up to each of these promises.

The first promise is providing young people ongoing relationships with caring adults. Since opening its center in Flagler and Volusia Counties, the Pace Center for Girls has served over 300 girls, helping them to recognize their own self-worth.

The second promise is providing safe places with structured activities for young people during non-school hours. This year the Jacksonville Children's Commission will provide over 3,000 children with scholarships to attend the summer camps of their choice.

The third promise, giving young people a healthy start and future. At the I.M. Sulzbacher Center for the Homeless, young people can see pediatricians and pediatric nurses, many from the University of Florida Pediatric Residency Program, and get the special care they need.

The fourth promise, helping young people gain marketable skills through effective education. A group called PowerUP tries to connect people to the Internet and give them access to technology and technology-related education and opportunity to explore computers that ordinarily would not have a chance to do that.

And the fifth promise, providing opportunities to give back through community service. There is an Optimist Club in northeast Florida that sponsors youth antidrug campaigns and public speaking contests with special emphasis on fostering responsible citizenship and activity within the community.

ONGOING RELATIONSHIP WITH CARING ADULTS

It is no longer purely anecdotal that just having a caring and involved adult in his or her life can make a real difference for the future of a young person. Youth with mentors are 46% less likely to start using drugs; 27% less likely to start using alcohol; 33% less likely to hit others; and 52% less likely to skip school.

Flagler and Volusia Counties: Pace Center for Girls, Inc.—Young girls sometimes face added negative pressures from society which severely impact their self-esteem. Unfortunately, just as with young boys, the lack of a feeling of value to those they look up to is often just the beginning of their troubles. In particular, it can lead to promiscuous sexual activity, which in turn can end in pregnancy or disease, changing the path of that girl's future forever. Since opening its center in Flagler and Volusia Counties in July 1996, the Pace Center has served over 300 girls, helping them to recognize their own self-worth. The Pace Center's volunteers and trained staff show them through example and friendship how to ''celebrate a life defined by responsibility, serenity, and grace.'' In fact, one of my staff in addition to raising her own two sons, gives her time and love to the girls at the Pace Center.

SAFE PLACES WITH STRUCTURED ACTIVITIES DURING NON-SCHOOL HOURS

The most influential time in a young person's life occurs every day between the hours of 3 and 8 PM. It is then, when parents are often at work, that children are most vulnerable to the influences of popular culture and peer pressure. If we can just give them a safe place to be during those hours with positive influences and productive activities, such as tutoring, arts and crafts, or sports, we can teach them behaviors and attitudes that they will carry with them for years to come.

Duval and Nassau Counties: Boys and Girls Clubs of Northeast Florida.—There are more than 2,850 Boys and Girls Clubs nationwide. They provide young people of all ages with an environment flooded with positive influences, strong adult role models, and constructive activities. In Northeast Florida, these clubs work with their local school boards to put a particular emphasis on learning. In fact, many of the tutors and mentors who participate in their programs as volunteers are teachers by profession. Their success has been phenomenal. Most of the 8th Grade students who participate in the programs in Nassau County have seen such vast improvements in their testing scores, that their school's state-conferred grade rose from a C to an A. And, since learning does not always mean sitting down and reading from a book or solving a math problem, at the Boys and Girls Club in Nassau County, which was only established a year ago, the volunteers and supporters are working with the County to establish a 10-acre park for the young people they serve.

Duval County: Jacksonville Children's Commission.—The Commission primarily serves as an umbrella organization helping groups all around the Jacksonville area provide services to young people. But one program that they have undertaken themselves has proven enormously popular and successful is their Summer Camperships Program. This year, the Commission will provide over 3,000 children with scholarships to attend the summer camps of their choice. The children must earn this scholarship by getting good grades, but the lure of summer camp can be a powerful incentive to work hard. The Summertime offers just that many more hours for getting into mischief. The Summer Camperships gives children who would otherwise have no other options than hanging around on the street corner the chance to participate in structured and fun activities.

A HEALTHY START AND FUTURE

Young people who lead healthy and active lives are better prepared to learn in school and better prepared to begin down the road to a productive adult life.

Duval County: I.M. Sulzbacher Center for the Homeless.—There is perhaps no group of young people facing an uphill battle than those who are homeless, and homelessness has been noted to be a direct predictor of specific childhood illnesses. In fact, homeless children are found to be in fair or poor health twice as often as other children, suffer 50% more ear infections, and are hospitalized twice as much. At the I.M. Sulzbacher Center for the Homeless, young people can see pediatricians and pediatric nurses—many from the University of Florida Pediatric Residency Program—and get the special care that they need. The staff there help the parents to gain access to Medicaid and SCHIP and other government programs for which their children qualify but they don't even know about. They also provide back to school physicals so homeless children can meet school requirements for entry. Furthermore, the Center teaches young people about the importance of proper nutrition and exercise, which can lead to long-term behavioral changes and healthier, longer lives.

Flagler and Volusia Counties: Pace Center for Girls.—In addition to teaching girls to love themselves and have hope for their futures, the Pace Center shows girls the value in living a healthy and drug-free life with its outdoor adventure program. This program helps young girls to incorporate exercise into their daily lives. The Pace Center also has a pregnancy prevention program, as well as an intervention program to help young girls who are already pregnant or parenting. The Pace Center takes an holistic approach to their intervention program, involving the fathers of the girls' babies as well to ensure the best possible outcome for the young parents and their child.

MARKETABLE SKILLS THROUGH EFFECTIVE EDUCATION

Education—whether it is to purely academic or also vocational training—really is the key to a brighter future. But, that's not always the message that young people are getting. This is particularly true for young people who come

form disadvantaged backgrounds or families that are trapped in a cycle of illiteracy and stunted education or schools that fail to provide them with a safe and effective learning environment. These young people even more than their peers need to be reminded that it's not where you come from, but where you want to go; that they can achieve most any goal they set so long as they put their minds and souls into it; and that there are people in their neighborhoods who want to help them succeed.

Duval County: Communities in Schools.—The Communities in Schools program serves young people in nearly 300 communities in 28 states across the country. In Jacksonville, Florida, the effort includes mentoring children in several public middle schools and vocational programs. The volunteers who make this program so successful operate under the motto: ''Help young people learn, stay in school, and prepare for life.''

Duval County: PowerUP.—It cannot be denied that skills and experience in information technology and other high-tech resources are needed to compete in the job market. But, those resources are expensive, and parents who lack financial wherewithal to provide their children with access to them need help. Those children lack access to a bright new world of possibilities. PowerUP is dedicated to bridging the digital divide by giving children who would otherwise lack access to technology and technology-related education the opportunity to explore computers, the Internet, and new technologies. The State of Florida—which was recently named fifth in the nation in the number of high-tech jobs created in 2000 by the American Electronics Association, was PowerUP's first public partnership. Earlier this year, Governor Jeb Bush announced 24 sites where PowerUP programs will be available to young people between the ages of 6 and 18 in our inner cities. One of those sites which will soon be up and running is in Jacksonville, which is in the midst of a severe shortage of just this kind of skilled labor.

OPPORTUNITIES TO GIVE BACK THROUGH COMMUNITY SERVICE

It can be as simple as providing a positive role model. By showing young people how good it makes us feel to lend them a guiding hand, those young people may turn around and seek that same feeling by helping others around them. But sometimes, it is an orchestrated effort to instill in young people a positive vision for their communities and a desire to really make a difference.

Nassau County: Fernandina Beach Optimist Club.—The Optimist Club considers itself a ''friend to youth.'' Its members raise money to provide children with a wide variety of important programs to improve young attitudes and minds, such as scholarships and team sports. But, they also sponsor youth anti-drug campaigns and public speaking contests with a special emphasis on fostering responsible citizenship and activity within the community.

Mr. Speaker, many of us recognize the little red wagon that Colin Powell chose as the symbol for America's Promise as a reminder of a more innocent time when children were given a chance to be children. Giving every child a little red wagon might make them happy for a day or two, but giving them the moral equivalent of that little red wagon, a caring adult, a nurturing environment, and hope for a brighter future can make them happy for a lifetime.

In closing, I would like to read from a letter I recently received from Governor Marc Racicot, the new Chairman of the Board for America's Promise. He said, ''I was grateful to learn of your support of America's Promise and the work we are doing. As you know, our goal is to make youth the number one national priority, and House Resolution 124 will help accomplish that. I also appreciate you shaping the bill around the framework of the five promises in America's Promise. We truly believe this will work.''

Finally, Mr. Speaker, just let me thank my colleagues for their strong support. I encourage each of us to make a commitment to honor the groups and individuals in their communities that have made a commitment to young people by celebrating American Youth Day in their districts.

Mr. Speaker, I submit for the RECORD the letter from Governor Racicot I just referred to.

AMERICA'S PROMISE,
Alexandria, VA, June 8, 2001.

Hon. ANDER CRENSHAW,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN CRENSHAW: Thank you for your kind letter welcoming me to America's Promise. I am delighted and honored to lead an organization doing such important work for young people.

I was grateful to learn of your support of America's Promise and the work we are doing. As you know, our goal here is to make youth the number one national priority, and H. Res. 124 will help accomplish that.

I also appreciate you shaping the bill around the framework of the Five Promises and America's Promise. We truly believe, and research proves, that this is the right solution. Your bill will help us share our message with millions and we are thankful for the opportunity.

Thank you for your dedication to youth and for your leadership in Congress on this important national priority. I very much look forward to working with you on legislation to build the character and competence of our nation's young people.

With best wishes,
Sincerely,

MARC RACIOT,
Chairman.

Mr. GEORGE MILLER of California. Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. KELLER), and wish to thank our earlier speaker, the sponsor of the bill, another gentleman from Florida (Mr. CRENSHAW).

Mr. KELLER. Mr. Speaker, I rise today in support of the resolution introduced by the gentleman from Florida (Mr. CRENSHAW), a fellow Floridian.

Today we are recognizing the importance of children in the United States and supporting the goals and ideas of American Youth Day. America's Promise, the nonprofit organization created by Secretary of State Colin Powell, is dedicated to building and strengthening the character of children by fulfilling five promises.

The first of those promises is to provide mentoring programs throughout this country, and it is that promise that I would like to direct my remarks to today. Specifically, I would like to talk about the educational and crime prevention benefits of mentoring.

First, the educational benefits, and I will tell my colleagues why it is so important to me. I had the happy privilege of serving as the volunteer chairman of the board of the Orlando/Orange County Compact Program, which is the largest mentoring program in the State of Florida. I also had the privilege of serving as a mentor myself to two students at Boone High School. From these experiences, I learned firsthand how important mentoring is.

In the State of Florida, we had a big problem. We had the worst graduation rate in the country, with only 53 percent of our students graduating from high school. We decided to do something about it by starting this Compact Mentoring Program, which matches up students at risk of dropping out of high school with business people, sort of like a Big Brother, Big Sister program. The results were dramatic. Over the last 10 years, 95 percent of the children in the Compact Mentoring Program have graduated from high school, The number one graduation rate in the country.

Let me give an example, so we are not just dealing with statistics. A young man, 16 years old, African American, named Lenard, went to an inner-city school called Jones High School. He had been arrested for selling drugs, was making D's and F's, was skipping school, and said he was going to drop out. He said he would be in the Compact Mentoring Program on one condition; ''Just don't give me a white mentor.''

Well, to help Lenard reach out a little bit, we assigned him a white mentor, an AT&T executive named Paul Hurley. He worked with Lenard every week, developed a friendship and, to make a long story short, by his senior year, Lenard's grades went up, his attendance went up, and he went on to become Orange County Student of the Year for the Compact Program.

In his senior year, Lenard won two tickets to the Orlando Magic basketball game. He called his mentor and said, ''Hey, I just won two front row tickets to the big game tonight.'' His mentor said, ''That's great. Why don't you invite your best friend.'' Lenard said, ''That's why I called you.''

Mentoring truly does make a difference one person at a time. That is why I joined with the gentleman from Nebraska (Mr. OSBORNE), or Coach OSBORNE, earlier this year in sponsoring the Mentoring for Success Act, which now will become law, as it passed in H.R. 1 over in the Senate as part of the President's education reform will.

In summary, recognizing America's Youth Day and fulfilling the five promises will make a meaningful difference

in the lives of young people, will prevent crime, will save us money, and I urge my colleagues to vote ''yes'' on this important resolution.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA).

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

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman from Delaware (Mr. CASTLE) for yielding me this time, and I do want to identify myself with the compelling statements made by both the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Mr. GEORGE MILLER). They made compelling statements for the need for this resolution, and not only this resolution but going on to other legislation that can help implement our goals here. Certainly they have been outlined very well here, the critical resources that we need, and identified in America's Promise, founded by Secretary of State Colin Powell.

As people can observe, we have been referencing the little red wagon, but it is important to understand that this is more than just a symbol. It is a way of translating into action. And to quote Secretary Powell, he said, ''The little red wagon could be filled with a child's hopes and dreams or weighed down with their burdens. Millions of American children need our help to pull that wagon along. Let us all pull together.'' That is a good way of stating it. And of course I want to congratulate the gentleman from Florida (Mr. CRENSHAW) for spotlighting this need.

I want to stress, as I believe the gentleman from California (Mr. GEORGE MILLER) stressed, and I want to identify myself with the next step. This is only a first step. The next step, the really promising step, is to implement the legislation H.R. 17, the Younger Americans Act, and put into law the rhetoric of this particular resolution.

I want to advise the gentleman from California (Mr. GEORGE MILLER) that I will do everything I can to work with my House leadership on this side of the aisle to expedite consideration of the Younger Americans Act and hopefully get it enacted this year or in this Congress.

Again, I thank the gentleman from Delaware (Mr. CASTLE), I thank the gentleman from Florida (Mr. CRENSHAW), and all those working here, but it has to be more than rhetoric. We have to translate this into action and promise for America's youth.

Mrs. CLAYTON. Mr. Speaker, today's youth are the future of this country. However, the children of this country today are faced with many more difficult and dangerous situations than any previous generation. They are in need of strong guidance and leadership from adults in their community. America's Promise helps the children of America develop the skills they need in order to be the leaders of tomorrow.

American Youth Day will provide an opportunity for citizens to recognize one specific day as a day to devote to the youth of this country. It will allow the communities to become aware of the ''Five Promises'' that America's Promise has made to our children.

Each one of the ''Five Promises'' represents an essential way to assist the youth of this country. Children need to build strong relationships with caring adults in order to learn how to become caring adults themselves. They need places to go and things to do during nonschool hours so that they are not left alone without supervision. They deserve a healthy start and an equal opportunity for a prosperous future. They need the chance to learn the types of skills that they will need in the job market. And they need to learn the joy of giving back to the community through service.

We must do all that we can to support the youth of this country. They need more than just the guidance of their parents. They need the support of their communities. And they need an education system that will recognize each child as an individual, one that will adapt to the specific needs of each child.

One way to allow the education system to meet the needs of a greater number of people is the reform of the GED program. The GED does not give individuals the increased earning power that a high school diploma gives. We need to improve the GED program to allow those individuals who decide to pursue a GED the types of skills that employers look for today.

The youth of today need our assistance. I rise today in strong support of H. Res. 124 and American Youth Day and I urge my colleagues to do the same.

Mr. OSBORNE. Mr. Speaker, I rise in strong support of the resolution introduced by Representative CRENSHAW to establish American Youth Day. As a long-time teacher, mentor, and coach of young people, I have seen the difference that caring adults can make in the lives of our young people. I believe that the principles set forth by H. Res. 124 will help our country to provide a better environment for the development of young people.

This resolution would encourage communities to set aside a Saturday prior to the beginning of the next school year in order to participate in activities that highlight our children and share their successes in our communities where there is a commitment to youth. One of the commitments our communities can make to youth is to provide support through mentoring. A mentor can make an enormous difference in the life of a child by providing a strong positive role model for that child.

I have known many young people who testify that they have become the successful people they are today because caring, involved, qualified mentors took the time to get involved in their lives. I was recently able to help include a mentoring program that I introduced in H.R. 1, the reauthorization of the Elementary and Secondary Education Act. This program would provide $50 million in competitive grants to mentoring programs across the nation that work to link children with mentors who have undergone background checks and are interested in working with youth. Although ESEA and the appropriations process is far from over, I hope that several hundred thousand young people will benefit from this grant program.

This resolution would also serve to highlight the accomplishments of hundreds of youth organizations around the country—including 4–H and others—that work full-time, year round to provide healthy opportunities for young people. Additional investment in programs that serve young people and provide them with healthy, constructive activities—the type of investment encouraged by the Younger Americans Act, of which I am a cosponsor—would help extend opportunities to even more of our country's youth.

Investment in our children is probably the best investment we can make. While a child's potential and self-esteem cannot be measured by a bottom-line, the cost of incarceration and absenteeism far outweighs the cost of investing in youth programs. In my state of Nebraska, it costs $21,219 per year to incarcerate an offender in the Nebraska State Penitentiary and $29,200 per year to house an arrested juvenile.

Supporting our young people as they navigate the challenging terrain of becoming adults is such a worthwhile and rewarding effort. H. Res. 124 is a great first step. I strongly support H. Res. 124 to create an American Youth Day and I encourage my colleagues to do the same.

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

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

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, House Resolution 124.

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. CASTLE. 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.

EXPRESSING SENSE OF HOUSE HONORING NATIVE AMERICANS

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 168) expressing the sense of the House of Representatives that the Nation's schools should honor Native Americans for their contributions to American history, culture, and education.

The Clerk read as follows:

H. RES. 168

Whereas Native Americans have given much to this country;

Whereas an emphasis on freedom, justice, patriotism, and representative government have always been elements of Native American culture;

Whereas Native Americans have shown their willingness to fight and die for this Nation in foreign lands;

Whereas Native Americans honor the American flag at every powwow and at many gatherings and remember all veterans through song, music, and dance;

Whereas Native Americans honor, through song, the men and women of this country who have fought for freedom;

Whereas Native Americans love the land that has nurtured their parents, grandparents, and unnamed elders since the beginning of their recorded history; and

Whereas Native Americans honor the Earth that has brought life to the people since time immemorial: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Nation's schools should honor Native Americans for their contributions to American history, culture, and education.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Minnesota (Ms. MCCOLLUM) 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 Resolution 168.

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 support of H. Res. 168, a resolution expressing the sense of the House of Representatives that the Nation's schools should honor Native Americans for their contributions to American history, culture and education, offered by my colleague, the gentleman from California (Mr. BACA).

As we all will recall, our Founding Fathers benefitted greatly from the assistance given to them by Indian tribes early in the establishment of our Nation. Many of the basic principles of democracy in our Constitution can be traced to practices and customs already in use by American Indian tribal governments, including the doctrines of free speech and the separation of powers.

In addition, the early explorers relied heavily on Native Americans to help them navigate the New World. Among the most famous of these guides is Sacajewea, who accompanied Lewis and Clark on their expedition to explore and map the West, and who now graces the obverse side of the $1 coin.

Native Americans also served with distinction in United States military actions for more than 200 years, beginning with the American Revolution. Specifically, Native Americans fought in the Civil War, the Spanish-American War, and World War I. And during World War II, more than 44,000 Native Americans out of a total population of less than 350,000 served in both the European and Pacific theaters of war. In addition, another 40,000 Native Americans left their reservations to work in ordnance depots, factories, and other war industries.

The Native Americans' strong sense of patriotism and courage emerged once again during the Vietnam era, when more than 42,000 Native Americans, more than 90 percent of them volunteers, fought in Vietnam. Native American service continues even today with many seeing action in Grenada, Panama, Somalia, and the Persian Gulf, often at rates that exceed the participation of any other single group of Americans. In fact, one out of every four Native American males is a military veteran, and many gave their lives even before they were granted citizenship in 1924.

The list of contributions made to our Nation by Native Americans is truly impressive. They are recognized for their contributions as artists, sculptors, scientists and scholars, and their efforts have contributed to our understanding and appreciation of agriculture, medicine, music and art. In addition, many of the words in our language have been borrowed from Native languages, including the names of the rivers, cities and States across our Nation.

In my home State of Delaware, the Nanticoke tribe of the eastern United States holds its annual powwow in Millsboro the first weekend after Labor Day, and thousands of people, Indians and others, attend to learn more about the Nanticoke and the Linni-Lenape, among others, who settled the Delaware River Valley from Cape Henlopen, Delaware north to the west side of the lower Hudson Valley in southern New York.

As we celebrate the culture and contributions of our Native Americans, we must also recall with great sadness the suffering they endured as a result of past policies and actions. The heritage of the Native Americans is intertwined and forever linked with our own heritage, and it is appropriate to honor it today.

Let us now work together with our schools and communities to help protect and support the perpetuation of Native American culture and community and vote ''yes'' on H. Res. 168.

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

□ 1100

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

Mr. Speaker, I join the gentleman from Delaware (Mr. CASTLE) in supporting H. Res. 168, and I commend the gentleman from California (Mr. BACA) for authoring this resolution.

As a teacher of American history, it is important that our schools embrace our collective history, including our Nation's history before the Mayflower landed. The heritage and customs of my home State of Minnesota have been greatly influenced by Native Americans. The name Minnesota itself comes from Dakota meaning the waters that reflect the sky.

Native American have strengthened our collective Nation in many ways. During World War II, about 400 Navaho tribe members served as code talkers for the U.S. Marine Corps. They transmitted messages by telephone and radio in their native language, a code that the Japanese never broke. Navaho is an unwritten language of extreme complexity, and one estimate is that fewer than 300 non-Navahos could understand the language at the outbreak of World War II. Navahos demonstrated that they could encode, transmit, and decode three lines of message in English in just 20 seconds. Machines at that time required 30 minutes to do the same job.

Mr. Speaker, throughout our Nation's history, Native Americans have demonstrated that very kind of selflessness and heroism that is sadly reflected too little in our history books.

This resolution does great justice by recognizing the contributions of these great people to our Nation's collective history, culture, and educational system. I agree with the gentleman from Delaware, as we approach our Nation's 200th anniversary of the Louisiana Purchase, we should gratefully remember and learn the undaunted courage of a Native American woman, Sacajawea, who enabled Lewis and Clark to explore the land we call home.

Mr. Speaker, I urge all Members to support this very important resolution, and I reserve the balance of my time.

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

Ms. MCCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. BACA).

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

Mr. BACA. Mr. Speaker, I thank the gentlewoman from Minnesota (Ms. MCCOLLUM) for yielding me this time. I appreciate her strong support for Native American issues, and the personal interest she has taken in this legislation. She is well-informed on the issues, and Congress will benefit from her scholar and commitment.

Mr. Speaker, I sponsored H. Res. 168 to ask schools to honor Native Americans for their contributions to American history, culture, and education. This resolution is a first step in seeking a Native American holiday similar to the legislation I carried in California legislation.

Native Americans have given so much to this country. Freedom, justice, patriotism and representatives of government have always been part of their culture. Long before the voyage of Christopher Columbus and the development of the first English settlement at Jamestown, Native American groups and tribes had developed their own language, literature, history, government, dance, music, art, agriculture, and architecture. That is why I am proud to be a member of the Congressional Native American Caucus.

Native Americans have shown their willingness to fight and die for this Nation in foreign lands. They honor the American flag at every powwow and at many gatherings and remember all veterans through song, music and dance.

Native Americans love the land that has nurtured their parents, their

grandparents, and their elders since the beginning of their recorded history. Native Americans honor the Earth that has brought life to their people.

We need to educate and sensitize our Nation to all that Native Americans have done for this Nation. We need to take up the cause of Native American sovereignty.

Mr. Speaker, I experienced poverty firsthand as a child, so I recognize the hardship that Native Americans have faced for shelter, for health, for care, and schooling. Native American reservations have a 31 percent rate of poverty, as well as unemployment rates 6 times the national average.

Since we have provided Native Americans with a means of self-sufficiency, they have been able to provide food, basic health care, and modern conveniences that most of us take for granted. They have moved people off welfare and reduced unemployment.

Mr. Speaker, this resolution is about justice. It is about schools respecting Native Americans; and it is very important when we say respecting in schools. When a child goes to school, he or she wants to make sure that they are honored and respected with dignity. Many times it was very difficult for a Native American to identify that he or she was Native American based on the materials that existed.

This resolution honors Native Americans for their contribution. It honors the different tribes that exist throughout our country that we recognize as well. There are a combination of tribes, and the history in our books do not reveal the many, many tribes and their contributions to the land that we love so much. We enjoy the dances, we enjoy the music, we enjoy the culture. We enjoy the heritage. This resolution is about Americans respecting Americans.

Mr. Speaker, it is time that we honor and recognize those who have given so much to enrich our country; and Native Americans have for generations and generations. I salute Native American tribes that have worked to make this resolution a reality, and to them I say this is just the beginning. We will continue the struggle. Fight the fight. We will not stop. We will not rest until there is a Native American holiday, and this is the beginning of recognizing our neighbors, people who have been here and respecting one another. We owe that to them. We owe it to our country.

Mr. Speaker, I want to thank Members on both sides of the aisle for coming forward with this resolution and honoring Native Americans. It is important that we recognize the people that were here, the land that we enjoy so much, and the land that we take for granted. It is this land in America where they have taken that land and made it very valuable in each area, whether it is a reservation, whether it is contributions back to our communities.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I rise in support of H. Res. 168 expressing the sense of the House that the Nation should honor Native Americans for their contributions to American history, culture, and education.

We are privileged to share this country with Native Americans. Their contributions to democracy, the arts, agriculture, the environment, and many other endeavors are many. American Indians have been active, contributing members of society from the beginning of our country to the present, including service in our armed forces.

I am fortunate enough to have the Saginaw Chippewa Indian tribe located in my district. While historically living, trading, and hunting in the southern and midwestern areas of what is today the State of Michigan, the tribe now calls the Mount Pleasant area home.

Today's proud Saginaw Chippewa Indian tribe works with the greater Central Michigan area to promote education and programs for not only Native Americans of the area, but for all community members. The tribe works to further the progress of other Indian nations as well by working through State and Federal legislation. Being located in the middle of Michigan where they have lived for over 100 years and close to their historic land base, the members of the Saginaw Chippewa Indian Tribe remain focused on the present and future, while still remembering the past.

The Saginaw Chippewa Tribe has contributed to mid-Michigan, the State, and the entire country. Their efforts to preserve Native American heritage, share their history and help the community make me proud to represent them.

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

Ms. MCCOLLUM. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman from Minnesota for managing this legislation on the floor; and I thank the gentleman from Delaware (Mr. CASTLE) for bring this measure to the floor. And I thank the gentleman from California (Mr. BACA) for authoring this resolution.

Mr. Speaker, clearly we have got to make every effort to ensure that we teach young children the great extent to which Native Americans have influenced this country through their heritage and customs and contributions and the positive impact on our development. We must get them to fully understand that Native Americans have always emphasized the key principles of democracy in their own culture, freedom, justice, patriotism, and representative government.

We must get them to understand the great contributions that individual Native Americans have made to this country throughout our entire history. At the same time, we must get people to understand that all is not well in Native America, if you will. On many of our reservations, we have very serious, serious problems, and they are problems which must be addressed by this government in its trust responsibility to those Native American tribes and nations.

We must understand that 40 percent of the housing on Indian reservations is considered substandard as compared to 5 or 6 percent of the housing nationwide. That is an obligation of this government. Indian reservations have a 31 percent poverty rate, unemployment is 46 percent on many reservations.

Most frightening of all is the fact that U.S. Native Americans suffer a death rate of 533 percent higher for tuberculosis, 249 percent for diabetes, 627 percent higher for alcoholism, and 71 percent higher for influenza and pneumonia.

Clearly the residents of these reservations, the Native Americans of this country, deserve much better care than this. This struggle will be played out in the appropriations process in this Congress. It will be played out in the budget process between the administration and the Congress. But clearly we must meet our obligation to these individuals. It is very difficult on one hand to say we must pay them great honor for all of their contributions, and then define on the other hand the incredible ignoring of the problems, the turning away from the problems that beset these very same tribes and peoples.

If we look in the jurisdiction of this committee, the Committee on Education and the Workforce, BIA-funded schools are approximately $3,800 per student. That is about half of the national average in other public school systems. The only source of funding for those schools in most instances because of poverty on the reservation is the BIA. Why should Indian children have half of the resources dedicated to their education as other children in this Nation?

We have got to understand also the fact that they go to schools of much lesser quality than we would provide for our own children.

Mr. Speaker, finally the most difficult task in this resolution, the education of young children about the contribution of Native Americans to American society, these are sovereign Nations. Long before we came here, these were the Indian nations of this continent. They were conquered in the process of settling America. Treaties were entered into that recognized the sovereign nature of these nations. So the Indian tribes in the country today are recognition of great nations, and they do in fact have their own sovereignty. That was the arrangement. Those are the treaty guarantees.

Mr. Speaker, it is a difficult arrangement as America continues to expand and grow; but it is an arrangement

that we must honor under the law, under the Constitution and under the treaties of this land. We must get young people to understand that that is the relationship. In fact, in times past when tribal leaders came to the Nation's Capital, they were greeted at the State Department as representatives of independent Nations.

Mr. Speaker, that may be the most difficult lesson, not only for the school children of this Nation, but for Members of Congress to understand the sanctity of that relationship and the importance of independence to these Indian tribes.

□ 1115

Ms. MCCOLLUM. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Oklahoma (Mr. CARSON).

Mr. CARSON of Oklahoma. Mr. Speaker, I am honored today to speak in support of House Resolution 168, introduced by the gentleman from California (Mr. BACA). I would also like to commend the leadership of the gentlewoman from Minnesota (Ms. MCCOLLUM), the gentleman from California (Mr. GEORGE MILLER), and the gentleman from Delaware (Mr. CASTLE) as well for their great interest in this legislation.

Recognition by the Nation's schools of the unique role that Native Americans have played in American history, culture and education is long overdue. In 1994, President Clinton invited all of the tribal leaders in America to the White House, and it was the first such gathering since the Presidency of James Monroe in the 1820s. Similarly, President Clinton was the first President, in 1999, to visit Indian country since Franklin Delano Roosevelt did more than 50 years earlier.

Native Americans have played integral roles in the history and culture of the United States, ranging from Maria Tall Chief from my own congressional district who was the muse of George Balanchine to contemporary novelists like Louise Erdrich, N. Scott Momaday, and James Welch.

The gentlewoman from Minnesota (Ms. MCCOLLUM) eloquently spoke of the contribution to our national security of the Navajo code talkers whose contributions to our Nation have only recently been recognized. The code talkers, as she pointed out, used a special code based on the Navajo language to transmit messages rendering all attempts by the Japanese to decipher American battle messages about the time and place of attack futile. Of course they were just working on the history of American Indians in combat.

The Choctaw Indians from Mississippi and Oklahoma had also used their own language as a code during World War I. About 400 Navajos served from 1942 through 1945 as code talkers, taking part in every assault that the U.S. Marines undertook in the Pacific theater. One major was quoted as saying, ''Were it not for the Navajos, the Marines would never have taken Iwo Jima.''

The incredible service of American Indians has certainly not been limited to the Navajo Tribe. In the 20th century, five American Indians have been among those few soldiers to be distinguished with the Medal of Honor, given for military service above and beyond the call of duty. Two of those were from Oklahoma, a Cherokee from Oklahoma and a Creek as well. Also a Choctaw from Mississippi, a Winnebago from Wisconsin, and a Cherokee from the Eastern Band in North Carolina were awarded our highest military decoration. As we approach Independence Day, it is fitting that we now pass House Resolution 168, considering the critical role that Native Americans have played and will play in protecting our country and the principles Americans have adhered to since our own independence.

Ms. MCCOLLUM. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

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

Mr. Speaker, as cochair of the Native American Caucus, I am very happy to support this resolution. The American Indian, Native Americans, occupy a unique position in this country and in the Constitution of the United States. You and I have two citizenships: I am a citizen of the United States and a citizen of the State of Michigan. Native Americans under the Constitution and under the Supreme Court decisions have thee citizenships. They are citizens of the United States and they have proven that over and over again in our wars; they are citizens of the sovereign States in which they live; and they are citizens of the sovereign tribes in which they live.

The Constitution says Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes. Those three sovereignties are listed there. John Marshall in 1832 stated in his Supreme Court decision, the Indian nations had always been considered as distinct independent political communities retaining their original natural rights. They are a retained sovereignty.

We have an obligation under the Constitution, under the laws, and under the interpretation of the Supreme Court to make sure we keep our responsibilities to Native Americans.

Ms. MCCOLLUM. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, let me recognize the leadership of the gentleman from California (Mr. BACA) on this and also the gentlewoman from Minnesota (Ms. MCCOLLUM) for their effort.

I rise today to express my support for H. Res. 168 which sends an unequivocal message that our Nation's schools should honor the Native American men, women, and children of this country for their lasting contributions to American history, culture, and education. It is only fitting that we honor them for their unique contribution which is evident in every aspect of American history and culture.

For centuries, Native Americans have experienced untold hardships and trials at the hands of many. Yet their contributions to the United States and their support for our Nation are without doubt. Native Americans have and continue to share with all Americans a profound love and respect for this great country.

In New Mexico, Native Americans account for 9 percent of the State's population and in my congressional district, 20 percent. I am proud to represent such a large indigenous Native American population.

With the passage of this resolution, I believe this body is taking an important step toward a time when Native American history and culture will be embraced and taught in the schools nationwide. I urge my colleagues to support this resolution.

Ms. MCCOLLUM. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. I thank the gentlewoman from Minnesota for yielding me this time.

Mr. Speaker, I want to stand in very strong support of the resolution introduced by the gentleman from California (Mr. BACA) in order for all Americans and schools to learn about the role that Native Americans have played in American history and culture. I too want to associate my remarks to make sure that proper attention is drawn as we celebrate and honor their activities, that we also educate America about the conditions that Native Americans face today.

I also want to take this opportunity to educate my colleagues about other indigenous populations under U.S. jurisdiction. One of the features of this debate, this discussion, is that the term Native American is primarily synonymous with American Indian, but I also want to let the House know that the term Native American, meaning indigenous American, also includes Alaska natives, native Hawaiians, American Samoans, the Chamorro people from Guam and the Northern Marianas and the Carolinian people of the Northern Marianas as well.

Most Americans consider Native Americans to be limited to the term American Indian and Alaska native, but even in Federal legislation we acknowledge that the term Native American is broader than that. In fact, Federal programs like the Native American Programs Act and the Native American Veterans Home Loan Equity Act have included other Native Americans, notably Pacific islanders from the territories and the State of Hawaii.

I think part of the problem may arise from our varying political status, particularly in the case of the territories. It could also stem from the fact that we are geographically so far away from the continental United States that it is

easy to forget about the entire panoply of indigenous Americans that exist under the American flag.

I want to take the time to point out that in 1993, the House and Senate passed S. Con. Res. 44 which expressed the sense of Congress that the United States should support the establishment of international standards on the rights of indigenous peoples. These indigenous people referred to in there included all the people that I have mentioned. I stand in strong support of this resolution.

Ms. MCCOLLUM. Mr. Speaker, I am pleased to yield 30 seconds to the gentleman from Utah (Mr. MATHESON).

Mr. CASTLE. Mr. Speaker, I yield 30 seconds to the gentleman from Utah (Mr. MATHESON).

The SPEAKER pro tempore (Mr. SHAW). The gentleman from Utah is recognized for 1 minute.

Mr. MATHESON. Mr. Speaker, it is with great pleasure that I speak in support of H. Res. 168. I would like to take advantage of this time to acknowledge the contributions and history of the Native American population in my State of Utah. Five major tribes have roots in Utah: the Utes for which my State is named, the Dine or Navajo, the Goshute, the Paiute, and the Shoshoni. These great tribes represent very different cultural heritages.

While the Utes and Shoshoni adapted well to the introduction of the horse and lived in the northern plains areas of Utah, the Goshute, Paiute, and Navajo developed a culture in the desert. Though the differences between desert culture and plains culture are great, one thing has bound Utah Native Americans and that is the adversity that they have faced. With the expansion of the West, these tribes have maintained their cultural identity while dealing with great hardship. I commend the leadership of these organizations as they continue to find ways to help their members and to progress despite the difficulties of the past.

Recently, a book entitled ''A History of Utah's American Indians'' was published detailing the history of these people. I commend the work involved in this project and thank the Utah State Division of Indian Affairs for their leadership in making this book possible.

Ms. MCCOLLUM. Mr. Speaker, I am pleased to yield the balance of my time to the gentleman from New Jersey (Mr. PALLONE).

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 2 minutes.

Mr. PALLONE. Mr. Speaker, we need to shift our educational focus to the proud Native Americans who have endured a long history of struggles and hardships and at the same time contributed so richly to the United States. In our schools, we can begin to educate children in the elementary and secondary grades about the history, culture, traditions, language and government of America's own indigenous people. Recently setting the pace on the State level is Penobscot Representative Donna Loring from Maine. She celebrated the signing of her bill last week requiring Maine Native American history and culture to be taught in all elementary and secondary schools.

Mr. Speaker, Native Americans have given much to their country. They developed well-tuned techniques for sustainable management of ecosystems. They basically pioneered, Mr. Speaker, star and constellation knowledge through their tribal religions. Their arts and crafts, basketry, pottery, and carving are world renowned. They have made significant contributions and knowledge with regard to fishing, hunting, and agricultural techniques. Their medicinal knowledge is outstanding and is more frequently used today to complement traditional medical treatment.

Mr. Speaker, Native Americans are a proud people who are still here today despite over 500 years of struggle. It is time that we begin to honor and respect Native Americans for their rich history and contributions to the United States, which is what this resolution seeks to accomplish. The best place to begin this is in the elementary and secondary schools of America.

Mr. Speaker, finally I want to say that while we are recognizing the importance of Native American contributions and history and culture, we should also give serious consideration to creating a day of honor for America's indigenous people. Now is the time to create a legal public Native American holiday.

Mr. CASTLE. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Delaware for yielding me this time, and I thank the authors of this resolution for bringing it to the floor.

Mr. Speaker, I am honored to represent the Sixth Congressional District in Arizona, an area in square mileage almost the size of the Commonwealth of Pennsylvania. Nearly one out of every four of my constituents is Native American. I appreciate that designation and that distinction. Ofttimes I call the American Indians the first Americans.

Mr. Speaker, I think for too long, in too many ways, the first Americans have become the forgotten Americans.

It was my privilege early in my time in Congress to welcome a member of the San Carlos Apache tribe to my district. He was a proud veteran of Vietnam. He talked about coming to Washington and seeing the different monuments, retracing the names of those with whom he served in Vietnam who paid the ultimate price, visiting the Mall and seeing the grand memorials to so many different figures in American history. Yet that afternoon when he came to my office, he was troubled because he said to me, ''Congressman, where's the Indian?''

Of course to score debating points, I suppose I could have pointed out that Ira Hayes, a Pima Indian, is forever memorialized in that brilliant scene from Iwo Jima that we see, the Marine Memorial, as the flag is raised there on Mount Suribachi. But that was not his point. His point was the first Americans have played a vital role in our Nation. Indeed, Mr. Speaker, as we check, those who now serve in our all-volunteer force, no racial group, no ethnic group answers the call to duty more than the first Americans.

□ 1130

This legislation asks us to help remember people who are too often forgotten. I hope on many days at school, children of the elementary- and secondary-level students will learn of the code talkers from the great Navajo Nation who helped us win the war in the Pacific in World War II.

Yes, Hollywood is prepared to memorialize it in a motion picture called ''Wind Talkers,'' but there needs to be a supplement beyond entertainment in the classroom. Most of us fail to realize that the Navajo Tribal Council, nearly 1 year prior to the Japanese attack on Pearl Harbor, passed a resolution asking the United States of America to enter World War II on the side of the allies because from their vantage point in Window Rock, Arizona, in a sovereign nation that transcends the boundaries of four of our States, remote in the mindset of many Americans but from that distance and from a proud history a sound perspective.

Mr. Speaker, think of the valuable lessons that can be learned from the first Americans. I mentioned only what has transpired within the last century. This is part and parcel of our heritage, and if we are what we learn, if what is passed is prologue, then this is a laudable goal and something this House of Representatives should heartily endorse and pass overwhelmingly because the first Americans should not be forgotten.

Their legacy of honor not only in armed conflict but in so many different endeavors of human experience cannot be treated as some sort of novel concept, something that need be shuttled off on the shelf, to be thought of almost as trivia. It is central to our American experience.

So I am pleased to endorse this legislation and ask all of my colleagues, regardless of political philosophy or partisan dispensation, to support it as well.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I want to express my sincere thanks to the gentleman from Delaware (Mr. CASTLE). I thank him so much for his help in this.

Today we are taking a step forward just on the House floor with providing an educational opportunity for all Americans and for people all over the

world who visit our Nation's Capitol today to learn more about our native Americans and our collective Nation, our one Nation, the United States.

I am just going to, in closing, mention a few States besides Minnesota, which I mentioned, that reflect greatly our Native American heritage. Minnesota means the waters that reflect the sky. Iowa is the Dakota word for beautiful land; Wyoming, a Native American word for large prairie; Michigan, a Native American word for great water; Nebraska, the Omaha word for flat or broad river; Connecticut, a word for long river; Ohio, good river; Oregon, beautiful water; Texas, a word for friend; Dakota, the word friend; Missouri, the word for water flowing along. We are one Nation, a beautiful Nation, and our Native American language reflects that in the names that we have chosen for our States.

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

Mr. Speaker, I thank the gentlewoman from Minnesota (Ms. MCCOLLUM) for her courtesy in managing this and the gentleman from California (Mr. BACA), who has supported and sponsored it. I obviously urge everybody in the House to support the legislation.

Mr. KIND. Mr. Speaker, I rise today in support of H. Res. 168, a resolution conveying the sense of the House of Representatives that America's schools should honor the contributions of native Americans to our history, culture, and education.

As our Nation enters into the 21st century, it is important that we recognize the elements that have shaped our history and our culture. The contributions made by native Americans represent a significant aspect of American heritage, not only in a cultural sense, but also in the sacrifices, dedication, and patriotism displayed throughout our history. I am a cosponsor of this legislation because our Nation's schools present the most opportune situation for young people to recognize and appreciate the diverse society in which we live, and understand the history that has brought us to where we are.

In my home State of Wisconsin, there are 11 federally recognized tribes representing close to 50,000 American citizens. In addition, a large number of Wisconsin cities, counties, lakes, and rivers hold names representative of the strong native American heritage in the area. To strengthen understanding of the issues relating to native American history in the State, Wisconsin passed language in the 1989–91 biennial budget requiring schools teach students about the culture, history, sovereignty, and treaty rights of Wisconsin Indian Tribes, as well as providing training to teachers on these issues.

This legislation encourages teachers, administrators, and students around the Nation to lead community efforts honoring native American contributions to our national history and culture. As a member of the native American caucus, I appreciate the focus this resolution puts on accomplishments made by schools in teaching social history lessons that recognize the role of native Americans, and I am hopeful such efforts continue.

Mr. CRANE. Mr. Speaker, I would like to voice my support for H. Res. 168. This resolution would show the House of Representative's dedication to respecting the first inhabitants of this great nation by calling on our citizenry to honor native Americans for all of their accomplishments and contributions to society. American Indians have influenced every aspect of American life. It is our duty as Americans to recognize and honor the impact that native Americans have had in the shaping of our nation.

By exploring these lands thousands of years prior to any Europeans, native Americans were able to develop the techniques and strategies necessary to survive on this continent. Without the instruction and aid from neighboring native American communities, the Mayflower pilgrims and original settlers would not have survived the brutal American winters and would have been unable to build the foundation that our country is built upon. The legacy of the native American reaches much further than the original settlers, however. From the fight for independence from Britain to the battlefields of Nazi-occupied Europe, native Americans have proven that they will heed a call to arms to defend the basic American principles of democracy and freedom. The influence of native American culture can be seen throughout America today. Great American cities, states, and rivers are still referred to today by names granted to them by native Americans hundreds of years ago. The proud history of the native American can be found in the classrooms of America and the museums of the world. It is time that the American people honor our native American brethren for the contributions they have provided to our great nation.

As a descendant of the Cherokee nation, I hold deep feelings of love and respect for both the American Indians of the past and the present. I understand the true beauty of the native American and recognize first hand the troubles and turmoil that have plagued these peoples since the introduction of European influence. Unfortunately, the lifestyle of the American Indian did not fit with that of the white man and many natives suffered and died from relocation and disease sparked by the presence of the European. My own ancestors were forced to give up their land and livelihood and march from North Carolina to Oklahoma on the infamous Trail of Tears. Native Americans have dealt with negative stereotypes and stigma for too long. H. Res. 168 is the first step in bringing out awareness of the true beauty of native American culture. In conclusion, I call on all Americans to show respect and honor to all native Americans, as their accomplishments, in all areas, have been major influences in the construction of the complete American culture.

Mr. OSBORNE. Mr. Speaker, I rise in support of H. Res. 101, which recognizes the contributions of Native Americans to American history, culture, and education. I represent the Third District of Nebraska and a number of Native American communities.

The history of my state has deep roots in Native American history. Before Nebraska was settled by Europeans, 40,000 members of the Pawnee, Omaha, Oto, Ponca, Santee Sioux, Dakota Sioux, Oglala Sioux, Cheyenne, Potawatome, Arapahoe, Sac, Comanche, Brule, and Fox tribes lived in what would become the state of Nebraska. Today, there are approximately 9,000 Native Americans living in Nebraska, including those who live on the Santee, Winnebago, and Omaha reservations.

As this resolution suggests, Native Americans have richly enhanced our country culturally and politically. They deserve the recognition this resolution offers. Native Americans have greatly influenced the creation of our government and were among the first to implement the principles upon which democracy is based, such as freedom of speech and separation of church and state.

In addition to recognizing the contributions of Native Americans to American history, culture, and education, today offers an opportunity to voice our support for Native American communities and their causes. We must increase our support for the Impact Aid program, which supports public schools whose tax bases are affected by the presence of the federal government. In my Congressional District, the Santee Public School, located on the Santee Sioux reservation, depends heavily on impact aid funding for general operating expenses. Because Native American communities often lack a strong local tax base from which to raise revenue, support from the federal government is crucial.

In addition, we need to focus on ways to improve the quality of life for Native Americans, particularly for those living on or near reservations. We need to provide support for the Indian Health Service so that more Native Americans can receive adequate and timely health care. Native Americans have high rates of many physical problems ranging from diabetes to alcoholism. In addition, a number of social factors impact their communities. High school dropout rates are high, and truancy in schools is rampant. Native American communities also lack economic resources, and poverty is a serious problem. I don't pretend to have the answers that address the challenges faced by some Native American communities—including many in my Congressional district—but raising awareness of the proud history and culture of Native Americans and looking to Native American leadership are two excellent places to start.

This resolution will raise awareness of the proud traditions of Native American culture, which have contributed much to the success of our country. I am pleased to support this resolution, and I encourage my colleagues to do the same.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H. Res. 168 and commend its sponsors for their work in bringing it to the floor today. This resolution, which recognizes and honors the contributions of Native Americans, is long overdue.

Mr. Speaker, the contributions of Native Americans have been crucial to the history of our nation and of the world and should be recognized. Acknowledging that many values of this nation were already widely held beliefs and practices among Native Americans and that they are not new ideas is an important statement and affirms the fact that Native Americans already had civilized and structured societies before the introduction of western culture.

Traditional Native American legal systems have influenced today's Democratic ideals. Items such as checks and balances and a voting system are overtones of Native American traditional practices of government.

It is only right that we honor and recognize Native American nations because they honor and recognize the United States. Many Native American Nations have long incorporated

symbolic American items, such as the American flag, into their traditional ceremonies, but the respect and dedication that Native Americans have for this country goes way beyond the symbols they show consideration for.

Their respect and dedication to this land is prevalent in Native American stories and cultural practices. Native Americans attitude toward the earth and this country's land in particular is highly respectful. Their respect for the earth can be seen today in Native Americans participation in environmental protection and conservation practices. Conservation and land protection practice is important to many Natives, especially because many still survive from the resources that this land provides. In addition, the land is also the location of their origin and the center of many creation stories.

Hopefully this resolution will be a step in the right direction and the history taught in schools will be accurate and complete. In order to honor Native Americans accuracy is key in order to provide a dimension of history that will enrich the education that people of this nation receive. This resolution is a steppingstone for other underrepresented voices to be heard and a chance for other unacknowledged history to become known.

I urge my colleagues to support adoption of this important resolution.

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

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, H. Res. 168.

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

A motion to reconsider was laid on the table.

M. CALDWELL BUTLER POST OFFICE BUILDING

Mr. WELDON of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1753) to designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the ''M. Caldwell Butler Post Office Building''.

The Clerk read as follows:

H.R. 1753

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

SECTION 1. M. CALDWELL BUTLER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, shall be known and designated as the ''M. Caldwell Butler Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the M. Caldwell Butler Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. WELDON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1753.

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

There was no objection.

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

Mr. Speaker, H.R. 1753, introduced by the gentleman from Virginia (Mr. GOODLATTE) on May 8, 2001, designates the facility of the United States Postal Service located at 419 Rutherford Avenue in Roanoke, Virginia, as the M. Caldwell Butler Post Office Building.

Pursuant to the policy of the Committee on Government Reform, all Members of the House delegation of the Commonwealth of Virginia are cosponsors of this measure.

Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a former Member of this institution, M. Caldwell Butler. Like many young men of his generation, Mr. Butler served as an officer in the United States Navy during World War II. After completing his military service, Mr. Butler graduated from the University of Richmond and later received his law degree from the University of Virginia. He began his career in public service in the Virginia House of Delegates, serving from 1962 until 1972, where he served as minority leader.

Mr. Butler was subsequently elected to the United States Congress in 1972, where he served the people of the Sixth District of Virginia for 10 years.

Mr. Butler was a member of both the Judiciary and the Government Operations Committees during his time in the House.

After retiring from Congress, Mr. Butler continued in his service to country and community by serving as a member of the board of directors of the John Marshall Foundation and on the board of trustees of the Virginia Historical Society.

Mr. Speaker, it is a fitting tribute to name a post office in Roanoke, Virginia, after the distinguished gentleman who represented that city and who selflessly served the interests of his constituents in both the State house and in Congress for so many years. I urge our colleagues to support this legislation.

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

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

Mr. Speaker, first of all, I want to associate myself with the resolution that was just approved in the House. I think it is seriously important and speaks to the development of our country.

Mr. Speaker, as a member of the Committee on Government Reform, I join with my colleagues in the consideration of H.R. 1753, legislation naming the post office located at 419 Rutherford Avenue, Northeast, in Roanoke, Virginia, as the M. Caldwell Butler Post Office Building. This measure was introduced by the gentleman from Virginia (Mr. GOODLATTE) on May 8, 2001, and has the support and cosponsorship of the entire Virginia delegation.

Mr. Butler is a former representative of Congress representing the Sixth Congressional District of Virginia for five terms in the U.S. House of Representatives. Representative Butler served with distinction on the House Judiciary and Government Operations Committee. Upon his retirement, he returned home to Roanoke, Virginia, and practiced law until 1998.

I must note that the sponsor of this measure, the gentleman from Virginia (Mr. GOODLATTE), had the honor of working for Representative Butler as his district director from 1977 to 1979. Obviously, this was, indeed, and always is a tremendous honor.

It also gives one the opportunity to observe firsthand what is taking place, what is happening, and maybe in some instances inspire and motivate them to follow in the same footsteps. It is obvious the kind of feeling, the kind of recognition, the kind of honor that the gentleman from Virginia (Mr. GOODLATTE) has had and must have felt as he has had the opportunity to follow in the footsteps of a predecessor with whom he also had the opportunity to work with and for.

So, Mr. Speaker, I am pleased to support this resolution and would urge its adoption.

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

Mr. WELDON of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Florida (Mr. WELDON) for his forbearance. I am trying to be too many places at one time today.

Mr. Speaker, it is with great pleasure that I rise today in support of legislation that I have introduced to name the United States Post Office at 419 Rutherford Avenue in Roanoke, Virginia, for my good friend, former Congressman M. Caldwell Butler.

Congressman Butler is a gentleman whom I greatly admire. He served as a United States Naval officer in World War II. He received his undergraduate degree from the University of Richmond in 1948 where he was elected to Phi Beta Kappa and Omicron Delta Kappa. In 1950, he received a law degree from the University of Virginia School of Law where he was elected to the Order of the Coif, and in 1978 he received an honorary degree of Doctor of Laws from my alma mater, Washington and Lee University.

Mr. Butler served with distinction in the Virginia House of Delegates from 1962 until 1972, where he was the minority leader. He practiced law in Roanoke

from 1950 until his election to Congress in 1972. He served five full terms in the House of Representatives, representing the Sixth District of Virginia. It was my privilege to serve as Congressman Butler's district director from 1977 until 1979. While in Congress, Mr. Butler was a member of the House Committee on the Judiciary and the Government Operations Committee. His start in Congress was memorable. As a member of the House Committee on the Judiciary, he was part of the panel that conducted impeachment hearings involving President Richard Nixon.

Following his service to our Nation, Mr. Butler returned to his home in Roanoke to practice law as a partner in the firm of Woods, Rogers & Hazelgrove, which he continued to do until his retirement in 1998. In addition, he contributed his expertise on a national level by serving as a member of the National Bankruptcy Review Commission from 1995 until 1997.

Mr. Butler is a pillar of Roanoke's civic organizations, serving as a member of the board of directors of the John Marshall Foundation and the board of trustees of the Virginia Historical Society, a fellow of the American Bar Foundation, a fellow of the American College of Bankruptcy, and a fellow of the Virginia Law Foundation.

Mr. Butler has shown great leadership and personal integrity in his service as a member of the Virginia General Assembly and as a United States Congressman.

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It is with great pleasure that I ask my colleagues to join me in honoring a true public servant by supporting legislation that will make Roanoke, Virginia, home to the M. Caldwell Butler Post Office Building.

Mr. HYDE. Mr. Speaker, it is a great pleasure to take the floor today not only to support the naming of a Post Office Building, but to celebrate the public service of a truly dedicated man. Naming the Post Office Building in Roanoke is the least we can do to recognize the public career and contributions to his country that Caldwell Butler has made.

I had the pleasure of serving with Caldwell on the Committee on the Judiciary. As I got to know him during our years together on that committee, I was deeply impressed with his knowledge of the law, and all of the complex issues which came before the committee. Caldwell was a student of public policy during his service as a Member of Congress, and served as a great sounding board for the discussion of ideas for other Members. On many issues, we turned to him for advice and leadership.

His ability to synthesize the legal, practical, and political consequences of legislative proposals served as a model for us all in attempting to understand both our roles as Members of the House, and of the Committee on the Judiciary. He was always gracious in sharing his time and his thoughts with his colleagues.

He was also extremely articulate in explaining what he was doing, and what the ramifications of those actions could be. We could be less concerned about unintended consequences of legislation when we had a chance to talk it over with Caldwell.

It is a pleasure for me to support this resolution, as I often supported the man. He gave a great deal to this House and to me personally, and I want to thank him publicly for that.

I urge all my colleagues to support this resolution.

Mr. WOLF. Mr. Speaker, I rise today to join my Virginia colleague, Representative BOB GOODLATTE, in support of this bill to name the main Roanoke United States Post Office at 419 Rutherford Avenue in Roanoke, Virginia, for our former colleague, Congressman M. Caldwell Butler. I commend Congressman GOODLATTE, who served as Caldwell Butler's district director in the late 1970's for sponsoring this tribute.

I had the pleasure of serving with Caldwell in my freshman term in the House in the 97th Congress. His dedicated public service was an inspiration to me and I will always be grateful to him for his wise counsel during my early days in Congress.

His distinguished career of service began as a United States naval officer during World War II. He received his undergraduate degree from the University of Richmond in 1948 where he was elected to Phi Beta Kappa and Omicron Delta Kappa. In 1950 he received an LL.B degree from the University of Virginia School of Law where he was elected to the Order of the Coif. In 1978, he received an honorary degree of Doctor of Laws from Washington and Lee University.

He practiced law in Roanoke from 1950 until his election to Congress in 1972. His elective office service began in the Virginia House of Delegates where he served from 1962 until 1972, including the position of minority leader. He served five full terms in the House of Representatives, representing the Sixth District of Virginia.

Our colleagues may recall that Congressman Butler was a member of the house Committee on the Judiciary and the Committee on Government Operations. In his first term as a member of the Judiciary Committee, he served with distinction as part of the panel that conducted the Nixon impeachment hearings.

When he retired from the House in 1983, he returned home to Roanoke to practice law which he continued to do until his retirement in 1998. He served as a member of the National Bankruptcy Review Commission from 1995 until 1997.

Caldwell Butler's life epitomizes leadership, integrity and service. To honor this outstanding Virginia and public servant, it is very appropriate that the post office building in his home of Roanoke bear his name. I urge my colleagues to give this legislation a unanimous vote in recognition of the service to his country of M. Caldwell Butler.

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

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Florida (Mr. WELDON) that the House suspend the rules and pass the bill, H.R. 1753.

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.

DONALD J. PEASE FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 819) to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building''.

The Clerk read as follows:

H.R. 819

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

SECTION 1. DESIGNATION.

The Federal building located at 143 West Liberty Street, Medina, Ohio, shall be known and designated as the ''Donald J. Pease Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Donald J. Pease Federal Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, H.R. 819 designates the Federal building at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building.''

Mr. Speaker, I want to commend my colleague the gentleman from Ohio (Mr. BROWN), a neighbor, for reintroducing this legislation this year. I am pleased to be a cosponsor of this important legislation, along with many of our colleagues from the Ohio delegation.

Last year the House passed similar legislation, but, unfortunately, the Senate never had the opportunity to act on it. It is my hope we can get this through the other body and signed into law by President Bush this year.

Congressman Pease was born in Toledo, Ohio, where he attended public schools. He earned his undergraduate and Master's Degrees from the Ohio University in Athens, Ohio, before becoming a Fulbright scholar at Kings College, University of Durham, England.

Congressman Pease served in the United States Army from 1955 until 1957, at which time he returned to Ohio to work at the Oberlin News-Tribune. He was first co-editor and publisher, before becoming its editor. He was editor from 1969 until 1976, during which time Congressman Pease also served on the Oberlin City Council, the Ohio State House of Representatives and in the Ohio State Senate before being elected to the United States House of Representatives in 1976. He served in this House from 1977 until his retirement in 1993.

Congressman Pease began his Congressional career on the Committee on

International Relations advocating human rights. He later secured a spot on the Committee on Ways and Means, and, by the 102nd Congress, earned one of three seats on the Committee on the Budget reserved for members of the Committee on Ways and Means. Congressman Pease's determination to work with both sides of the aisle included service on the conference committee for the tax reform bill of 1986.

This is a fitting tribute to a former Member of the House. I support the bill, and urge my colleagues to join in support.

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

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

Mr. Speaker, H.R. 819 is a bill to designate the Federal building located at 143 West Liberty Street in Medina, Ohio, in honor of our former colleague, Congressman Don Pease. I join my chairman, the gentleman from Ohio (Chairman LATOURETTE), in honoring Don Pease, who served the citizens of northern Ohio with distinction, hard work and diligence for 14 years. I also commend the gentleman from Ohio (Mr. BROWN) for introducing the bill.

Don Pease is a native Ohioan, born in Toledo in 1931. He attended local public schools and in 1953 graduated from the University of Ohio in Athens, Ohio. While at Ohio State University, he was the editor of the student newspaper and the student reporter for the local newspaper, the Athens Messenger. In 1955, he joined the Army and was stationed in Fort Lee, Virginia, before he was honorably discharged in 1957.

Don began his public career in 1961 upon his election to the Oberlin City Council. In 1964 he ran for the State Senate against an incumbent and was elected to a 4-year term. As a State Senator he gained a reputation as an effective legislator, concentrating on education legislation.

In 1976, he set his sights on Congress when the seat in the 13th Congressional District became vacant. During his seven terms in Congress, Don Pease worked hard for tax reform and better tax policy. His record on ensuring human rights through the application of foreign policy is highlighted with numerous success stories. He approached politics as an ethical pursuit and legislation as an intellectual exercise.

Don served on the House Committee on International Relations and the House Committee on Science and Technology. In 1981, he was selected to serve on the House Committee on Ways and Means and was picked as one of the 11 conferees on the landmark Tax Reform Act of 1986.

Don fought for welfare reform and strongly supported sunshine rules for open government. He firmly believed in consensus decision making and worked both sides of the aisle to craft legislation to benefit middle Americans.

I support H.R. 819, and join our colleagues from Ohio in honoring Don Pease with this designation.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from Illinois for yielding me time, and I especially thank the gentleman from Ohio (Mr. LATOURETTE), the chair of the subcommittee, for his support on this and bipartisan support on many the other issues.

Mr. Speaker, I rise in support of H.R. 819, which recognizes the many terrific achievements of former Congressman Don Pease and honors him by designating the Medina Federal Building as the Donald J. Pease Federal Building.

A native of Oberlin, Ohio, Don Pease graduated, as the gentleman from Illinois (Mr. COSTELLO) said, from Ohio University. He served as editor of the Oberlin News-Tribune, was elected to Oberlin City Council, the Ohio House of Representatives, and served in the Ohio Senate during my first term in the Ohio House in 1975–1976.

In 1976, he was elected to represent Ohio's 13th Congressional District. In his first term, while on the Committee on International Relations, Don Pease spearheaded the fight for human rights protections. Later, as a member of the House Committee on Ways and Means, Don dedicated himself to a variety of tax fairness issues, and he was the first Member of this body to seriously pursue the enforcement of labor standards in developing countries and international trade agreements. His work has come to fruition in the last couple of Congresses as larger and larger numbers of Members of Congress have fought for those kind of labor protections in international trade agreements.

His efforts, as the gentleman from Ohio (Mr. LATOURETTE) said, to work with both sides of the aisle include serving on the conference committee for the hotly debated Tax Reform Act of 1986, mediating between Congressional leaders in the first Bush administration on a variety of tax policy issues, and his work on China's Most Favored Nation status.

After leaving Congress, Don returned home to Ohio. He has served on the board of Amtrak. He currently serves as a Visiting Distinguished Professor at Oberlin College's Department of Politics.

Don Pease was, and still is, committed to Ohio's working families. His efforts to improve education, expand access to health care and support workers have made a profound difference in our lives.

By renaming the Medina Federal Building at 143 West Liberty Street in Medina as the Donald Pease Federal Building, this bill honors his hard work, and is a testament also to the hard work and community commitment of his wife Jeanie and honors the work he did in the district he and Jeanie love so much.

Don was held in high regards as both an ethical and able legislator. He devoted 16 years of service to our district, to the State of Ohio and our country. I am pleased to join my colleagues in Ohio, Democrats and Republicans alike, in recognizing Don Pease's dedication to improving people's lives. I urge my colleagues to vote for H.R. 819.

Mr. OBERSTAR. Mr. Speaker, H.R. 819 designates the federal building in Medina, Ohio, in honor of former Congressman Donald Pease from the 13th district of Ohio. This simple act honors a man whose life embodies the American ideals of hard work personal sacrifice, and service to others.

Congressman Pease rose from a typical American background to do uncommon things for his fellow Americans. Growing up, Congressman Pease attended public schools and worked as a newsboy. While in college, he was the editor of the school newspaper, worked for the Athens messenger as a student reporter, and was President of his class. During the summers, he worked as a laborer at an oil refinery to help support himself and pay for college. He went on to earn a masters degree in government from Ohio University, and was a Fulbright Scholar. At 24, Congressman Pease entered the U.S. Army and served for two years, achieving the rank of first lieutenant.

Upon leaving the Army, Mr. Pease became co-editor and publisher of the Oberlin News-Tribune, and he remained editor/publisher of the paper until 1972, and as editor until 1976. During that time, the paper received more than 85 awards in journalism, and was voted the best newspaper in Ohio nine times, and the best newspaper in the Nation in its circulation class four times.

Congressman Pease began his career in public service in 1960, first as Chairman of the Oberlin Public Utilities Commission, and then serving on the Oberlin City Council. In the 1960's and 1970's, Congressman Pease served in the Ohio General Assembly and the State Senate, where he focused on education issues and became chairman of the House Education Committee and vice chairman of the Education Review Commission. He also championed tough campaign finance laws long before that issue became the popular mantra of today.

In 1976, Congressman Pease was elected to represent the 13th district of Ohio in the 95th Congress. Despite a successful career that now placed him near the pinnacle of American politics, Congressman Pease remained faithful to helping people, and committed to serving those he represented. He took an immediate leadership role in Congress as chairman of the New Members Caucus, and served on the House International Relations Committee, and the House Science and Technology Committee.

During his service in Congress, Mr. Pease became a champion of human rights throughout the world. He led the drive to get Congress to ban imports of Ugandan coffee to protest the actions of that oppressive regime. He consistently fought for international labor standards and, as a Member of the International Relations Committee, he led the fight to include human rights protections in international trade agreements.

In 1981, Congressman Pease was selected to serve on the House Ways and Means Committee where he continued to focus on human rights and became a key player in trade issues. As an active member of the Trade

Subcommittee, Congressman Pease focused on helping Americans who had lost their jobs due to foreign competition, and he fought hard to help the industrial district he represented make it through changing times. Congressman Pease was also one of the architects of the Omnibus Trade and Competitiveness Act of 1988, which was the most comprehensive overhaul of U.S. trade laws in twenty years.

After he retired from Congress, Mr. Pease has continued his dedication to public service by serving as a visiting professor at Oberlin College, and as a Member of the Amtrak Board of Directors.

Throughout his life and service in Congress, Congressman Pease has always demonstrated an uncompromising desire to help others, an unquestioned ability to lead, and an ability to bring people together to get things done to benefit the Nation.

This bill is a modest proposal to honor a man who has given so much to this institution and to the American people. It has bipartisan support, and I commend the Gentleman from Ohio (Mr. BROWN) for sponsoring this bill, together with our distinguished Subcommittee Chairman, Mr. LATOURETTE, and many other Members of the Ohio delegation.

I urge my colleagues to join me in supporting this bill.

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

Mr. LATOURETTE. 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 Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 819.

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.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL BOOK FESTIVAL

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 41) authorizing the use of the Capitol Grounds for the National Book Festival.

The Clerk read as follows:

S. CON. RES. 41

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR NATIONAL BOOK FESTIVAL.

(a) IN GENERAL.—The Library of Congress (in this resolution referred to as the 'sponsor'), in cooperation with the First Lady, may sponsor the National Book Festival (in this resolution referred to as the 'event') on the Capitol Grounds.

(b) DATE OF EVENT.—The event shall be held on September 8, 2001, or on such other date as the Senate Committee on Rules and Administration and the Speaker of the House of Representatives jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event authorized under section 1 shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may cause to be placed on the Capitol Grounds such stage, seating, booths, sound amplification and video devices, and other related structures and equipment as may be required for the event, including equipment for the broadcast of the event over radio, television, and other media outlets.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make any additional arrangements as may be required to carry out the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, I am pleased that we are here today to consider this important resolution. Earlier in the House, House Concurrent Resolution 134 was also introduced, which contained similar language to authorize the same event. However, I want to acknowledge that we are considering the Senate version today in the interests of time so that the Library of Congress and the First Lady can begin firming up any remaining details of the event.

Senate Concurrent Resolution 41 authorizes the use of the Capitol Grounds for a National Book Festival to be held on September 8, 2001, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate.

The resolution authorizes the Library of Congress, the sponsor of the event, to negotiate the necessary arrangements for carrying out the event, in complete compliance with the rules and regulations governing the use of the Capitol Grounds. The event is open to the public and free of charge, and the sponsor will assume full responsibility for all expenses and liabilities related to the event. In addition, sales, advertisements and solicitations are explicitly prohibited on the Capitol Grounds for this event.

The National Book Festival is a 2-day event that will educate promoting the use of libraries and encouraging the joys of reading. On September 7, Friday afternoon, the First Lady will launch the first-ever National Book Festival by connecting with children all across America through satellite hookups, web casting, and/or television. This will be hosted from the Main Reading Room at the Library of Congress for a captivating afternoon reading program.

On September 8, Saturday, the reading celebration continues at the Thomas Jefferson Building and on the Grounds of the United States Capitol. There will be readings by a wide variety of authors, in addition to artists performing American story telling through music, from folk to jazz and blues.

Much of the weekend's festivities are modeled after the First Lady's successfully founded book festival in Texas. The President and the First Lady have been strong advocates of education, especially reading.

I would encourage any of our colleagues who are in town that weekend to attend this event with their young family members, in addition to having Members encourage their constituents who are either visiting Washington or schools in the home district to participate in this important event.

I support the resolution, and urge my colleagues to do the same.

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

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

Mr. Speaker, I join the gentleman from Ohio (Chairman LATOURETTE) in support of S. Con. Res. 41, to authorize use of the Capitol Grounds on September 8 for a National Book Festival.

The event, jointly hosted by the Library of Congress and First Lady Laura Bush, is intended to promote the Nation's libraries and celebrate the joys of reading. The event begins on Friday, September 7, at the Library of Congress. Through a satellite hookup, children across the country will have a front row seat in the Library's Main Reading Room to enjoy an interactive reading program. On Saturday, September 8, on the Capitol Grounds, the event will host special activities promoting reading, which include book signings and book readings. The celebration will culminate with a series of performances by well-known artists and authors.

As with all events on the Capitol Grounds, the National Book Festival is open to the public and is free of charge and has the support of the Joint Committee on the Library. The sponsors of this event will coordinate with the Architect of the Capitol and the Capitol Police.

The Book Festival is a very worthwhile endeavor, and I join the gentleman from Ohio (Chairman LATOURETTE) in supporting the Senate concurrent resolution.

Mr. OBERSTAR. Mr. Speaker, I join Subcommittee Chairman LATOURETTE, Subcommittee Ranking Member COSTELLO, and

Chairman YOUNG, in support of this resolution that authorizes use of the Capitol Grounds on Saturday, September 8, for activities associated with the National Book Festival. This is a two-day event hosted jointly by the Library of Congress and First Lady Laura Bush.

On Friday, September 7, children in classrooms and libraries across the country will enjoy an interactive reading session with the First Lady at the Library of Congress through satellite communication. On Friday evening, Members of Congress, recognized authors, publishers, and community leaders will gather in the Library's Thomas Jefferson Building for a performance by leading authors and actors bringing to life memorable American stories.

On Saturday, September 8, on the Capitol Grounds, distinguished authors and actors and national celebrities will treat the public to special readings and book signings. Performances by well-known artists, drawing on the Library's collection of American music, will close the event.

I support the resolution and urge my colleagues to join me in support of the book festival.

Mr. WATTS of Oklahoma. Mr. Speaker, today I rise in support of S. Con. Res. 41, and support reading and literacy programs all over this great nation.

Mr. Speaker, I commend the First Lady, Laura Bush and her initiative to get our country reading. Reading is fundamental to the development of the nation's young minds. There is no skill that can be attained like reading. Once you have learned to read, you will never stop.

Mr. Speaker what better place for a festival of books and reading than on the Capitol grounds, the pinnacle of American freedom and what better person to lead the charge than the First Lady of the United States, Mrs. Laura Bush. As a former teacher, no one understands the importance of reading more than Mrs. Laura Bush.

Mr. Speaker, I urge all of my colleagues to stand in support of Mrs. Bush and reading by voting for S. Con. Res. 41.

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

Mr. LATOURETTE. 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 Ohio (Mr. LATOURETTE) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 41.

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

A motion to reconsider was laid on the table.

□ 1159

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. Con. Res. 41 and H.R. 819, the measures just considered by the House.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at noon), the House stood in recess subject to the call of the Chair.

□ 1300

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 1 p.m.

PROVIDING FOR CONSIDERATION OF H.R. 2216, 2001 SUPPLEMENTAL APPROPRIATIONS ACT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 171, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 171

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived. The amendment printed in part B of the report of the Committee on Rules may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment printed in part B of the report are waived. During consideration of the bill for further amendment, the Chairman of the Committee on the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, as amended, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Yesterday the Committee on Rules met and granted an open rule for H.R. 2216. The rule waives all points of order against consideration of the bill. It provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule provides that an amendment printed in Part A of the Committee on Rules report accompanying the rule shall be considered as adopted. The rule waives points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI, prohibiting unauthorized appropriations or legislative provisions in a general appropriations bill.

The rule provides that the bill will be considered for amendment by paragraph. The rule makes in order the amendment printed in part B of the Committee on Rules report, which may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule waives all points of order against the amendment printed in part B of the Committee on Rules report. The rule waives points of order during consideration of the bill against amendments for failure to comply with clause 2(e) of rule XXI, prohibiting nonemergency designated amendments to be offered to an appropriations bill containing an emergency designation.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. And finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, this should not be a controversial rule. It is totally open. Members can offer all of the amendments that they want, as long as the amendments comply with the regular rules of this House.

Meanwhile, the underlying bill provides vital relief to our Nation's Armed Forces and aid to areas that have been devastated by natural disasters; and, unfortunately, we had a lot of that last year.

My friend, the gentleman from Texas (Mr. FROST), who is managing this rule for the minority, has always been a strong advocate for the military; and I am sure that he appreciates the defense items in this bill.

Without help from Congress, our Nation may fall short on its promise to provide adequate health care for our men and women in uniform. So today, we will provide an additional $1.4 billion for Department of Defense health programs.

At the same time, we are providing an additional $6.3 billion largely to help our military maintain its facilities and its top-notch training and equipment. We know we have had a problem with that in the last few years. Interestingly, we will also allocate a small amount of funds to make the U.S.S. *Cole*, which was bombed by terrorists in Yemen, seaworthy again.

We are not only taking care of the emergency needs of our military, though. Several communities in the Midwest have been devastated by floods and tornadoes, so we are giving the Army Corps of Engineers $116 million to mitigate the damages from these natural disasters.

I urge my colleagues to support this open rule and to support the underlying bill. This legislation is a strong step forward, as we work to take care of our military personnel and take care of those who are hurting here at home.

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

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

Mr. Speaker, I rise in opposition to one of the most unfair, bizarre, and partisan rules reported by the Committee on Rules in a very long time. If the issues were not so serious, this rule would be laughable.

Let us start with the unfair part. Repeatedly during the Presidential campaign last year, then-candidate President Bush told the American public, and especially every man and woman in uniform, ''help is on the way'' for our military. Many who serve in our armed services as well as many others concerned about our national defense believed what candidate Bush promised. Many other Republicans ran last fall making the same kind of promises. This rule proves those campaign promises were made with a wink.

Last night on a straight party-line vote, the Committee on Rules refused to give our colleague, the gentleman from Missouri (Mr. SKELTON) the ranking Democrat on the Committee on Armed Services, the opportunity to offer an amendment that would increase supplemental funding for the Department of Defense by $2.7 billion. The gentleman from Missouri (Mr. SKELTON) is a strong advocate for our military but he is especially an advocate for the soldiers, sailors, airmen, and Marines who serve their Nation and each and every one of us. The $2.7 billion he included in his amendment is some but certainly not all that the Department of Defense desperately needs for readiness and quality of life issues.

If we do not appropriate the funds the gentleman from Missouri (Mr. SKELTON) is seeking, our armed services will not have the resources they need for training for the rest of the year, nor will there be funds to move forward on improving housing or making other quality of life improvements for our troops.

Mr. Speaker, every single Republican on the Committee on Rules voted against the President's promise that help is on the way. Every single Democrat on the committee voted in favor of the men and women who serve our Nation and to provide them with the help they need to ensure our national defense is second to none.

Now let us examine the bizarre part of the rule. Everyone in this country knows what tropical storm Allison did in Houston, in parts of Texas and Louisiana and now in Pennsylvania. This storm has left a major disaster in its wake. What did the Keystone Cops on the other side of the aisle do on this bill and rule? First, the Committee on Appropriations cut the money for the Federal Emergency Management Administration just after this disaster hit the Gulf Coast and at the very beginning of the hurricane and tornado system. They cut the money for FEMA. The committee cut $389 million out of the money available for the rest of the fiscal year, money that had already been appropriated by this Congress just when the extent of the disaster in Houston has been preliminarily estimated to total $2 billion and will very likely continue to rise.

And that figure, Mr. Speaker, does not even take into account the damage in Louisiana, other areas affected along the Gulf Coast, and what will be needed to clean up in Pennsylvania. So the committee cut $389 million from FEMA. What did the Committee on Rules do? Their solution is even more bizarre than the action taken by the Committee on Appropriations.

Last night the Republicans on the Committee on Rules made in order an amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY) which would restore the cuts in FEMA funding, but that comes at a very steep price. The House is being offered the chance to restore the $389 million in FEMA, only if we are willing to make over $1 billion in cuts in nondefense discretionary programs in the current year.

To translate this, that means that we can restore FEMA emergency money only if we are willing to cut Head Start, cut funds for education, $70 million from the Veterans' Administration medical program, cut public safety officers for our schools and neighborhood health centers. What have these people been smoking, Mr. Speaker?

All the Republicans on the Committee on Rules had to do was make in order a bipartisan amendment by the gentleman from North Carolina (Mr. JONES), a Republican; by the gentleman from Texas (Mr. BENTSEN), a Democrat; and the gentleman from Pennsylvania (Mr. HOEFFEL), a Democrat. Their amendment would simply have restored these funds to FEMA, funds which have previously been appropriated by this Congress. Just ask the constituents of the gentleman from North Carolina (Mr. JONES) or the constituents of the gentleman from Texas (Mr. BENTSEN) in Houston or the people outside of Philadelphia represented by the gentleman from Pennsylvania (Mr. HOEFFEL). They know firsthand how important the Federal Government can be, especially when disaster strikes close to home.

It is beyond me, and many Members of this body as well, why it is necessary to cut 2½ times more out of the budget already approved by the Congress in order to restore funds already appropriated by this Congress that helps thousands of Americans who have been affected by this storm.

I cannot find a good reason to justify cutting $70 million out of the medical services for the Veterans' Administration in order to not make cuts in disaster assistance. This move on the part of the Republicans on the Committee on Rules is truly one of the most bizarre and mean-spirited things they have done in a very long time. Let me be very clear what we are talking about.

The Congress appropriated this money for FEMA. That was last year. Appropriated this money. And then the Congress, the Committee on Appropriations, came in and said we want to cut this money that was already appropriated last year, we want to take it away from FEMA so they do not have enough money to help the people down in Houston and Louisiana and Pennsylvania. The Committee on Rules said we should not cut this money, we should not take away the money from FEMA that Congress already appropriated, so let us give it back to FEMA but let us take it out of Head Start and community police officers and veterans' medical care. What a crazy result, Mr. Speaker.

Finally, let us talk about the partisan nature of this rule. West Coast Democrats appeared before the committee to seek permission to offer the Inslee-Pelosi amendment that would require the Federal Energy Regulatory Commission to impose cost-based pricing for electricity in the Western power market. Now on Monday FERC did order some relief for electricity customers on the West Coast. But even though their order is an improvement over the current pricing mechanism, there are many who believe this action will not offer enough relief to consumers and businesses on the West Coast as we move into the hottest summer months.

□ 1315

Our colleagues, the gentleman from Washington (Mr. INSLEE), the gentlewoman from California (Ms. PELOSI),

the gentlewoman from California (Ms. ESHOO), and many, many others asked for the opportunity for the House to at least debate this issue. This supplemental is the only train leaving the station, and it represents the only real opportunity the House will have to debate equitable, just, and reasonable pricing for electricity. This bill represents the only opportunity to debate the issue of refunds for overcharges FERC admits were made but for which it will not provide a remedy.

With the most partisan of intent, the Republicans on the Committee on Rules rejected these requests made by west coast Democrats seeking to find some relief for their constituents. For example, the gentleman from Washington (Mr. BAIRD) also requested that an amendment be made in order that could help local school districts who in the coming months may be forced to lay off teachers, cancel purchases of new books or computers, shut down after-school programs or cancel arts, music or technology classes in order to pay for the rising cost of heating and cooling schools. But instead of putting children first, the Republican majority on the Committee on Rules refused to make this important amendment in order. This is partisan politics at its worst, Mr. Speaker. For that reason, I will oppose the previous question on this rule.

It is my intention to oppose the previous question in order to be able to offer an amendment to this rule that would make it less partisan, less unfair, and certainly a lot less bizarre. The House should have the opportunity to debate adding funds for the Department of Defense to meet its highest priorities in the remaining month of the fiscal year; the House should have an opportunity to restore funds to FEMA without cutting Head Start and veterans' medical care; and the House should debate the energy issues that are so disastrous to so many communities on the west coast.

Therefore, Mr. Speaker, I urge my colleagues to oppose the previous question and oppose the passage of this rule.

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

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

I do want to remind my colleagues that this is an open rule. It is the first I have heard an open rule called bizarre and mean-spirited. It does quite honestly provide $5.5 billion for urgent defense needs. But I want to remind my colleagues, we are waiting on the Rumsfeld report before we do the defense budget; and then we will be dealing with the other needs of the military, as well as we are going to be doing an energy bill, and that is the appropriate time to deal with the energy question that we are facing now.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, I rise in strong support of this rule and the underlying legislation. Today, I would like to focus on the provisions within this bill dealing with nuclear cleanup. As the chairman of the Nuclear Cleanup Caucus, I have expressed clear reservations with the administration's initial budget request for this program. I am very pleased that they now have requested, and the Committee on Appropriations has included, $180 million in supplemental funding for this vital effort. Specifically, over $50 million of this money will provide a necessary bridge at the Hanford site for this fiscal year to prevent layoffs. I would hope that our field managers be provided with the maximum flexibility to mitigate shortfalls and reduce impacts with this money.

The administration should be commended for including this money in their supplemental request. After submitting their initial budget, I have had multiple opportunities to meet with Office of Management and Budget Director Daniels regarding the legal, contractual, and moral obligation the government has to ensure the cleanup program stays on schedule throughout this Nation. Recognizing the shortfall in the administration's request, the congressional budget resolution provides for up to $1 billion in additional money for nuclear cleanup in fiscal year 2002. The inclusion of this money in the supplemental is the first step in fulfillment of that requirement.

I would also like to commend the Committee on Appropriations for their commitment to environmental cleanup. Throughout this process, the Committee on Appropriations, and specifically the gentleman from Alabama (Mr. CALLAHAN), has worked with me and other caucus members to ensure that adequate funding is provided in fiscal year 2002. Yesterday's markup of Energy and Water appropriations to me is a great step in ensuring that this shortfall is eliminated. I look forward to working with the gentleman from Florida (Mr. YOUNG) and the gentleman from Alabama (Mr. CALLAHAN) in the future to ensure that this funding is a reality.

Accordingly, I urge my colleagues to support this open rule and the underlying legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this rule because it blocks critical amendments which would have helped vulnerable Americans with soaring energy bills. My amendment would have provided $600 million this year for emergency low-income heating energy assistance, a funding increase of $300 million. It would have provided $1.4 billion in these emergency low-income energy assistance funds for next year. It would have restored $300 million to the Federal Emergency Management Agency, FEMA's, disaster relief fund. These funds are critical for Americans who are facing skyrocketing energy bills this summer and those communities that have been devastated by Tropical Storm Allison.

Low-income energy funds appropriated for this year have all been released. We have 19 States that have exhausted all of their LIHEAP funds, or they soon will. This amendment would have provided immediate relief for those States that are trying to deal with delinquent energy payments and that are preparing for the scorching temperatures this summer.

This past winter, 3.6 million families in nearly half of the United States risked having their energy cut off because of outrageous energy costs. It really is incredible and it is wrong. Further, the amendment would have provided advance funding for later this year, after September 30. There will be no Labor-HHS bill at that time. That means that people who are going to be struggling with energy costs into the winter are going to have to just suck it up because there will not be funding there until this body makes a decision to deal with low-income energy funds in the future.

Finally, the amendment would have said to FEMA, we will restore $300 million of your resources to deal with Tropical Storm Allison. Today, the director of FEMA has said that it will take not the $2 billion that he thought but now $4 billion to deal with the cleanup and to deal with what is happening with mosquitoes following that storm. And what do we want to do at this juncture? Instead of making that money available for the folks in this Nation, we are rescinding the money, taking back $300 million, in fact, so that the people of this country, people in the South and who are suffering from what happened with Tropical Storm Allison are going to be on their own.

I oppose this rule because it jeopardizes our most vulnerable populations. Vote it down.

Mrs. MYRICK. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I listened with interest to my colleague from Connecticut wanting to offer further amendments to expand LIHEAP, which is the low-income heating assistance program. This bill increases LIHEAP by $300 million, which is twice what the President requested, and the gentlewoman from Connecticut can offer her amendment as long as there is an offset. It is an open rule. I think that is a very reasonable approach to this problem.

There has been some criticism that we are not waiving the rules of the

House which are long established here to deal with the problem of electricity and energy in this country.

On Monday, the Federal Energy Regulatory Commission passed an order that extended their price mitigation and price monitoring program in California and across the West. I think that is a wonderful step and will probably ensure that consumers in California and the West are going to be paying reasonable prices for electricity in the West. In fact, in the other body, Senator FEINSTEIN of California, who coauthored the bill on price caps, said yesterday that the FERC action was a giant step forward and they do not intend to move forward and press this issue. It is only a small number of folks in the House that seem to be wanting to move in that direction. The reality is, in the Committee on Energy and Commerce for about a 2-week period, we struggled privately and in a bipartisan way with the issue of what we can do to reduce the cost and the price of electricity in California and the West.

Through that process, I think a lot of us came to realize just how badly we could mess this up if we try to go back to a system of setting prices at the Federal level from the Congress. FERC has a lot more flexibility, a lot more expertise and latitude than we do in this body. We should not set price caps in legislation. Trying to solve the problem with price caps is going to make the supply problem even worse and prolong the crisis. It would probably deny electricity to California because States like New Mexico would not sell on the spot market to California if they were going to be forced to sell below their own cost. As a result, we would see more blackouts, more problems in the State of California, a lack of investment in the real problem, which is a shortage of supply and California's failure to build for the future.

Price caps never produced another kilowatt of electricity. It is unreasonable when we are going to be facing major energy legislation in this Congress, sometime in the next 6 weeks, to ask to put this price cap measure on something completely unrelated and to ask us as a House to waive the longstanding rules of the House to make this up today rather than the context of what we really should be doing, which is a long-term, balanced approach to national energy policy, an approach that includes conservation, that includes increased supply, that fixes our aging infrastructure, and that includes government reform.

I look forward to that debate and to bringing that comprehensive bill to the floor of the House. But today is not the day. I do not think we should be willing to waive the longstanding rules of the House to take this up in a mishmash fashion.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT).

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

Mr. GEPHARDT. Mr. Speaker, I rise to ask Members to oppose the previous question and rule so that we can give people immediate relief with their energy needs. Today, we have an opportunity to do something to help millions of Americans. We should vote to put temporary caps on wholesale electric prices in the western United States and take a commonsense step to give consumers substantial help with low-income energy assistance.

Unfortunately, the Republican majority has been unwilling to take real action on this critical issue. They continue to ignore people's real needs and today will not even let us take a vote on one of the most compelling problems facing America.

In San Francisco last month, one small business owner lost between $3,000 and $4,000 in 1 hour during a rolling blackout. This bill does nothing for him. Thousands of people are on life support machines on the west coast. This bill does nothing for them. Millions of people are paying through the nose for a commodity that is like air and water in their lives. This bill does nothing for them. A large percentage of small businesses in the San Diego area are at or near bankruptcy. This bill does nothing for them. Thousands of families in California and the west coast have seen their residential energy prices go up twice, three times, five times, in some cases 10 times. This bill does nothing for them.

We have an emergency in our country. Yet the Republican leadership treats it as if it does not exist. We are glad that Federal regulators are finally listening and moving in the right direction. But their recent order is still a day late and a dollar short. It lets generators continue to make record profits and does nothing to help those affected by overcharges recover their losses. It opens the door to market manipulation and does nothing to stop the blackouts that are threatening people even this week.

□ 1330

So the time has come for sensible steps that will actually do something for people. We have been regulating utilities for decades, including wholesale electric prices; and we have one of the best power systems in the world. All we say is that we need temporary relief to this historic model so we can stabilize the market and give people real relief. We recognize this is not a long-term answer to the problem. In California, the Governor has permitted 16 new plants to bring in new supply. Four of them will be online this summer. Help is on the way, but help is needed now. This is a financial emergency. We need to address this emergency in this bill. It is unreasonable to bring a supplemental appropriation out on this floor and not even allow the minority the right to debate and vote on such a measure.

I urge Members to vote against the previous question and vote against the rule.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

Mr. Speaker, under the President's leadership, the country is beginning to focus on the need to take firm steps to enhance our energy security. The President is putting people over politics. I wish the minority would do the same.

Across the Nation, we are seeing the predictable consequences of allowing regulatory red tape and government intrusions to constrain our ability to produce the energy that we need.

Mr. Speaker, our energy security sustains our quality of life. The amendments offered by the minority threaten our freedom and our energy security, and that is why they should be rejected and not allowed in this rule. We need to solve the shortage of energy with a broad and a balanced plan. We need to encourage initiatives to reduce demand by conserving energy. We need to encourage the introduction of new technology that will allow us to accomplish more with the energy that we use. But there should be no confusion about the unmistakable need to expand the diversity of supply and to increase the production of energy.

Unfortunately, the electricity crisis in California offers an object lesson in the danger of allowing political half measures to be substituted for a successful market-based solution. We are talking about price caps.

Today, politicians in California are demanding additional government regulation as the pathway to relief from the consequences of earlier government regulation. Let us be clear about this. In every place government price controls have been tried, those price controls have failed to achieve the results that their supporters have promised. They failed when Republican Presidents used them; they failed when Democrat Presidents used them. All government price controls can offer California is the specter of longer and more frequent blackouts.

The electricity marketplace in California, as we all know, is severely dysfunctional. The people of California are suffering today because the demand of electricity exceeds the available supply. Until that fundamental imbalance is resolved, their problems will continue. It happened because politicians in California place so much red tape and regulation on the energy sector that energy suppliers could not build the power plants needed to supply California's energy-hungry economy. That is the fundamental problem in California.

Government price controls cannot work because all they do is prolong and exacerbate the problem. California

must begin building the capacity it needs to create the additional electricity that its markets demand. That is the only way out. Price controls will not create an additional, not one additional, megawatt of electricity. What they will do is discourage the construction of new power plants and dissuade electricity generators from investing in the improvements and advancements that will actually increase the supply of electricity in California.

Government price controls fly in the face of the most basic laws of economics. They swim against supply and demand. Members should reject that siren song of price caps. Remember this, government price controls will mean more blackouts. I urge the adoption of this rule and reject the opposition.

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

Mr. Speaker, my friend, the gentleman from Texas (Mr. DELAY), has actually made some very interesting points, points that ought to be debated on the floor. What the Committee on Rules is doing is saying, no, we are not going to let the gentleman from Texas (Mr. DELAY) speak at length about his points, or people that believe the way he does; and we are not going to let people from California, the west coast, speak on the other side. They will not even permit this debate to occur; and that is why we object to this rule, and that is why we are going to fight the previous question.

I think the gentleman from Texas (Mr. DELAY) ought to have lots of time to make his arguments, and I think people on the other side ought to have an equal amount of time. Their rule would prevent that from happening.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding this time to me.

Mr. Speaker, I rise in strong opposition to the rule considering the supplemental appropriation bill that is before us. Although many of my colleagues are upset because the rule does not permit various amendments as it relates to the energy crisis or disaster relief, my reason for opposing the rule is quite simple. It does not permit an amendment that would allow us to do more for our American men and women in uniform. This is a serious matter.

At the outset, I want to note that the $5.6 billion included in the bill for the Defense Department by the Committee on Appropriations, which is recommended by the OMB, is helpful but not adequate to address acute funding shortfalls that all the military services are experiencing.

I proposed an amendment to the bill to increase funding for the Department by $2.7 billion. That amendment has not been made in order by the rule and protected against points of order, and that is a shame.

Mr. Speaker, it is no secret to anyone that the armed services are called on to perform a myriad of missions all around the world, many of them on short notice. Whether it is defending against adversaries like Saddam Hussein or protecting our allies in Korea, or building a democracy in the Balkans, our military does a wonderful job, a great job, of protecting our national security interests. We owe it to our servicemen and women to ensure that they are trained and ready to perform those missions, that they have the best equipment we can provide and have adequate compensation and quality of life for their families.

The roofs are leaking on the family housing. The spare-parts bins are empty. The training is being curtailed, and unfortunately this supplemental bill as reported does not go far enough in meeting these goals, and follows the OMB recommendations. My amendment would add $2.74 billion to the bill all for additional defense appropriations. Of this total, the vast majority, about $2 billion, would be for operation and maintenance for flying hours and spare parts and real property maintenance and depot maintenance and uniforms, the unglamorous nuts and bolts, essentials that really make our military work. Another $400 million would fund military personnel and priorities, subsistence allowances, housing allowances, to keep our service members off food stamps, to pay for unbudgeted National Guard and Reserve personnel costs.

My amendment would also add about $300 million for high-priority procurement costs. For example, I would add $65 million to replace the EP–3 that is being cut to pieces on Hainan Island, China, and $49 million in additional funds to expedite the repair of the U.S.S. *Cole*.

Finally, my amendment would appropriate additional funds for ammunition. I oppose this rule.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), our chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of the rule, and I rise in support of the previous question and also will be rising in support of the supplemental appropriations bill.

There are 435 of us in this Chamber and if each one of us were to write our own version of this supplemental, there would probably be 435 different versions; and we cannot have that. In our process, that is not the way it works. So the Committee on Appropriations, in an effort to allow Members to make a major contribution to the final product, the Committee on Appropriations asks for an open rule. I have never asked the Committee on Rules to give me a closed rule on any appropriations bill.

This is an open rule, meaning that any Member who has an amendment that is germane to the bill, that is an appropriations item, that they will be able to offer that amendment.

We would possibly agree with some; possibly we will not agree with some. We will make that determination once the debate takes place.

As an announcement to our Members, I wanted to tell them that although we were late getting our numbers, specific numbers, from the administration, we are still well under way. This is the first appropriations bill of the season. However, if we look at it technically, it is the last appropriations because of the fiscal year 2001 season because it is a fiscal year 2001 supplemental. For the benefit of the Members, the Committee on Appropriations has reported out this supplemental, plus three other of the major appropriations bills for fiscal year 2002. The fourth appropriations bill has already been reported by the subcommittee, and next week there will be four additional subcommittee markups. I say this so that Members will know that the Committee on Appropriations is moving expeditiously, despite the fact that we got off to a very, very late start.

I listened with interest to what the gentleman from Missouri (Mr. SKELTON) said on the amendment that he would offer, and I cannot disagree with him. There is a large list of shortfalls in our military services. There are many things that they need that we are not providing. We are anticipating a very substantial budget amendment from the President sometime within the next couple of weeks that will address many of the issues that the amendment of the gentleman from Missouri (Mr. SKELTON) raises. Those of us who work with national defense issues every day of our legislative lives are concerned that there are tremendous shortfalls in the needs of our national defense establishment, shortfalls in the needs of quality-of-life issues for our men and women who serve in uniform, and we are going to address those.

The bill that we provide today has certain budgetary constraints. The budget resolution for fiscal year 2001 sets certain budgetary restraints. The $6.5 billion presented by this bill is the top line in those budgetary constraints. There is not much we can do about that. So we present a bill with the best advice and consent that we could have from the appropriations members to use that $6.5 billion in a cost-effective way.

Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for giving me this opportunity, and I do hope that we can expedite consideration of the previous question, the rule and get right to the bill. This could be a long day.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me this time.

Mr. Speaker, I asked the Committee on Rules for a rather simple amendment that would have allowed for the

House to vote on whether or not to strike the rescission in the supplemental of $389 million from the FEMA disaster account. Now, the distinguished chairman of the committee just spoke, and I know he worked very hard on putting this bill together, and he talked about the budgetary constraints.

I appreciate that fact, but we have to remember some of the budgetary constraints in this bill are self-imposed by the committee because the committee added $273 million in spending in the defense accounts that was not requested by the administration. It added $469 million in nondefense accounts that was not requested by the administration, and then it found the impetus to declare $388 million in spending emergency but in order to meet the constraints it took the money that the Congress had appropriated and been signed into law for emergency relief and rescinded it and then it says, well, that money is not needed; we are not going to need it. If we need it, we will get it later.

□ 1345

But that is not a real savings. Mathematically, you know we are going to spend that money. But the fact is, FEMA does not have sufficient money. The storm in Harris County is now estimated to cost $4 billion. FEMA has already put out a couple of hundred million dollars, and they expect to put out another $130 million in the next 30 days.

There are storms happening all over the country. The district of the gentleman from Wisconsin (Mr. OBEY) just got hit yesterday with a storm. The gentleman from North Carolina (Mr. JONES), a Republican, was there asking for the same waiver, because FEMA is still paying for Hurricane Floyd that happened 2 years ago.

Now we are playing budget politics with FEMA money. Fifty thousand people in Harris County have either been displaced from their homes or are having to replace their homes. FEMA is estimating that the number of claims is going to rise to 90,000, and the three major hospitals and the largest medical center in the world are effectively shut down. The estimated damage to the Texas Medical Center alone will probably equal $2 billion.

Yet the committee thought it would make sense to cut at least a quarter and ultimately really a third of the available FEMA money in the current fiscal year in order to pay for additional spending on other projects that the White House did not even ask for. Here is a letter from the White House. They agree. They say they are puzzled. They are puzzled by the action taken by the committee.

I know the committee worked very hard. In fact, when the committee did this, Allison had not even occurred yet. But it has occurred now, and we can very simply fix this matter. You were able to declare sufficient funding for projects you thought were important emergencies. Do it for another 39 million, but put back the money that the Congress voted on, that the President signed into law, so it can be spent on disaster assistance, because I assure you we will be back. It will take more. This is like the California earthquake in 1992 and 1993.

Mr. Speaker, I urge my colleagues to defeat the previous question and defeat the rule.

Mr. Speaker, I rise today in opposition to the rule. The Emergency Supplemental is a paradox in its truest of forms. While donning the mask of emergency relief, this bill actually rescinds funding from FEMA's Disaster Recovery Fund in order to finance new and often unrequested projects.

Mr. Speaker, in the wake of Tropical Storm Allison, more than 50,000 Texans from Harris County, are either in temporary housing or working to make their homes livable again. With preliminary damage assessments totaling $4.88 billion in Harris County alone, now is not the time to rescind $389 million from FEMA's Disaster Recovery Fund. According to FEMA's latest estimates, the amount of Disaster Recovery Funds necessary to assist the state of Texas total $1.98 billion. And that cost will certainly rise. This legislation is setting all of us up for another messy supplemental down the road. We are just 19 days into hurricane season, a recision of nearly one-third of FEMA's available assistance funding is unconscionable.

This measure has not garnered the support of the Administration. In fact, OMB Director Daniels said, "this action would preclude prompt assistance" for future disasters. The Disaster Recovery Fund is appropriated for the specific purpose of assisting local communities in the event of unforeseen disasters. The authors of this bill felt this account to be money burning a hole in their pockets. The Disaster Recovery Fund is not a savings account for new projects. This money is critical to the recovery process of hard-working taxpayers in the wake of natural disasters.

To impede or delay FEMA aid in favor of new spending is a desertion of our duty in this body. I urge my colleagues to vote against this rule because it fails to protect the amendment I offered and a similar proposal offered by my colleague from North Carolina, Mr. JONES. Furthermore, it protects an amendment that inexplicably, calls for offsetting previously appropriated disaster funds.

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

Mr. Speaker, I would like to remind my colleagues that there is an amendment being offered to replace the FEMA money in this bill.

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

Mr. Speaker, I would remind my friend from North Carolina that the peculiar amendment that the Committee on Rules made in order to restore the FEMA money takes it out of Head Start and takes it out of Community Policing. We are saying that is a legitimate emergency. There is no reason to do that in the bizarre and peculiar way in which they have put the money back in.

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

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

Mr. Speaker, one would have thought that this emergency supplemental bill coming up when it did right on the heels of the storm damage and flooding to Houston, it would have provided an opportunity for this Congress to speak very clearly to the people in that area that their contract with our country is one that, in time of distress or natural disaster, we are there for them. Instead, we are sending the exact opposite message, a message of no confidence, by reducing the funding in FEMA.

As a person who represents an area beset by earthquakes, I know how important the message from Washington is in the recovery. As a grandmother of grandchildren in Houston seeing the onset of mosquitos following the flood, I know personally the need for the increased funding in the emergency bill, and am bewildered, again from my own experience representing an area that is disaster-prone, that this committee would not rise to the occasion.

So I rise in opposition to the rule on the supplemental appropriations bill because it misses opportunities on many scores. All we were asking for was a legitimate debate on spending priorities that are of an emergency nature for this Congress to address.

We have missed the opportunity because of this rule to have the chance to stabilize the electricity markets in the western United States. We have missed the opportunity to discuss the Eshoo amendment to ensure refunds for electricity charges in the western regions that were not just and reasonable. In fact, there are about $8.9 billion in refunds. We have missed the opportunity to ensure that the DeLauro amendment would be discussed, which would increase the LIHEAP funding so it would be available to low income families throughout the summer and fall. Finally, we have missed the opportunity to provide the leadership required for this country in the fight to treat AIDS and prevent new infections globally.

Mr. Speaker, I urge my colleagues to defeat the rule because it is a gag rule on discussion of issues of an emergency nature.

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

Mr. DELAHUNT. Mr. Speaker, I am pleased that the Coast Guard is included in the supplemental budget, but I am very concerned about the direction of the 2002 Coast Guard budget. If there are no changes, it is predictable that we will be standing here again this time next year, hat in hand, advocating for the Coast Guard, just as happened last year, when we painted ourselves into the same corner requiring $655 million in supplemental Coast Guard funding.

Now, everyone knows that budget constraints have been so severe and chronic that the Coast Guard can barely keep its fleet in the water and its planes in the air. By the way, the Coast Guard operates the second oldest major naval fleet in the world, 39th out of 40. That is shameful.

We reduce operational funding while cutting back on capital investment; we short-change housing, health coverage and retirement. Then we wonder why retention and training suffer. We admire the rescues, such as depicted in the movie ''Perfect Storm,'' but divert assets away from the core mission of saving lives. And, remember, the Coast Guard saves 5,000 lives each and every year.

The 2002 authorization bill passed by this House just 2 weeks ago responded to these challenges by boosting the Coast Guard's operating budget for next year by $300 million. That promise stands unfulfilled thus far in the appropriations process. The funding bill approved since by the Subcommittee on Appropriations cut that $300 million, as well as an additional $60 million to embark on a program of replacing aging Coast Guard cutters that, on the average, are 27 years old.

The consequences are real, Mr. Speaker. Just this week came reports that the Coast Guard recalled port security forces that were sent overseas to protect U.S. naval units after the Destroyer Cole was attacked. Why? Because we cannot afford it any more.

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

Mr. MARKEY. Mr. Speaker, the Federal Energy Regulatory Commission on Monday ruled that they are not going to offer any true relief to California. What they said was that they were going to engage in a faith-based energy policy. They would pray for consumers in California and across the West, but they really would not do anything for them.

In the TV game show, the weakest link gets kicked off the show. But on Monday, the Republican-controlled FERC decided that the weakest link gets to set the prices for the entire western electricity market. This FERC order perpetuates the nonsense of having the least efficient generator of electricity set the benchmark price for all of the other generators.

This is a formula for allowing energy generators to continue to tip consumers across the West upside down and to shake money out of their pockets. While saying we are going to mitigate the size of the windfall, it does not in any way deal with the fact that a windfall will be enjoyed by these energy producers of historic size. Instead, they should have imposed a cost of service time-out on California and the West.

That is why the gentlewoman from California (Ms. PELOSI) and the gentlewoman from California (Ms. ESHOO) and the gentleman from Washington (Mr. INSLEE) wanted to bring amendments out here on the floor to deal with the pricing issues, to deal with the refunds for overcharges. But they have been denied. That is why, in a larger sense, Congresswoman DELAURO wanted to bring out a LIHEAP amendment of an additional $600 million for emergency funding and $1.2 billion for the year 2002. We should reject this proposal.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, my good friend the gentleman from Massachusetts (Mr. MARKEY), and he is my good friend, we work together on privacy issues and telecommunications issues, this is one we agree to disagree on.

The great State of California has buy-cap authority today. If the Governor of California thinks that electricity prices are too high, since the State is buying all the wholesale power, all he has got to do is pick up the phone and call the gentleman who is negotiating these contracts, I do not know if it is on a day-to-day basis, but it is generally a man named David Freeman, a very smart individual, and say do not pay more than $100 a megawatt, or more than $50, or more than $200, whatever it is. The Governor of California has buy-cap authority right now.

What has happened? What has happened is in the last 6 months, as California began to grapple with the fact that they are a part of the real world, they cannot suspend economic laws, they have begun to negotiate contracts, and long-term contracts from 1 year to 5 years to 10 years, some of those contracts are becoming public and they are finding out they are paying above market prices.

Now, I do not think the political leadership in the great State of California started out to pay above market prices. I think just the opposite. But it is fundamental; if you try to pick a political price for any commodity, and, almost by definition, you are going to pick the wrong price, because markets change. Every time we have tried price caps on any commodity in this country for any length of time, the only certainty has been it has led to shortages, disruptions, it has led to unequal distribution of that commodity.

So I think the Committee on Rules was eminently fair. This is a spending supplemental. It is not a policy supplemental. We should not have extraneous amendments on items like price caps that do not make sense in the real world, and I hope we vote for the rule.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding. I want my colleagues to know that the gentleman who chairs the subcommittee, the appropriate subcommittee in this policy arena, has been more than cooperative with those of us from California worried about the challenges that we face in the West. Indeed, he spent hours and hours trying to examine where in the Federal law we might make changes that would improve that condition.

Finally he came to the conclusion that, outside of the FERC taking a temporary action to try to help California, that literally the flexibility was available already. The reality, as the chairman has said, is that over months now, and indeed years now, California has been headed towards a crisis that finally we are bearing the fruit of. I want the chairman to know how much we appreciate his cooperation, his efforts to help us. I want the body to know I very much appreciate the gentleman's efforts to try to cooperate with us, and in turn he has essentially sent the message, you have the flexibility at home; solve the problem at home where it started in the first place.

Mr. BARTON of Texas. Mr. Speaker, reclaiming my time, I want to thank the gentleman.

Briefly, the recent Federal Energy Regulatory Commission on Friday was unanimous, three Republicans, two Democrats; the old commissioners, the new commissioners. It is a price mitigation strategy that lets the market work, but it does not let any particular supplier manipulate the market.

The partial version of this that was put in back in April has been working. This version, which goes 7 days a week, 24 hours a day, will help California and the West Coast this summer.

□ 1400

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

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I am proud to represent the Eighth District of Texas. We have had many homes and businesses destroyed in Tropical Storm Allison. Let me tell the Members, the last thing people in Houston need are politicians trying to score points off our misery. That is exactly what we have heard here today.

I am 100 percent certain, and FEMA is 100 percent certain, that there is today and will continue to be sufficient funding within our Federal aid and FEMA to ensure disaster aid to victims of Tropical Storm Allison. My colleagues in Congress who are using scare tactics to needlessly heap even more misery onto the families and businesses harmed by Allison ought to be ashamed of themselves.

The only debate is whether Congress will fund future FEMA emergencies, future FEMA emergencies out of this

bill now, or within the FEMA budget that will be taken up in a few short weeks. I believe that playing petty politics when people's lives have been destroyed is absolutely despicable.

My advice to my friends on the other side is to knock it off. Let us work together for the sake of our State and communities. Let us stop pointing fingers. Let us join hands, Republicans and Democrats alike, to help those in our Houston region, the Texas Medical Center, our families, and our businesses that desperately need help today, and to knock off the politics and stop trying to score points off their misery.

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

Mr. Speaker, perhaps the previous speaker was confused. Perhaps he did not realize that this supplemental bill has money in it for this fiscal year. We are talking about the fiscal year that is currently in process, fiscal year 2001, and it is the money that the Republicans sought to strip from this bill. They now have a bizarre scheme to back the money back in, but are taking it out of other domestic programs, like Head Start and community policing.

We are just saying, do the right thing, the rational thing: just permit the money to be restored. It is an emergency. Do not take it out of other programs.

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

Mr. FROST. I yield to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, no one is playing politics with this. This is the White House position, and they are Republicans. On the other side, the junior Senator from our home State, who is a Republican, is talking about adding money to FEMA, not taking money out.

All we are saying is, strike the rescission. The fact is, the committee is the one that added money above what the White House requested. They are using the FEMA money to pay for it.

My colleague knows, even from today's Houston Chronicle, FEMA has already spent about $400 million. FEMA tells us that of the $1.6 billion in the account, there is only about $1.1 billion left. If we have this rescission, that takes the amount of money available down to $700 million. That means the amount of money FEMA has to just do what they are doing right now is going to be reduced. FEMA is going to need money to move quickly while they are still paying for North Carolina, while they are still paying for other things.

There is no politics in this. If politics is standing up for one's constituents to get what they need to get back on their feet, than I am guilty of those kinds of politics, and so is Mr. Bush in the White House, because we are of the same position.

The fact is, we are not pointing fingers at anybody. All we are saying, make in order an amendment so it is not subject to a point of order. They can find the money elsewhere. They made this designation before the storm occurred.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. BRADY of Texas. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Texas.

Mr. BRADY of Texas. Let me state the facts directly from FEMA, those on the ground and working:

''FEMA's disaster account has sufficient funding to ensure disaster aid to those victims of Tropical Storm Allison flooding. FEMA assures those in Texas, Louisiana, Florida, fighting to recover now, that FEMA stands ready and able to help them.''

This issue deals with affecting future response efforts and our ability to help them.

The fact of the matter is, the gentleman and I are friends, but the gentleman is playing politics at a time when our community simply cannot afford it. We need to work together.

Mr. TAUZIN. Mr. Speaker, I wanted to quickly address a subject in support of this rule that has arisen on the floor regarding California.

Our committee, led by the gentleman from Texas (Mr. BARTON), did a marvelous job of producing a set of solutions that could help the California problem out that included both demand reduction and supply increases, getting the QS back on, getting the Governor and the President to make some administrative decisions that have helped California, I think, a great deal.

One of the recommendations we made in that bill and passed on to the FERC was the recommendations to do price mitigation on a 24-hour basis 7 days a week. Unanimously, Democrats and Republicans have now endorsed that proposal. It is now the order of the FERC. Senator FEINSTEIN has said with this order in place she is not even asking for the price control bill that she originally sponsored on the Senate side.

This notion of putting price controls into this debate is absolutely ludicrous. The reason California got in trouble was because California had price caps at the retail level, and attempted price caps at the wholesale level. Those price caps did something very remarkable. Those price caps reduced conservation in California by 8 percent, encouraged excessive demand, a 6 percent growth, the highest in the Nation, and put California in a shortage position where it did not have enough power plants to supply the needs of that economy.

This price mitigation plan now adopted by the FERC, as recommended by our committee, together with 17 Members of the Republican California delegation, a plan first suggested to us by the gentleman from California (Mr. OSE), is now in place and will serve to make sure that price spikes do not occur in those periods of time when California is really short.

This has been a rough and tumble negotiated process, but we have produced a solution that does in fact help order that market without doing what California did incorrectly, without putting hard price caps in place that do nothing but shorten supply, increase demand, and dampen the need for conservation.

Since the price caps on rates have been lifted in California, guess what, conservation has increased 13 percent. Now that the Governor has authorized the construction of new plants in California, put old plants back online, put QS back on, there is less of a danger of blackouts; it is not solved yet, but there is much less of a danger of blackouts.

In short, the work done by the subcommittee led by the gentleman from Texas (Mr. BARTON), with the help and counsel of the California Members of the Republican party and with the President and the FERC now following in a bipartisan fashion the adoption of the price mitigation plan, we are well on our way, at least, to beginning to settle the California problem that unfortunately the policymakers in California put the people of California through.

Let me say something else: California is 12 percent of this Nation's economy. We could not afford not to help. California needs to have a good supply of energy. It needs to have prices people can afford. It needs to have a market that is reasonable, like the rest of America, where supply meets demand; where conservation is encouraged, not dampened or weakened; and where new supplies are always brought on board when there is a real and honest demand for those supplies.

Silicon Valley cannot afford to go dark. America cannot afford to have this new economy darken because we have not solved those problems.

I want to thank the gentleman from Texas (Mr. BARTON) for the courageous work he has done. I want to thank the FERC for making I think a very wise decision in this price mitigation plan. I want to thank all of the Members who agree with me that this issue ought to be put to bed.

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

Mr. Speaker, I urge the defeat of the previous question.

There is an amendment to the rule that would have been offered if the previous question is defeated.

The amendment would allow for the consideration of two very important amendments to the supplemental.

The first is the amendment proposed by the gentleman from Missouri (Mr. SKELTON). The Skelton amendment would add $2.7 million to the Department of Defense so in the last 3 months of the fiscal year the Armed Forces are not forced to cut back on training and operations and maintenance because of the shortfall in funds.

The second is the amendment offered by the gentleman from Washington

(Mr. INSLEE) and the gentlewoman from California (Ms. PELOSI). This amendment would require the Federal Energy Regulatory Commission to impose cost-of-service-based rates on electricity in the West.

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

Mr. Speaker, I just want to reiterate what the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Commerce said, that this is not about policy. We have done some good things, along with the gentleman from Texas (Chairman BARTON), and we do appreciate very much their hard work.

Mr. BLUMENAUER. Mr. Speaker, the FY 2001 Supplemental Appropriations bill should be an opportunity for Congress to address some important funding shortfalls facing our country. Instead, we are seeing self-fulfilling prophecy played out that is the direct result of the misguided Republican strategy to disconnect spending for tax policy. The $389 million FEMA disaster relief cut in the FY 2001 Supplemental Appropriations bill is the first manifestation of what's wrong with the Republican budget strategy.

Today's rule limits debate on the bill and prevents important Democratic alternatives from being brought to the floor, rather than having an open debate on the trade-offs that Congress has made to cut taxes and limit spending. We are prevented from voting on amendments aimed at restoring funding to assist the thousands of people needing disaster relief, ensuring that low-income families have access to affordable energy and heating, or addressing the energy crisis that is crippling the West Coast.

The FEMA cut, in particular, could not come at a more inopportune time. Earlier this month we witnessed an example of the type of destructive results that may be a result of global climate change. We are seeing an increase in both frequency and intensity of extreme weather incidents. The devastating efforts of Tropical Storm Allison on Texas, Louisiana, and Florida killed almost 60 people, dumped 3 feet of rain in 6 days, and damaged 20,000 homes. Just today, FEMA director Joe Albaugh stated that the damage from Tropical Storm Allison may be as high as $4 billion to deal with clean-up and related health threats associated with storm damage.

Today's Supplemental Appropriations bill illustrates how we in Congress have put ourselves into a tax cut and budget box. The cuts to FEMA's disaster relief program are one of the most egregious aspects of our short-sighted tax and budget policy. For these reasons, I urge Members to vote against the previous question and oppose the rule.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in opposition to the rule for the supplemental appropriations bill because the Rules Committee failed to protect several key amendments—including the Inslee/Pelosi amendment and the Eshoo amendment—and have prevented us from acting on California's emergency needs today.

There is the mistaken belief by some that the recent action by the Federal Energy Regulatory Commission (FERC) has solved California's energy concerns.

But the FERC decision falls far short of what is needed in California. For example, because FERC based the price caps on the most inefficient operators, Californians will continue to pay high energy costs.

Further, FERC does not address the price gouging that has already taken place. Therefore, it has no provisions for the $6 billion in potential illegal overcharges that have been referred to FERC for action.

These two concerns would have been appropriate for the House to consider today, but the Rules Committee has prevented us from taking up two key amendments that would have addressed them.

Essentially, the Republican leadership has decided that the big electric generators can continue to make windfall profits at the expense of business and residential customers across California.

The impact of this price gouging on the jobs and lives of my constituents has already taken a toll.

L.A. Dye & Print Works Incorporated, one of southern California's largest textile firms, employing 700 people, closed its doors at the end of April. There natural gas costs had soared from about $120,000 per month to over $600,000 per month—that's five times higher than their costs at the start of 2000.

Some have argued that this crisis is one of California's making, but California has stepped forward vigorously to meet this challenge.

We were one of the most energy efficient states—now we've cut energy use by 11 percent during this crisis to become the most energy efficient state in the union.

We've acted to bring additional generating capacity on line as quickly as possible, and 16 major power plants with a generation capacity of over 10,000 megawatts have received siting approval.

Ten of these power plants are currently under construction, and four are scheduled to be on line this summer.

But we have immediate problems because as many as 30 days of rolling black-outs have been predicted for this summer.

The impact of black-outs will be severe on families suffering through California's 100+ degree days without air-conditioning.

The impact will also be severe on the senior citizens who have medications that need refrigeration.

Our businesses and manufacturers face unpredictable electricity shortages, requiring them to shut down operations during black-outs and send workers home.

And let's not a forget a black-out's impact on our public safety officials—our police officers, fire fighters and emergency medical personnel—as they try to cope with a community whose stoplights are suddenly out of order, or whose emergency communications system is inoperative.

We are facing an emergency in California, and that is why we wanted the House to consider emergency provisions today during consideration of the supplemental appropriations bill.

This emergency in California is quickly spilling over to other western states and eventually will make its way to states across this nation.

As the 5th largest economy in the world, California's energy crisis is having an enormous detrimental impact on the nation's economy.

Unfortunately, we have heard the message from the Republican leadership to the 33 million citizens in California and Americans across this country loud and clear.

That message is: we won't discuss your emergency, we don't care about its impact on California and the nation, and therefore we will not support relief for your businesses and citizens.

By preventing amendments affecting millions of Americans from even being debated and voted on, the leadership of the House of Representatives turns their back on every American they have sworn to serve.

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

The SPEAKER pro tempore (Mr. FOLEY). The question is on ordering the previous question.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed immediately by a 5-minute vote, if ordered, on adoption of the resolution, and a 5-minute vote on the motion to suspend the rules debated earlier today.

The vote was taken by electronic device, and there were—yeas 222, nays 205, not voting 5, as follows:

[Roll No. 169]

YEAS—222

Abercrombie	Davis, Jo Ann	Hayworth
Aderholt	Davis, Tom	Hefley
Akin	Deal	Herger
Armey	DeLay	Hilleary
Bachus	DeMint	Hobson
Baker	Diaz-Balart	Hoekstra
Ballenger	Doolittle	Horn
Barr	Dreier	Hostettler
Bartlett	Duncan	Hulshof
Barton	Dunn	Hunter
Bass	Ehlers	Hutchinson
Bereuter	Ehrlich	Hyde
Biggert	Emerson	Isakson
Bilirakis	English	Issa
Blunt	Everett	Istook
Boehlert	Ferguson	Jenkins
Boehner	Flake	Johnson (CT)
Bonilla	Fletcher	Johnson (IL)
Bono	Foley	Johnson, Sam
Brady (TX)	Fossella	Jones (NC)
Brown (SC)	Frelinghuysen	Keller
Bryant	Gallegly	Kelly
Burr	Ganske	Kennedy (MN)
Burton	Gekas	Kerns
Buyer	Gibbons	King (NY)
Callahan	Gilchrest	Kingston
Calvert	Gillmor	Kirk
Camp	Gilman	Knollenberg
Cannon	Goode	Kolbe
Cantor	Goodlatte	LaHood
Capito	Gordon	Largent
Castle	Goss	Latham
Chabot	Graham	LaTourette
Chambliss	Granger	Leach
Coble	Graves	Lewis (CA)
Collins	Green (WI)	Lewis (KY)
Combest	Greenwood	Linder
Cooksey	Grucci	LoBiondo
Crane	Gutknecht	Lucas (OK)
Crenshaw	Hansen	Manzullo
Cubin	Hart	McCrery
Culberson	Hastings (WA)	McHugh
Cunningham	Hayes	McInnis

McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—205

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Cox
Dooley
Eshoo
Etheridge
Houghton

□ 1433

Messrs. JACKSON of Illinois, LANGEVIN, BACA, DAVIS of Illinois, BERRY, RUSH, TAYLOR of Mississippi, and Ms. BROWN of Florida changed their vote from ''yea'' to ''nay.''

Mr. PORTMAN changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 205, not voting 5, as follows:

[Roll No. 170]

AYES—223

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—205

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Conyers
Cox
Eshoo
Houghton
Smith (WA)

□ 1444

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING AND SUPPORTING GOALS AND IDEAS OF AMERICAN YOUTH DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 124.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, House Resolution 124, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 8, as follows:

[Roll No. 171]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
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
Burton
Buyer
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
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
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
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
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
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
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
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
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Berkley
Cox
DeLay
Fletcher
Houghton
Kelly
Schiff
Smith (WA)

□ 1454

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONSIDERING MEMBER AS FIRST SPONSOR OF H.R. 1594, FOREIGN MILITARY TRAINING RESPONSIBILITY ACT

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that I might hereafter be considered as first sponsor of H.R. 1594, a bill originally introduced by Representative Moakley of Massachusetts, for the purposes of adding cosponsors and requesting reprints pursuant to clause 7 of rule XII.

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

There was no objection.

2001 SUPPLEMENTAL APPROPRIATIONS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 171 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2216.

□ 1454

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair has been advised that the gentleman from Wisconsin (Mr. OBEY) has a bit of laryngitis and, for that reason, wishes to pass control of his time to the gentleman from Pennsylvania (Mr. MURTHA). Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. YOUNG).

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

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Chairman, I am pleased to bring to the House the 2001 Supplemental Appropriations bill. While this is the first appropriations activity on the floor of this Congress, it is actually the last appropriations action for the last Congress because this is a supplemental dealing with fiscal year 2001 funding.

The bill before us represents our best attempt to address funding shortfalls for our military, provide emergency assistance to communities impacted by natural disasters, and secure relief for

consumers affected by high energy costs.

We have accomplished this within the funding levels requested by the President and approved by the Congress in the budget resolution. In other words, if we were to go above the $6.5 billion provided in this bill, we would be violating budgetary constraints which would cause serious problems. And in the other body, the chairman of the Committee on Appropriations has said publicly that $6.5 billion is the maximum because if they were to go over that, they would be subject to a 60-vote point of order.

Mr. Chairman, let me briefly discuss the highlights of the bill and after the gentleman from Pennsylvania (Mr. MURTHA) makes his comments, I would yield to several of the subcommittee chairmen who have played a major role in preparation of this bill.

The net funding in this bill is $6.5 billion. However, it provides for $6.75 billion to address these urgent defense needs, including rising fuel costs, military health care, readiness and operations requirements, substandard housing for our troops scattered throughout the world and especially in Korea, repair of damages to the U.S.S. *Cole*, disaster assistance for damage to U.S. military installations, and implementation of the Department of Defense's energy conservation plan in California and the western United States.

Also included is $92 million sum for the Coast Guard operational needs. The bill also includes $380 million for emergency natural disaster assistance to the U.S. Army Corps of Engineers, Fish and Wildlife Service for the Forest Service for the recent midwestern floods, ice storms, earthquakes, and wildfire land management.

Additional energy needs are met by adding $150 million to the President's budget request of $150 million for LIHEAP. We doubled that to $300 million. It provides $161 million to implement last year's conference agreement on title I education for the disadvantaged program, $44.2 million to avert a potential deficit in the House Member's representation allowances, and $115 million to enable the Department of the Treasury to mail out the tax rebate checks that go to almost every American taxpayer.

As I said earlier, the bill includes offsets in order to stay within the 2001 budget, so the $6.75 billion is netted at $6.5 billion. There will be an issue discussed at length today in our offsets. We have a one-for-one offset of unobligated FEMA balances to support non-defense emergency spending needs for natural disasters.

FEMA will still have large carryover balances in excess of $1.6 billion even after this rescission. I would say to the Members who are concerned about the use of the emergency designation, normally and in the past, we have declared emergencies which allowed us to spend money over and above the top line in the bill. That is not the case here. These emergency declarations do not increase any funding because they have been offset. The reason we use the emergency designation is because the funds were rescinded or transferred from a fund that was created by an emergency designation in the last Congress.

□ 1500

And so it is a one-for-one offset. The emergency designation is technical. It does not add any additional money to this bill.

Mr. Chairman, those are the highlights of this bill. There is a lot more detail. We have a point paper that indicates all of the major items included in this bill which is available to any Member that would like to have it.

Mr. Chairman, I am pleased to bring to the House the 2001 Supplemental Appropriations Bill.

The bill before you represents our best attempt to address funding shortfalls in our military, provide emergency assistance to communities impacted by natural disasters, and secure relief for consumers affected by high energy costs. We have accomplished this within the funding levels requested by the President and approved by the Congress in the Budget Resolution.

We made a commitment to stay within the $6.5 billion provided under the Budget Resolution even though we had a number of emergency natural disaster requirements and other non-emergency requirements that were not requested by the Administration. We found offsets for the additional spending. So even with emergencies, the FY 2001 cap provided in the Budget Resolution has not been exceeded. The emergencies are offset.

The bill includes over $6.75 billion to address urgent defense needs, including rising fuel costs, military health care program needs, readiness and operations requirements, substandard housing for our troops stationed in Korea, repair of damages to the U.S.S. *Cole*; disaster assistance for damage to U.S. military installations and implementation of DOD's energy conservation plan in California and the Western United States. Also included is $92 million for Coast Guard operational needs.

The bill also includes $389 million for emergency natural disaster assistance to the U.S. Army Corps of Engineers, Fish and Wildlife Service, and the Forest Service from the recent Midwestern floods, ice storms, and earthquakes and for wildland fire management. Funding is also included for the Bureau of Indian Affairs San Carlos Irrigation Project to avert potential electricity blackouts in rural Arizona.

Additional energy needs are met by $300 million included in the bill for the Low Income Home and Energy Assistance Program (LIHEAP), twice the amount requested by the President and highest level in the program's history.

The bill provides $161 million to implement last year's conference agreement on Title 1, Education for the Disadvantaged program; $44.2 million to avert a potential deficit in House Members Representational Allowances and $115 million to enable the Department of Treasury to mail out tax rebate checks.

As I said earlier, the bill includes offsets in order to stay within the FY 2001 budget cap. We have included a one-for-one offset of unobligated FEMA balances to support non-defense emergency spending needs for natural disasters. We believe FEMA still has large carryover balances in excess of $1.6 billion after this reduction which should be sufficient to meet emerging needs, such as the floods in Texas.

There are many other important issues addressed in this bill. The report provides a more complete description of them.

While I recognize that this bill is not going to please everybody, a lot of people need this bill, including us, because of badly needed funds to operate the House of Representatives.

Now, the bill is before the entire House for consideration. One amendment has been made in order under the rule, but I expect that many more will be offered. We will have a long day, and I urge all members to be brief as the House perfects this bill.

The bill as reported by the Committee is a good bill. I hope that throughout the day we can improve it.

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

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

Most of this bill is a bipartisan bill. The defense portion of it, which is the largest section, is bipartisan. But it is late and certainly inadequate. The gentleman from Florida just mentioned the fact that it is inadequate. The chairman of the subcommittee mentions that it is inadequate. In the past normally, we have gone to the emergency side where we were not artificially capped by the legislation and passed an adequate amount of money. But realizing the problems we have not only here but in the other body, we know that it is going to be very difficult to pass anything any larger.

The thing that worries us the most on this side is some of the disaster relief money that is not available and the fact that one of the ways we have found money to fund some of the other programs is take out of FEMA. Yet we have gotten a letter from the OMB Director and also from the FEMA Director that says he estimates demands far in excess of the amount of money that is available. We have nothing in the Federal Highway Administration's emergency relief program. It is out of money completely. Certainly those kind of considerations should have been made. I do not have to say that we always have fires and storms in California or in other places in the Midwest and we always have to fund those programs.

I am disappointed that we do not address the energy crisis, but I know that as we go along, we are getting closer and closer to getting something done. I think public pressure has finally gotten to the point where everybody realizes it. The President has said it is a crisis in California and something needs to be done. All of us recognize that we do not have the answer to it. But as a whole, this bill is in my estimation inadequate. All of us know, though, that voted for the balanced

budget amendment that we have to live within the constraints of what we have.

We have room in this bill, and I am hopeful that in the conference we will be able to make some adjustments. I know that in defense, after the review, we have indications there will be more money to take care of things that are so important to our national security. We have a substantial housing shortage, we have a shortage in the amount of money for health care even though we added to health care.

We have some problems with this bill, but ultimately I am going to support the bill. Depending on the amendments that are offered and accepted, hopefully we will have a better bill and a bill that all of us can vote for when it is finished.

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

Mr. YOUNG of Florida. Mr. Chairman, as the gentleman from Pennsylvania (Mr. MURTHA) has indicated, the largest amount of dollars in this bill goes to the Department of Defense. There are many, many more needs than this bill provides for. However, I would like to yield such time as he may consume to the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense, to describe in more detail the defense part of this bill.

Mr. LEWIS of California. Mr. Chairman, I thank very much the gentleman for yielding me this time. I must say it is very interesting to be taking up the supplemental and have on the Democratic side the bill actually chaired or being handled by my partner in the Subcommittee on Defense. It is very, very appropriate. There are two things that are appropriate about that: One is the fact that the vast percentage of the dollars within this supplemental involve our national security. And the other is that the ranking member, the gentleman from Wisconsin (Mr. OBEY), is sitting over there taking notes, careful notes, to make sure that the gentleman from Pennsylvania (Mr. MURTHA) and I do not get out of line too much. We very much appreciate the effort of the gentleman from Wisconsin to expedite the process today. I want to thank him personally for his work as well as my chairman.

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

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. This is an interesting thing. The ranking member on our side actually realizes there is a shortage in defense, and it may have something to do with his laryngitis that he cannot get the words out.

Mr. LEWIS of California. I must say he has made an immense contribution today and I appreciate it very much.

Mr. Chairman, the bill, as the gentleman from Florida has indicated, involves supplemental appropriations requirements across the board. With many of the circumstances facing the country but particularly with national defense, this bill addresses the fact that there are shortfalls in a number of areas that essentially are must-pay obligations.

Within the bill there is a total of defense appropriations amounting to some $6.3 billion. With an offset of some $834 million, the net increase is $5.46 billion. The bill reflects a broad cross-section of serious concerns dealing with our military.

I will give just a few examples regarding the elements of this bill and hold back as much as I possibly can on taking time.

An example of high priority on the part of both the President as well as the Chiefs of the various services, the bill includes $550 million to cover the costs associated with military pay and benefits, costs which are being incurred largely because of legislated changes in the pay and benefit package. In addition to that element, there is approximately $1.6 billion for funding shortfalls dealing with defense medical programs, the TRICARE program that helps provide the fundamental medical care available to our military people.

The bill also provides over $3 billion in direct support for ongoing operations and readiness. This includes $670 million to address those increases in energy costs that are being borne by DOD installations across the country. We have had a good deal of discussion already today about the impact of rising energy costs in the West. As our communities are affected, so is the military affected, and this bill attempts to begin to address that subject area.

I might mention, in connection with that, especially to those in the West who are concerned about the energy matter, another component of this appropriations bill as well as the language that goes along with it will attempt to take us in the direction of developing energy independence on our military bases, hopefully moving in the direction of having them have enough capacity to meet their needs but also have supplementary capacity that can help assist in the grid when serious shortfalls take place.

Finally, within the bill, we have provided funds for unexpected costs for a number and variety of immediate challenges and unexpected challenges. For example, the U.S.S. *Cole*, that tragedy that occurred not so long ago, there is a $44 million amount. There is also $40 million for damages at defense facilities resulting from national disasters, but the *Cole* is an obvious illustration of the kind of emergency needs that we are talking about.

We would hope in the months and years ahead to be able to establish guidelines within defense appropriations that will essentially take us to the point of not having to have supplemental appropriations bills. But clearly emergencies do come along. We have illustrations of those in the chairman's statement and mine as well.

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

I know we have set up a unanimous-consent request which will give people time on the amendments. I really think we ought to get into the amendment process since we are going to have a late evening, anyway.

Mr. LAFALCE. Mr. Chairman, I rise as Ranking member of the Financial Services Committee to discuss the housing provisions in this bill.

This bill continues the practice in recent years of diverting affordable housing resources to non-housing programs. Specifically, the bill rescinds $114 million in Section 8 funds. There are two problems with this. First, it is not clear that HUD will have sufficient Section 8 budget authority to meet all its obligations in the current fiscal year if this rescission is adopted.

Secondly, even if there is not a problem in the current fiscal year, this rescission takes away over $100 million in budget authority that could otherwise be used to restore a portion of the billions of dollars of cuts in housing programs proposed in the Administration's fiscal year 2002 budget.

The Administration justified these cuts as necessary to offset technical increases in Section 8 authority. It would be totally unjustified if the majority party brings a VA–HUD appropriations bill to the floor next month which cuts housing funding, citing rising Section 8 costs, while it diverts Section 8 funds today that could be used to restore those cuts.

I would also like to point out that this bill adopts the Administration approach to resolving the FHA multi-family loan crisis—raising premiums which will be passed along in the form of higher rents to working families, and supplementing that with $40 million in credit subsidy. While this means that the program will probably be back up again in 30 days or so, it is the wrong solution to the problem.

First, the FHA shutdown was totally unnecessary. The Administration should have used the $40 million Congress appropriated last year to keep the program running. It is unreasonable that the Administration refused to use that $40 million, but is now requesting a new $40 million. Second, instead of raising premiums, we should have used a tiny portion of the billions of dollars in annual FHA profits as credit subsidy to keep the program running, without fee increases.

Finally, I would note that this bill ignores the funding crises in public housing caused by the huge run-up in utility costs, which have not been reimbursed under the federal operating subsidy.

In so many ways, this bill is a disservice to the Nation's housing needs.

Mr. UDALL of Colorado. Mr. Chairman, I regret that I cannot support this bill today.

I am not saying the bill's provisions are all bad. While I think some things in it are questionable, it does include some very good things.

For example, it would add $100 million for essential environmental restoration and waste management at Savannah River, Hanford, and other sites in the DOE complex and to acquire additional containers for shipping wastes to the Waste Isolation Pilot Plant. These are important for Colorado, because our ability to have the Rocky Flats site cleaned up and closed by 2006 depends on the ability of other

sites in the complex to play their roles in that process. So, I am very appreciative that the appropriations committee has responded to these needs.

Similarly, the additional $300 million for low-income home energy assistance will enable that important program to provide much needed assistance this year, even if it will not meet all needs.

And the bill includes other good and important provisions as well.

But for me all the good things in the bill are outweighed by one glaring omission—the total absence of any funds to pay already-approved claims under the Radiation Exposure Compensation Act, or ''RECA.''

RECA provides for payments to individuals who contracted certain cancers and other serious diseases because of exposure to radiation released during above-ground nuclear weapons tests or as a result of their exposure to radiation during employment in underground uranium mines. Some of my constituents are covered by RECA, as are hundreds of other Coloradans and residents of New Mexico and other states.

Last year, the Congress amended RECA to cover more people and to make other important modifications. I supported those changes. But there was one needed change that was not made—we did not make the payments automatic. Unless and until we make that change, the RECA payments can only be made when Congress appropriates money for that purpose.

And the undeniable fact is that we in the Congress have not appropriated enough money to pay everyone who is entitled to be paid under RECA. As a result, people who should be getting checks are instead getting letters from the Justice Department.

Those letters—IOUs, you could call them—say that payments must await further appropriations. What they mean is that we in the Congress have failed to meet a solemn obligation. We failed to meet it when we passed the regular appropriations bill for the Justice Department—and we are failing to meet it again today.

In February, along with other Members, I wrote President Bush about the problem of RECA payments. I wanted him to be aware of the problem and hoped that he would ask Congress to promptly provide additional funds so that people would not have to wait much longer for payments. I greatly regret that the President did not see fit to make that request—but I regret even more that the appropriations committee has not stepped up to the challenge and has not included RECA funds in this bill.

We need to do better. We should change the law so that future RECA payments will not depend on annual appropriations, but instead will be paid automatically in the way that we now have provided for payments under the new compensation program for certain nuclear-weapons workers made sick by exposure to radiation, beryllium, and other hazards. I have joined in sponsoring legislation to make that change.

But right now, today, we need to provide all the funds needed to pay the claims that have already been approved and all the ones that will be approved during the rest of the fiscal year. To fail to do that is to continue what the Denver Post has correctly described as a ''betrayal'' of sick and dying people that is ''disgusting and dishonorable.''

This bill, as it now stands, would continue that betrayal, and so I cannot support it.

Mr. YOUNG of Florida. Mr. Chairman, I submit the following tables for the RECORD.

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT FOR FY 2001
(Amounts in thousands)

	Budget request	Recommend in the bill	Bill compared with request
TITLE I - NATIONAL SECURITY MATTERS			
CHAPTER 1			
DEPARTMENT OF DEFENSE - MILITARY			
Military Personnel			
Military Personnel, Army	164,000	164,000	.....
Military Personnel, Navy	84,000	84,000	.....
Military Personnel, Marine Corps	69,000	69,000	.....
Military Personnel, Air Force	126,000	119,500	-6,500
Reserve Personnel, Army	52,000	52,000	.....
Reserve Personnel, Air Force	2,000	8,500	+6,500
National Guard Personnel, Army	6,000	6,000	.....
National Guard Personnel, Air Force	12,000	12,000	.....
Total, Military Personnel	515,000	515,000	.....
Operation and Maintenance			
Operation and Maintenance, Army	655,800	659,600	+3,800
Operation and Maintenance, Navy	953,400	948,100	-5,300
Operation and Maintenance, Marine Corps	54,400	54,400	.....
Operation and Maintenance, Air Force	853,200	840,000	-13,200
Operation and Maintenance, Defense-Wide	93,800	123,100	+29,300
Operation and Maintenance, Army Reserve	20,500	20,500	.....
Operation and Maintenance, Navy Reserve	12,500	12,500	.....
Operation and Maintenance, Marine Corps Reserve	1,900	1,900	.....
Operation and Maintenance, Air Force Reserve	34,000	34,000	.....
Operation and Maintenance, Army National Guard	42,900	38,900	-4,000
Operation and Maintenance, Air National Guard	119,300	119,300	.....
Total, Operation and maintenance	2,841,700	2,852,300	+10,600
Procurement			
Other Procurement, Army	3,000	3,000	.....
Shipbuilding and Conversion, Navy:			
SCN, 1995/2001:			
Carrier Replacement Program	84,000	84,000	.....
DDG-51 Destroyer Program	.....	300	+300
SCN, 1996/2001:			
DDG-51 Destroyer Program	41,000	14,600	-26,400
LPD-17 Amphibious Transport Dock Ship Program	65,000	65,000	.....
SCN, 1997/2001:			
DDG-51 Destroyer Program	.....	12,600	+12,600
SCN, 1998/2001:			
NSSN Program	32,000	32,000	.....
DDG-51 Destroyer Program	.....	13,500	+13,500
Subtotal, SCN	222,000	222,000	.....
Aircraft Procurement, Air Force	84,000	84,000	.....
Missile Procurement, Air Force	.....	15,500	+15,500
Procurement of Ammunition, Air Force	73,000	73,000	.....
Other Procurement, Air Force	162,900	85,400	-77,500
Procurement, Defense-Wide	5,800	5,800	.....
Total, Procurement	550,700	488,700	-62,000

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT FOR FY 2001
(Amounts in thousands)

	Budget request	Recommend in the bill	Bill compared with request
Research, Development, Test and Evaluation			
Research, Development, Test and Evaluation, Army	.....	5,000	+5,000
Research, Development, Test and Evaluation, Navy	108,000	151,000	+43,000
Research, Development, Test and Evaluation, Air Force	247,500	275,500	+28,000
Research, Development, Test and Evaluation, Defense-Wide	85,000	94,100	+9,100
Total, RDT&E	440,500	525,600	+85,100
Revolving and Management Funds			
Defense Working Capital Funds	178,400	178,400	.....
Other Department of Defense Programs			
Defense Heath Program:			
Operation and maintenance	1,453,400	1,453,400	.....
Military treatment facility optimization	.....	200,000	+200,000
Drug Interdiction and Counter-Drug Activities, Defense	.....	1,900	+1,900
Total, Other DoD Programs	1,453,400	1,655,300	+201,900
General Provisions			
O&M, Navy: U.S.S. Cole repair	44,000	.....	-44,000
Emergency appropriations	.....	44,000	+44,000
Aircraft Procurement, Navy (P.L. 106-259) (rescission)	-235,000	.....	+235,000
Aircraft Procurement, Air Force (P.L. 106-259) (rescission)	-270,000	.....	+270,000
Overseas Contingency Operations Transfer Fund (P.L. 106-259) (rescission)	-61,000	.....	+61,000
Rescissions	.....	-834,000	-834,000
Natural disasters (emergency)	.....	39,900	+39,900
Total, chapter 1 (net)	5,457,700	5,465,200	+7,500
Appropriations	(6,023,700)	(6,215,300)	(+191,600)
Rescissions	(-566,000)	(-834,000)	(-268,000)
Emergency appropriations	.....	(83,900)	(+83,900)
CHAPTER 2			
DEPARTMENT OF ENERGY			
National Nuclear Security Administration			
Weapons Activities	140,000	140,000	.....
Other Defense Related Activities			
Defense Environmental Restoration and Waste Management	100,000	100,000	.....
Defense Facilities Closure Projects	21,000	21,000	.....
Defense Environmental Management Privatization	29,600	27,472	-2,128
Total, chapter 2	290,600	288,472	-2,128
CHAPTER 3			
MILITARY CONSTRUCTION			
Military construction, Army	.....	67,400	+67,400
Military construction, Navy	.....	10,500	+10,500
Military construction, Air Force	18,000	8,000	-10,000
Family Housing, Army	27,200	29,480	+2,280
Family Housing, Navy and Marine Corps	20,300	20,300	.....
Family Housing, Air Force	18,000	18,000	.....
Base realignment and closure account, part IV	9,000	9,000	.....

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT FOR FY 2001
(Amounts in thousands)

	Budget request	Recommend in the bill	Bill compared with request
General Provisions			
Rescissions	.....	-70,500	-70,500
Total, chapter 3 (net)	92,500	92,180	-320
Appropriations	(92,500)	(162,680)	(+70,180)
Rescissions	.....	(-70,500)	(-70,500)
Total, title I, National Security Matters (net)	5,840,800	5,845,852	+5,052
TITLE II - OTHER SUPPLEMENTAL APPROPRIATIONS			
CHAPTER 1			
DEPARTMENT OF AGRICULTURE			
Animal and Plant Health Inspection Service			
Salaries and expenses	35,000	.....	-35,000
General Provisions			
Klamath Basin	20,000	.....	-20,000
Total, chapter 1	55,000	.....	-55,000
CHAPTER 2			
DISTRICT OF COLUMBIA FUNDS			
General Fund			
Governmental direction and support (including rescission)	(5,150)	(5,150)	.....
Economic development and regulation	(1,625)	(1,625)	.....
Public safety and justice (including rescission)	(8,770)	(8,770)	.....
Public education system	(1,000)	(1,750)	(+750)
(By transfer)	(250)	(250)	.....
Human support services	(28,000)	(28,000)	.....
Public works	(131)	(131)	.....
Workforce investments	(40,500)	(40,500)	.....
Wilson Building	(7,100)	(7,100)	.....
Total, general fund (including transfer)	(92,526)	(93,276)	(+750)
Enterprise and Other Funds			
Water and Sewer Authority and the Washington Aqueduct	(2,151)	(2,151)	.....
Total, chapter 2 (including transfer)	(94,677)	(95,427)	(+750)
CHAPTER 3			
DEPARTMENT OF DEFENSE - CIVIL			
Department of the Army			
Corps of Engineers - Civil			
Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee (emergency)	.....	18,000	+18,000
Operation and Maintenance, General (emergency)	.....	115,500	+115,500
Flood Control and Coastal Emergencies	50,000	.....	-50,000
Emergency appropriations	.....	50,000	+50,000
DEPARTMENT OF ENERGY			
Energy Programs			
Non-Defense Environmental Management	11,400	11,950	+550
Uranium Facilities Maintenance and Remediation	18,000	18,000	.....

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(Amounts in thousands)

	Budget request	Recommend in the bill	Bill compared with request
Power Marketing Administrations			
Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administation	.....	1,578	+1,578
Total, chapter 3	79,400	215,028	+135,628
Appropriations	(79,400)	(31,528)	(-47,872)
Emergency appropriations	.....	(183,500)	(+183,500)
CHAPTER 3A			
INTERNATIONAL ASSISTANCE PROGRAMS			
International Security Assistance			
Economic Support Fund (rescission)	-20,000	.....	+20,000
CHAPTER 4			
DEPARTMENT OF THE INTERIOR			
Bureau of Indian Affairs			
Operation of Indian Programs	50,000	.....	-50,000
Emergency appropriations	.....	50,000	+50,000
United States Fish and Wildlife Service			
Construction (emergency)	.....	17,700	+17,700
National Park Service			
United States Park Police	.....	1,700	+1,700
RELATED AGENCY			
DEPARTMENT OF AGRICULTURE			
Forest Service			
State and Private Forestry (emergency)	.....	22,000	+22,000
National Forest System (emergency)	.....	12,000	+12,000
Wildland Fire Management (emergency)	.....	100,000	+100,000
Capital Improvement and Maintenance (emergency)	.....	4,000	+4,000
Total, chapter 4	50,000	207,400	+157,400
Appropriations	(50,000)	(1,700)	(-48,300)
Emergency appropriations	.....	(205,700)	(+205,700)
CHAPTER 5			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Administration for Children and Families			
Low Income Home Energy Assistance Program	150,000	300,000	+150,000
DEPARTMENT OF EDUCATION			
Education for the disadvantaged	.....	161,000	+161,000
Total, chapter 5	150,000	461,000	+311,000

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(Amounts in thousands)

	Budget request	Recommend in the bill	Bill compared with request
CHAPTER 6			
LEGISLATIVE BRANCH			
Congressional Operations			
House of Representatives			
Payments to Widows and Heirs of Deceased Members of Congress			
Gratuities, deceased Members (Sisisky, Moakley)	.....	290	+290
Salaries and Expenses			
Members' Representational Allowances, Standing Committees, Special and Select,	47,214	44,214	-3,000
Committee on Appropriations, Allowances and Expenses Salaries, Officers and Employees	14,448	17,448	+3,000
Total	61,662	61,662	.....
Office of Compliance			
Salaries and expenses	35	35	.....
Government Printing Office			
Congressional Printing and Binding	9,900	11,900	+2,000
Government Printing Office Revolving Fund	6,000	6,000	.....
Library of Congress			
Salaries and expenses	.....	600	+600
General Accounting Office			
Salaries and expenses	2,600	.....	-2,600
Total, chapter 6	80,197	80,487	+290
CHAPTER 7			
DEPARTMENT OF TRANSPORTATION			
Federal Aviation Administration			
Grants-in-aid for airports (Airway and Airport Trust Fund) (rescission of contract authorization)	.....	-30,000	-30,000
Coast Guard			
Operating Expenses	92,000	92,000	.....
Total, chapter 7 (net)	92,000	62,000	-30,000
CHAPTER 8			
DEPARTMENT OF THE TREASURY			
Departmental Offices			
Salaries and Expenses (Winter Olympics security)	60,601	.....	-60,601
Tax Rebate Implementation	115,776	.....	-115,776
Financial Management Service			
Salaries and expenses	.....	49,576	+49,576
Internal Revenue Service			
Processing, assistance, and management	.....	66,200	+66,200
Total, chapter 8	176,377	115,776	-60,601

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(Amounts in thousands)

	Budget request	Recommend in the bill	Bill compared with request
CHAPTER 9			
DEPARTMENT OF VETERANS AFFAIRS			
Veterans Benefits Administration			
Compensation and Pensions	589,413	589,413	.....
Readjustment Benefits	347,000	347,000	.....
Departmental Administration			
General Operating Expenses (transfer from Medical Care)	(19,000)	(19,000)	.....
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Public and Indian Housing			
Housing certificate fund (rescission)	.....	-114,300	-114,300
Housing Programs			
Manufactured housing fees trust fund	.....	6,100	+6,100
Fees collected	.....	-6,100	-6,100
Federal Housing Administration			
FHA--General and Special Risk Program Account	40,000	40,000	.....
DEPARTMENT OF DEFENSE - CIVIL			
Cemeterial Expenses, Army			
Salaries and expenses	.....	243	+243
Federal Emergency Management Agency			
Disaster relief (rescission of emergency appropriations)	.....	-389,200	-389,200
Total, chapter 9 (net)	976,413	473,156	-503,257
Appropriations	(976,413)	(976,656)	(+243)
Rescissions	.....	(-503,500)	(-383,540)
Rescission of emergency appropriations	.....	(-389,200)	(-389,200)
Total, title II, Other Supplementals (net)	1,639,387	1,614,847	-24,540
Grand total (net)	7,480,187	7,460,699	-19,488
Appropriations	(8,066,187)	(8,425,599)	(+359,412)
Rescissions	(-586,000)	(-1,048,800)	(-462,800)
Rescission of emergency appropriations	.....	(-389,200)	(-389,200)
Emergency appropriations	.....	(473,100)	(+473,100)
(By transfer)	(19,000)	(19,000)	.....

Mr. CROWLEY. Mr. Chairman, I am greatly dismayed to see that desperately needed earthquake assistance to both India and El Salvador are missing from this supplemental appropriations bill. We have shortchanged the many men, women and children who lost their homes, their belongings, their very livelihoods because of these two devastating earthquakes.

We all spoke so eloquently in their aftermath but, to date, have delivered a paltry $13 million from existing funds taken from child survival programs at US AID for Indian assistance.

This is an embarrassment.

The Gujarati Indians in my district in Queens and the Bronx are outraged that the U.S. government has done so very little for friends and family members who are suffering in the aftermath of the January earthquake after the promises made to them by our government.

Until the people of Gujarat, India and El Salvador are provided the opportunity to rebuild their lives and their economy, those that were not lost in the earthquakes of January and February, we should not relent in our calls for assistance.

This is a humanitarian issue.

This is a political issue.

This is an economic issue.

Today's Asia times notes that India's gross domestic product is likely to slip below 6 percent in the current fiscal year.

This is attributed, in part, to the significant impact of the earthquake in Gujarat.

The people of India and El Salvador must have our help.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and the amendment printed in part A of House Report 107–102 is adopted.

The amendment printed in part B of the report may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered read, and shall not be subject to amendment or to a demand for division of the question.

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

The Clerk will read.

The Clerk read as follows:

H.R. 2216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I

NATIONAL SECURITY MATTERS

CHAPTER 1

DEPARTMENT OF DEFENSE-MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $164,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $84,000,000.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

I thank the ranking member of both the full committee and the subcommittee and I thank the chairman of the full committee and the subcommittee. I note that the general debate mentioned issues that are of great concern to my community in Houston, Texas, and the surrounding areas. I am pleased that in striking the last word that as this amendment is being discussed, that I am also able to raise these very pertinent issues.

Today as we speak, the FEMA Director, the Governor of my State, the mayor of my city and the county judge are making a second tour and looking at the disaster designation and the terrible pain and impact of Tropical Storm Allison that just a few days ago dropped 36 inches of rain. There is a wide, wide breadth of devastation, from 20,000 homes and displaced residents to the major shutdown of a nationally renowned medical center, to universities being inoperable, schools being inoperable and people out of their homes. I am very disappointed that we could not find the opportunity to be able to put in a mark for Houston or an increased supplemental for FEMA. I am grateful to the Committee on Appropriations for taking note of the devastation in Houston, and I look forward to working with them as we progress.

I would simply say that there is an amendment being put forward that I would be inclined to support. It seems that it is adding back the $389 million to FEMA, if I am correct, but it represents a major across-the-board cut, almost to the extent of asking us to sacrifice many, many national needs for the pain and suffering of Houston.

I have in the RECORD three amendments that I hope to clarify the point of order and may have the opportunity to submit, and, that is, a $50 million increase to FEMA as well as a restoration of the Highway Trust Fund because our roads are in devastation, and additionally one that deals with India disaster.

Mr. Chairman, I am here to say that I appreciate the sensitivity of my colleagues. Many of them have asked about Houston. I appreciate the sensitivity of the Committee on Appropriations, recognizing that we have this terrible, disastrous impact. I would ask that as we proceed in the amendment process, that my amendments may be considered if the point of order has been lifted, but otherwise that we continue to work together so that the community that I represent and surrounding areas along with my colleagues from Texas can have true rehabilitation to be able to get back on their feet.

I thank the Members very much. I thank the gentleman from Pennsylvania (Mr. MURTHA) for the opportunity, the gentleman from Florida (Mr. YOUNG), the gentleman from California (Mr. LEWIS), and the gentleman from Wisconsin (Mr. OBEY) for allowing me to discuss this very important, devastating impact on Houston and the surrounding areas.

Mr. NUSSLE. Mr. Chairman, I move to strike the last word.

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

Mr. NUSSLE. Mr. Chairman, I rise in support of H.R. 2216, a bill providing supplemental appropriations for fiscal year 2001. As the chairman of the Committee on the Budget, I would advise my colleagues that this bill is within the levels established by the budget resolution and complies with the Congressional Budget Act.

H.R. 2216 provides for a net increase in budget authority of $6.5 billion. This amount reflects appropriations of $7.9 billion in new budget authority and a rescission of $1.4 billion. The vast majority of the appropriations provided by this bill is related to national defense.

The Concurrent Resolution on the Budget for Fiscal Year 2002, H. Con. Res. 83, revised the 302(a) allocations to the Committee on Appropriations for fiscal year 2001 to accommodate this supplemental appropriations bill, providing up to $6.5 billion in nonemergency supplemental appropriations.

The bill is within the revised 302(b) allocations to the Committee on Appropriations established by the budget resolution and therefore complies with section 302(f) of the Congressional Budget Act.

□ 1515

This bill deserves our support. The Committee on Appropriations deserves our commendations for meeting our defense and domestic needs while staying within the levels agreed to by the Congress as part of the budget resolution. I compliment the chairman and the committee on doing so and I rise, as I say, in support of this H.R. 2216.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the last word.

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

Mrs. ROUKEMA. Mr. Chairman, as the Chair of the Subcommittee on Housing and Community Opportunity, I want to speak out on the work that is included here, the $40 million in credit subsidy for FHA multifamily loan guarantee program in this supplemental. It certainly is absolutely necessary, and I want to thank the committee for its insightfulness and for its leadership here in including it.

Now with this $40 million credit subsidy, HUD will be able to resume lending under the FHA multifamily housing insurance program; and it will allow us, the Congress, the committee and the full Congress, the time necessary to determine a solution to future funding and operation of this program. It does need reform, and we have to deal with it in the future in a realistic way.

I will not take up any more of the time here, except to say that I look forward to working with Secretary Martinez. He and I have discussed this. We have gone into some depth about it; and I know that they, they being the Department and Secretary Martinez, have recently issued an interim rule to increase the mortgage insurance premium on this program by 30 basis points. Whether or not this will be the final way to deal with it, we are not quite sure; but we have committed to working together on a bipartisan basis.

I want to commend the President and the committee for including $40 million in credit subsidy for the FHA Multifamily loan guarantee program in the Supplemental Appropriations for FY 2001.

Providing this $40 million in credit subsidy now will allow HUD to resume lending under the FHA Multifamily insurance program and allow us the time necessary to determine a solution to future funding and operation of this program. Congress anticipated the need for this additional $40 million in credit subsidy last year when it was included as part of the Legislative Branch Appropriations Act which passed the House on December 21, 2000.

On May 17, I joined with my Ranking Minority Member on the Housing Subcommittee in asking the Secretary to release the $40 million approved by the House last year, so I am particularly pleased to see the $40 million in this legislation today.

This country is facing a growing affordable housing crisis for low- and moderate-income families. Despite the fact that more and more people are sharing in the American dream of home-ownership, many working families are finding it more difficult to find affordable rental housing. It is estimated that $3.5 billion in federally backed loans to build 51,289 affordable rental apartments are in jeopardy unless we take steps to address the current shutdown of this program. This translates into lost construction jobs, unbuilt rental housing units and a significant economic impact which could ripple across the country.

I am anxious to work with Secretary Martinez and the members of this Committee to determine a long-term funding solution for this program. I know that HUD has recently issued an interim rule to increase the Mortgage Insurance Premium on this program by 30 basis points. The goal of this increase in premium is to provide the funding necessary for this program in the future. It is my understanding that this interim rule will take effect when published and will provide the funds necessary to keep the program running for the remainder of fiscal year 2001 and into 2002. However, this rule is not final and there will be an opportunity for comments and changes to this interim rule if deemed necessary.

While I am anxious to take steps to provide a permanent funding source for this program, I want to make sure that the 30 basis point increase is the appropriate action. In addition, I believe it is important to review the calculations used by OMB in determining the level of credit subsidy necessary for a program like this that appears to have a very low default rate. For this reason, I will be asking OMB to rationalize how it assess the risk of this program to the government.

Mr. YOUNG of Florida. Mr. Chairman, I have a unanimous consent request that has been worked out with the minority, and it has to do with amendments that are subject to a point of order. We are more than willing to allow some debate on those amendments before they are either withdrawn or the point of order pressed.

Mr. Chairman, I ask unanimous consent that debate on the following specified amendments to the bill, and any amendments thereto, be limited to the time specified, equally divided and controlled by the proponent and myself:

Number 1, an amendment to be offered by the gentlewoman from California (Ms. PELOSI) regarding energy price caps for 30 minutes;

Number 2, an amendment to be offered by the gentleman from California (Mr. FARR) regarding the national power grid for 20 minutes;

Number 3, an amendment to be offered by the gentlewoman from Connecticut (Ms. DELAURO) relating to LIHEAP for 20 minutes;

Number 4, an amendment to be offered by the gentleman from Indiana (Mr. VISCLOSKY) relating to dams and hydroelectric power for 20 minutes;

Number 5, an amendment to be offered by the gentleman from Texas (Mr. BENTSEN) relating to FEMA for 20 minutes; and

Number 6, an amendment to be offered by the gentleman from Missouri (Mr. SKELTON) relating to funding for the Department of Defense for 20 minutes; and

that such debate may occur pending the reservation of a point of order on each amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. KUCINICH. Reserving the right to object, Mr. Chairman, I would like to ask the gentleman from Florida (Chairman YOUNG) a question.

Mr. Chairman, would the gentleman from Florida (Mr. YOUNG) read the two bills that were energy related, the two amendments that were energy related, one by the gentlewoman from California (Ms. PELOSI) and the other one by the gentleman from Oregon (Mr. DEFAZIO).

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thought we had one by the gentlewoman from California (Ms. PELOSI), one by the gentleman from California (Mr. FARR), and LIHEAP I would think would be considered an energy issue; the Visclosky amendment relating to dams and hydroelectric is certainly energy related.

Mr. KUCINICH. The one on price caps, is that offered by the gentlewoman from California (Ms. PELOSI)?

Mr. YOUNG of Florida. The Pelosi amendment, yes, regarding energy price caps.

Mr. KUCINICH. I was not here earlier, but does the gentlewoman from California (Ms. PELOSI) agree to that limitation?

Mr. YOUNG of Florida. Yes. The point is that these would be subject to a point of order and there could be no debate if we raised the point of order.

Mr. KUCINICH. I understand.

Mr. YOUNG of Florida. So in our spirit of generosity, bipartisanship and comradeship, we are prepared to allow the debate; and then I expect that the amendments would either be withdrawn or the point of order would be pressed.

Mr. KUCINICH. Indeed, the gentleman is a gentleman.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there an objection to the request of the gentleman from Florida?

There was no objection.

Mr. WALDEN of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I want to thank the chairman of the full committee for his assistance and that of the administration for providing upwards of $20 million in disaster relief in this supplemental for the people, the ranchers of Klamath Falls, Oregon, in the Klamath Basin, that includes also over into California. This aid is extraordinarily important.

Saturday, the House Committee on Resources held a hearing in Klamath Falls that had to be moved to the fairgrounds because more than 2,000 people affected by this cutoff of the water turned out to hear what the Federal Government was doing.

Mr. Chairman, as we have discussed, I greatly appreciate all the efforts of the chairman and that of his staff to expedite the delivery of those funds in the form of grants to the farmers that are so affected. As we have talked, however, this is literally a drop in the bucket in terms of the disaster magnitude there. Upwards of $200 million is what they estimate will be the problem.

I wondered, Mr. Chairman, if it might be possible, recognizing this will not be the only vehicle going through this session of Congress, but if possible we could work to increase that disaster aid to these people whose fields are drying out and they are getting foreclosure notices today.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WALDEN of Oregon. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from Oregon (Mr. WALDEN) for his comments. On page 18 of the committee report, the

gentleman is aware of the language that we put in the report that he had requested; but we are more than willing to cooperate the best we can within whatever budgetary constraint that exists at the time to deal with the gentleman's issues and would like to assure him of that and thank him very much for having discussed this with us well in advance and he gave us an opportunity to actually provide the language that he requested in the report.

Mr. WALDEN of Oregon. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG) for his consideration. I appreciate, again, the work of his staff and himself and the other committee members for recognizing the extraordinary loss that is occurring here and the dramatic situation we are engaged in.

Mr. WATKINS of Oklahoma. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the gentleman from Florida (Mr. YOUNG) in a colloquy. I know the gentleman has gone through a tremendous amount of work, his staff and everyone else, trying to meet the emergencies and the disasters and all the problems that we have had in this country this past year. As the gentleman knows from our earlier discussion, a devastating, once-in-a-lifetime ice storm struck southeast Oklahoma, the northeast part of Texas, Arkansas, northern Louisiana on Christmas Day 2000. Approximately $115 million was included in this bill to address the emergency funding needs of the Army Corps of Engineers.

Within this $115 million, may I inquire, does this include approximately the $10 million necessary to restore the Tulsa District of the Corps of Engineers to the levels of operations prior to the December ice storm?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WATKINS of Oklahoma. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would like to say, yes, the gentlemen is accurate. Approximately $10 million is included within emergency funding for the Tulsa District of the Army Corps of Engineers as aid to combat damages suffered in last winter's ice storm. I would like to add that I really appreciate the gentleman's very persuasive presentation to the committee; and because of that, we did include the $10 million to deal with that issue.

Mr. WATKINS of Oklahoma. Mr. Chairman, I thank the gentleman very much. The Army Corps of Engineers lands and the project areas within the third district of Oklahoma sustained at least $6 million in damages, and I am grateful to the committee for providing funds to address this emergency need. Like I say, it was a once-in-a-lifetime ice storm throughout the Tulsa District of the Corps of Engineers.

Mr. Chairman, I again want to thank the gentleman from Florida (Mr. YOUNG) from the depths of my heart. He and this committee and the staff have done an excellent job of working this, and I support him fully in this effort.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $69,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $119,500,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $52,000,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $8,500,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $6,000,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $12,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $659,600,000: *Provided*, That of the funds made available under this heading, $6,800,000 shall remain available for obligation until September 30, 2002.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $948,100,000: *Provided*, That of the funds made available under this heading, $7,200,000 shall remain available for obligation until September 30, 2002.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $54,400,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $840,000,000: *Provided*, That of the funds made available under this heading, $3,000,000 shall remain available for obligation until September 30, 2002.

AMENDMENT NO. 1 OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DEFAZIO:

In chapter 1 of title I, in the paragraph under the heading ''Operation and Maintenance, Air Force'', after the aggregate dollar amount, insert the following: ''(reduced by $24,500,000)''.

Mr. DEFAZIO. Mr. Chairman, like many of my colleagues, I am concerned about the readiness of our Nation's military and the quality of life for our men and women in uniform. So of this long list just read, I have no objections; but I do have an objection to something that is buried deep within line 23 of this bill.

As John Donnelly, who I had to find out about this from the private sector, exposed in a recent ''Defense Week'' article, hidden in this line item under ''contractor logistic support'' is $24.5 million for a fleet of luxury jets for generals and admirals.

We know there is a very large fleet. In fact, the GAO, through two reports since 1994, has criticized the size of the fleet for far exceeding the wartime requirements, let alone the peacetime requirements, of the generals and admirals at the Pentagon; excessively expensive and excessively large.

Last year, over the objections of the civilians at the Pentagon, a number of generals and admirals requested, and Congress delivered, behind closed doors, eight new jets, 737s, and the special long-range Gulf Streams.

That was just last year. Now suddenly this money is specifically for the eight new jets, not for some of the aging huge fleet the GAO says should be downsized. Perhaps if they did that, they would have the money to maintain the eight new luxury jets for the generals, but this $24.5 million is a specified earmark for the new jets that the Pentagon civilians did not request to add to a fleet that the GAO says is excessively large.

I do not understand how it could cost that much money for new planes, particularly for the few months remaining in this year. I would assume this is not an emergency, unless they do not have money to stock the wet bars or something is wrong in the luxury galleys and they have to upgrade to Jennaire or something like that.

I am not quite sure why it is we suddenly need $24.5 million for eight generals and admirals' luxury jets that the Pentagon civilians did not even ask for, that Congress gave them. If they do not have enough money in this special fleet budget, then they should retire some of the aging high-cost aircraft that the GAO says are superfluous to the wartime needs, let alone the peacetime needs. I am not aware that we are currently at war anywhere in the world, although we certainly do have some extensive deployments overseas, of which I have been critical.

This line item is not an emergency. There are dozens of things in this bill on which the money could be better spent or if we chose not to spend the money we could save it to help bolster up our quickly shrinking surplus so we can move through the regular appropriations process here in the House of Representatives, without slashing domestic programs and things that the American people want to see funded.

So I suggest to my colleagues strongly that in a budget of $300 billion the Pentagon can find $24.5 million for these new luxury jets to outfit them or do whatever else is necessary, or maybe they are going to wait until next year to use them and ask for the money in their regular budget, or maybe they need to retire some obsolete aircraft from this oversized fleet.

One way or another, this is an expenditure that should not go forward, particularly stealth, an amendment hidden deep in the bill and only discovered by one very diligent reporter who ferreted this out and got some folks at the Pentagon to fess up.

□ 1530

Mr. Chairman, I would urge strongly that my colleagues support this amendment.

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is a relatively simple matter to stand and oppose new airplanes that one can designate as ''airplanes purchased for generals'' and describe them as ''luxury jets.''

The reality is that we do have a number of aircraft purchased over a number of years that are used by the leaders of all the forces within the Department of Defense and the individual branches. In this case, over the last several years we tried to replace several of those older aircraft. Some of them are as old as 40 years of age. The new aircraft that have been put in as replacements are smaller, they are modern, they are commercial, they allow the senior military leaders within the branches to carry out their very serious responsibilities in providing leadership for our national defense systems.

The Air Force budgeted $6 million in fiscal year 2001 of the President's budget for the C–37A provided for in the Fiscal Year 1999 appropriations. However, total operating costs for that C–37A have exceeded estimates, plus start-up costs for a number of other aircraft put us in a position where the total cost involved for this fiscal year is some $30.5 million. The military had already budgeted some $6 million, leaving us with a shortfall of $24.5 million.

If we were to cancel that funding, essentially we would have new aircraft in place, but no way to effectively use them in the fashion they were designed to be used in the first place.

This appropriation was considered and passed by the Congress in the past. I urge the Members to recognize the reality of this need among the leadership of the branches and urge a ''no'' vote on the amendment.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I was the one that personally offered the amendment in subcommittee for both these airplanes. I talked to the CINC Central Command who has responsibility for Saudi Arabia, who was flying in an airplane where he had no communications. This is a battlefield commander in a sense. He had no communications at all, he had an antiquated 40-year-old airplane, and he could not take his entire staff to make his decisions.

General Zinni happened to be the CINC at that time. He convinced me, I convinced the subcommittee, and we have, as the chairman just said, two airplanes in place and we need the logistics systems to support those two airplanes. So it would be a mistake, in my estimation, to cut this money, and I would oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman of the Committee on Appropriations, also with my colleague, the ranking member of the Subcommittee on Treasury, Postal Service and General Government, and the gentleman from Utah, who is a representative of the host State of the 2002 Winter Olympics.

Mr. Chairman, the Winter Olympics of 2002 have been designated as a National Special Security Event. That designation was made in August of 1999. Under Presidential Decision Directive 62, and now in statute under Title 18, Section 3056 of the United States Code, the United States Secret Service now has responsibility for planning security and operations for the entire event and the venues of the Winter Olympics to be held in Utah in 2002. In addition, the Secret Service has to concurrently provide for their traditional missions of protection and investigation.

Although almost 2 years has passed, Mr. Chairman, since the designation of this as a National Special Security Event, the President's submitted budget for Fiscal Year 2002 did not include necessary funding set aside for the planning of security and operations of the Treasury law enforcement for the 2002 Winter Olympics, in particular, the Secret Service, as well as related agencies.

In contrast, Mr. Chairman, as you know, the original Fiscal Year 2002 budget did include funding for security-related requirements of other Federal agencies, such as the FBI and the Federal Emergency Management Administration.

I am pleased that the supplemental request sent by the President for 2002 does fund the requirements to meet the security at the Olympics of Treasury law enforcement and, in particular, the United States Secret Service. However, Mr. Chairman, as you know and we have discussed, the committee in this particular bill has not provided that funding, although it was part of the President's request.

This colloquy is for the purpose of explaining why, less it be misunderstood. Quite simply, the money is not needed in the current fiscal year, which ends September 30. The funds will be required to cover activities that take place during the time period shortly before and during the Olympics in February of 2002. So what I wish to make clear, Mr. Chairman, is that certainly as chairman of the relevant subcommittee for providing this funding, I fully support the President's request to provide the funds for security at the Winter Olympics, and I want to affirm my intention to include the full necessary amount in the regular appropriation bill for fiscal year 2002.

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

Mr. ISTOOK. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the chairman for yielding, and I want to join him, my colleague from Oklahoma, in underscoring the importance of the funding for the security of the 2002 Winter Olympic games. This primary component of our public safety and anti-terrorism policy is essential to uphold public confidence and to ensure that no situation ever develops that would require the services of the FBI or FEMA.

My friend the gentleman from Utah (Mr. MATHESON) has been talking to me about this, and I know that you, Mr. Chairman, as well as the gentleman from Utah (Mr. HANSEN), who will be next speaking, have expressed great concern about this issue. I share that. I will continue to work with the gentleman from Oklahoma (Chairman ISTOOK) and the gentleman from Florida (Chairman YOUNG) to see that this funding is provided in a timely fashion.

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

Mr. ISTOOK. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I am pleased to strongly support the funding of the security planning and operations of the 2002 Winter Olympics in my home State of Utah. This funding is essential to ensure that the 2002 Winter Olympic games in Salt Lake City are conducted in safety and openness. I agree that this funding should be included in Fiscal Year 2002 appropriations.

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

Mr. ISTOOK. I yield to the gentleman from Utah.

Mr. MATHESON. Mr. Chairman, I am glad to voice my continued enthusiastic support of this vital program to plan for and implement security operations in our State as we welcome the world to the 2002 Winter Olympic games in Salt Lake City. I greatly appreciate the commitment of the gentleman from Florida (Chairman YOUNG), the gentleman from Oklahoma (Mr. ISTOOK) and the ranking member, the gentleman from Maryland (Mr. HOYER), to ensure this effort is funded in a timely fashion.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for recognizing the need for funding the Secret Service, their security, planning and operations role at the 2002 Winter Olympics. I add my voice to the gentlemen from Oklahoma, Maryland and

Utah in supporting this funding, and also recommend that it be included in the Fiscal Year 2002 appropriations bills.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. ISTOOK) has expired.

(By unanimous consent, Mr. ISTOOK was allowed to proceed for 1 additional minute.)

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will yield further, I would like to note the spending allocation provided to the Subcommittee on Treasury, Postal Service and General Government, which the gentleman chairs, for fiscal year 2002 assumes full funding of the upcoming Winter Olympics.

Mr. ISTOOK. Mr. Chairman, reclaiming my time, I thank the chairman very much, and I appreciate the opportunity through the colloquy to assure everyone involved that full necessary funding for security at the Olympics is forthcoming, as this is certainly a major event attracting so many thousands of people from throughout the world. I thank the chairman for providing the assurances and add my own that we will make sure that these needs are fully met to provide that security.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $123,100,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $20,500,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $12,500,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $1,900,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $34,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $38,900,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $119,300,000.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $3,000,000.

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Shipbuilding and Conversion, Navy'', $222,000,000, to remain available until September 30, 2001: *Provided*, That upon enactment of this Act, the Secretary of Defense shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred:

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1995/2001'':

Carrier Replacement Program, $84,000,000;

DDG–51 Destroyer Program, $300,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2001'':

DDG–51 Destroyer Program, $14,600,000;

LPD–17 Amphibious Transport Dock Ship Program, $65,000,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1997/2001'':

DDG–51 Destroyer Program, $12,600,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2001'':

NSSN Program, $32,000,000;

DDG–51 Destroyer Program, $13,500,000.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $84,000,000.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $15,500,000.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $73,000,000.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $85,400,000.

Mr. SANDLIN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I would like to enter into a brief colloquy with the chairman.

Mr. Chairman, I am pleased that the committee has included assistance for damages incurred by severe southern ice storms last winter. On January 8, 2001, President Clinton issued a major disaster declaration for the State of Texas due to the severity and magnitude of the damage caused by the ice storms. In Texas alone, the United States Department of Agriculture and the Texas Forest Service assessed damages to over 70,000 acres of non-industrialized private forestland with an estimated economic impact of over $46 million.

I want to clarify that the committee recognizes that Texas private and public landowners incurred substantial damage resulting from the ice storms of December 12 to January 8, 2001.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SANDLIN. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, the Committee on Appropriations does recognize the impact of last winter's ice storms to private and public landowners in Texas.

Mr. SANDLIN. Mr. Chairman, reclaiming my time, I also want to clarify that the $10 million provided for the U.S. Forest Service, State and private forestry account for emergency activities associated with the ice storm damages includes the States of Arkansas, Oklahoma and Texas. Additionally, I wish to inquire if the omission of the State of Texas from this section of the bill was merely inadvertent?

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will yield further, I would say that it was inadvertent. The committee agrees that the States of Texas, Oklahoma and Arkansas should be eligible for State and private forestry funds contained in this bill. The committee will work with the gentleman from Texas to modify the bill accordingly in a conference between the House and the Senate.

Mr. SANDLIN. Mr. Chairman, I want to thank the gentleman for his leadership and diligence in bringing this bill to the floor. I appreciate the gentleman working on this matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $5,800,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $5,000,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $151,000,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $275,500,000.

AMENDMENT NO. 2 OFFERED BY MR. KUCINICH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. KUCINICH:

In chapter 1 of title I, in the paragraph under the heading ''Research, Development, Test and Evaluation, Air Force'', after the aggregate dollar amount, insert the following: ''(reduced by $55,000,000)''.

Mr. KUCINICH. Mr. Chairman, the Air Force's Airborne Laser Program, ABL, seeks to put a laser on a Boeing 747 jet in order to shoot down ballistic missiles. In January 2001 the Air Force claimed the Airborne Laser Program needed $98 million in supplemental appropriations.

□ 1545

This amount is $55 million less than the $153 million currently requested in this supplemental bill.

There have been various congressional requests to the Air Force for an explanation of the extra funding. The Air Force has not provided Congress with a comprehensive answer. According to Air Force officials quoted in the press, some of the money will be used for spares and other equipment to help reduce risk for the overall program and keep it on schedule for its 2003 missile intercept test.

But this 2003 deadline is arbitrary. Moreover, various officials have expressed concern with the ABL's testing

program. Last year, the Pentagon's chief tester concluded that the airborne laser program, testing program, is alarmingly short, allows for no technical problems, and ''cannot all physically be accomplished in the time allotted.'' That is the chief tester.

The GAO has stated that an airborne laser design more realistic than the current model ''may not be achievable using current state-of-the-art technology.'' By appropriating the ABL program $55 million more than the Air Force requested, we are helping to accelerate a flawed testing program.

Appropriating $153 million for the airborne laser in the supplemental does not represent good government, it does not represent smart budgeting, and it may not represent common sense. A full $153 million supplemental appropriation would represent a 65 percent increase over the ABL's 2001 budget of $234 million.

The airborne laser has already received an additional $85 million above the administration's request in the 2001 fiscal year defense appropriations bill, so we are already funding the Air Force's airborne laser program at levels above those requested by the executive branch, and now we are prepared to grant this program's budget a massive midyear increase.

If this additional funding is truly necessary, why not include it in the fiscal year 2002 budget? Including the money in the supplemental only makes the money available a few months earlier than it would be if included in the fiscal year 2002 budget.

Mr. Chairman, this extra $55 million for the airborne laser program will do nothing to provide adequate housing for our servicemen and women, it will do nothing to provide them health care, it will not increase their salaries or benefits. Not a penny of this money will be used for the benefit of the men and women who sacrifice so much to serve their country, and whose needs are not being fully met.

I think it is time for this House of Representatives to begin a new debate over what our defense priorities are. I think it is time that we began to put more money into our basic defense, into our Air Force, into our Navy, into our servicemen and women to see that they are well paid, to make sure they have good housing, decent health care.

That ought to be what describes America's defense, not pouring money into technology which does not work, which cannot work, which throws money away, while the men and women who serve this country are left wanting.

This is a good time to start this debate, and this is a good moment for this Congress to start making a statement about where it stands with our servicemen and servicewomen who have to go begging for help while we pour money into these crazy technological missile programs that feeds a missile mania that cannot be described or countenanced anywhere in this world except somewhere in the Department of Defense.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the airborne laser integrates a high power laser on a Boeing 747 aircraft. It is designed to protect our deployed troops from the threat of theater ballistic missiles. The Pentagon requested $153 million to address program shortfalls. The amendment reduces that request by $55 million, leaving an increase of $98 million.

It is true that in the January time frame this year, the Air Force estimated the airborne laser shortfall to be at $98 million. Thirty-four million was part of cost growth, $64 million rephase efforts originally planned for out years.

Since January, the Air Force has identified two additional areas of increased cost which total $55 million as follows: $30 million additional cost growth for the loss of suppliers, technical complexities, et cetera; $25 million additional spares to reduce testing risks.

We have scrutinized these additional costs carefully and have determined that they are necessary to keep the program on track. Failure to fund the additional cost growth could force the contractor to stop work on the program. Failure to fund the additional spares will likely lead to inefficient schedule disruptions that will increase costs further.

The airborne laser already has a very tight schedule for a 2003 lethal demonstration against a theater missile. This is an important program required to protect our troops from weapons of mass destruction. I strongly encourage the Members to vote no on this amendment.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. The airborne laser integrates a high-powered laser on a Boeing 747 aircraft. It is designed to protect our deployed troops from the threat of theater ballistic missiles.

The Pentagon requested $153 million to address program shortfalls. The amendment reduces this request by $55 million, leaving an increase of $98 million.

It is true that in the January time frame, the Air Force estimated the airborn laser shortfall only to be $98.5 million, but subsequent to that, as the chairman has pointed out, they have identified two additional areas that need $55 million.

The committee has carefully scrutinized this request, and we believe that the failure to fund the additional cost growth would force the contractor to stop work on the program. Failure to fund the additional spares will likely lead to inefficient schedule disruptions that will increase costs further.

Most importantly, we are pushing to get a real test in 2003 for this program. If we do not fund this supplemental request, that question of being able to get the test to see if this will work to protect our troops when they are deployed in the field will be jeopardized.

I would just say to my colleagues, we may have a lot of debate here in Congress about national missile defense, but I think there is bipartisan consensus that we need theater missile defense in order to protect our deployed troops.

We can give somebody a check, we can take care of their health care, we can take care of their pension, but we also have to take care of protecting their life. What we are talking about here is a system that, if it works as advertised, will protect the lives of young men and women when they are deployed abroad.

I urge a no vote on this amendment.

Mr. TIAHRT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Ohio (Mr. KUCINICH). I think it is very important that we know that this reduction would jeopardize all the efforts the Air Force has been putting into play to create an airborne laser program aimed at protecting our troops and interests around the globe.

There are four good points I want to make about why this should be opposed.

Number one, the technology is currently available. It works in the lab. We simply need to complete the project of mounting it on a 747. The technology is there and it works.

Second, this threat is a very real threat. If we just go back 10 years to the Gulf War, the greatest numbers of casualties for our young men and women over in the Gulf area came from a missile that this system is designed to eliminate, a Scud missile that fell on our troops.

Thirdly, the funding for this program, if it is cut, provides an unnecessary delay. It also raises the cost of the program that is inevitable anyway, and it will put in place a stop work situation where contractors will have to literally stop work on this program, send their talent off to other projects, which will make it very difficult to get them back, again resulting in schedule delays and cost delays that are unnecessary.

The fourth thing I think is a more personal note. We ask our young men and women to volunteer to serve our country, to provide for the need that we have as a nation in projecting power. When they do this, they are putting themselves at risk. What we want to do is to make sure that they return home safe and sound to their families. They are volunteers. They are doing our bidding. We must provide them a safe way to get home. This will protect them when they are in a situation of risk.

So Mr. Chairman, it does not have to be this way, with a longer program of higher cost. We are now less than 2

years away from having this speed-of-light theater missile system in place. Congress has the responsibility to field this important system as soon as possible.

The gentleman from Ohio said that this would only delay funding a few months if we push it over to 02. It will stop the program and probably result in a 6-month delay, driving up the costs significantly.

He made a statement that it cannot work. I want to emphasize it has worked in the lab and it will work on the airplane. It is not a crazy missile program, as the gentleman from Ohio stated, it is a commonsense approach to protecting our young men and women who put themselves at risk.

Mr. Chairman, I think there is no doubt that the Kucinich amendment will result in unnecessary delays. I would urge my colleagues to oppose it.

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

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $94,100,000.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $178,400,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,453,400,000 for Operation and maintenance: *Provided*, That such funds may be used to cover increases in TRICARE contract costs associated with the provision of health care services to eligible beneficiaries of all the uniformed services.

For an additional amount for ''Defense Health Program'', $200,000,000 for Operation and maintenance, to remain available until expended, only for the use of the Army, Navy, and Air Force Surgeons General to improve the quality of care provided at military treatment facilities, of which $50,000,000 shall be available only to optimize health care services at Army military treatment facilities, $50,000,000 shall be available only to optimize health care services at Navy military treatment facilities, $50,000,000 shall be available only to optimize health care services at Air Force military treatment facilities, and $50,000,000 shall be available only to finance advances in medical practices to be equally divided between the services and to be administered solely by the Surgeons General: *Provided*, That none of the funds provided in this paragraph may be made available for optimization projects or activities unless the Surgeon General of the respective service determines that: (1) such project or activity shall be self-financing within not more than three years of its initiation after which time the project or activity will require no net increase in Defense Health Program funds, or (2) that such project or activity is necessary to address a serious health care deficiency at a military treatment facility that could threaten health care outcomes: *Provided further*, That none of the funds provided in this paragraph may be made available to a service unless the Secretary of Defense certifies to the congressional defense committees that all projects or activities to be financed by that service with said funds will be continued and adequately financed in the Department of Defense six year budget plan known as the Program Objective Memorandum.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $1,900,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1101. Except as otherwise specifically provided in this Act, amounts provided to the Department of Defense under each of the headings in this chapter shall be available for the same period as the amounts appropriated under each such heading in the Department of Defense Appropriations Act, 2001 (Public Law 106–259).

SEC. 1102. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

(INCLUDING TRANSFER OF FUNDS)

SEC. 1103. In addition to the amount appropriated in section 308 of Division A, Miscellaneous Appropriations Act, 2001, as enacted by section 1(a)(4) of Public Law 106–554 (114 Stat. 2763A–181 and 182), $44,000,000 is hereby appropriated for ''Operation and Maintenance, Navy'', to remain available until expended: *Provided*, That such amount, and the amount previously appropriated in section 308, shall be for costs associated with the stabilization, return, refitting, necessary force protection upgrades, and repair of the U.S.S. COLE, including any costs previously incurred for such purposes: *Provided further*, That the Secretary of Defense may transfer these funds to appropriations accounts for procurement: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That the transfer authority provided herein is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(RESCISSIONS)

SEC. 1104. Of the funds made available in Department of Defense Appropriations Acts, the following funds are hereby rescinded, from the following accounts in the specified amounts:

''Procurement, Marine Corps, 2000/2002'', $3,000,000;

''Overseas Contingency Operations Transfer Fund, 2001'', $81,000,000;

''Aircraft Procurement, Navy 2001/2003'', $330,000,000;

''Procurement, Marine Corps, 2001/2003'', $5,000,000;

''Aircraft Procurement, Air Force, 2001/2003'', $260,000,000;

''Other Procurement, Air Force, 2001/2003'', $65,000,000;

''Procurement, Defense-Wide, 2001/2003'', $85,000,000; and

''Intelligence Community Management Account, 2001'', $5,000,000.

SEC. 1105. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), $39,900,000 is hereby appropriated to the Department of Defense, for facilities repair and damages resulting from natural disasters, as follows:

''Operation and Maintenance, Army'', $6,500,000;

''Operation and Maintenance, Navy'', $23,000,000;

''Operation and Maintenance, Air Force'', $8,000,000;

''Operation and Maintenance, Army Reserve'', $200,000;

''Operation and Maintenance, Air Force Reserve'', $200,000;

''Operation and Maintenance, Army National Guard'', $400,000;

''Operation and Maintenance, Air National Guard'', $400,000; and

''Defense Health Program'', $1,200,000:

Provided, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 1106. The authority to purchase or receive services under the demonstration project authorized by section 816 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) may be exercised through January 31, 2002, notwithstanding subsection (c) of that section.

AMENDMENT OFFERED BY MR. SKELTON

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

The Clerk read as follows:

Amendment offered by Mr. SKELTON:

At the end of chapter 1 of title I (page 13, after line 4), insert the following new section:

SEC. 1107. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), $2,736,100,000 is hereby appropriated to the Department of Defense, as follows:

''Military Personnel, Army'', $30,000,000;

''Military Personnel, Navy'', $10,000,000;

''Military Personnel, Air Force'', $332,500,000;

''Reserve Personnel, Army'', $30,000,000;

''Operation and Maintenance, Army'', $916,400,000;

''Operation and Maintenance, Navy'', $514,500,000;

''Operation and Maintenance, Marine Corps'', $295,700,000;

''Operation and Maintenance, Air Force'', $59,600,000;

''Operation and Maintenance, Defense-Wide'', $9,000,000;

''Operation and Maintenance, Army Reserve'', $30,000,000;

''Operation and Maintenance, Army National Guard'', $106,000,000;

''Aircraft Procurement, Army'', $50,000,000;

''Procurement of Weapons and Tracked Vehicles, Army'', $10,000,000.

''Procurement of Ammunition, Army'', $14,000,000;

''Other Procurement, Army'', $40,000,000;

''Aircraft Procurement, Navy'', $65,000,000;

''Aircraft Procurement, Air Force'', $108,100,000;

''Other Procurement, Air Force'', $33,300,000;

''Research, Development, Test and Evaluation, Air Force'', $33,000,000; and

''USS Cole'', $49,000,000:

Provided, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That

the entire amount under this section shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Mr. SKELTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment that I offer unfortunately is not protected against points of order, as I had hoped it would have been, by the Committee on Rules.

□ 1600

Nevertheless, my amendment would address acute funding shortfalls that all the military services are experiencing. It would increase the funding for the Department of Defense by $2.7 billion.

It is no secret that the armed services are doing a magnificent job protecting the interests of the United States.

This amendment would add $2.7 billion for all additional defense appropriations. Of this total, the vast majority of it, about $2 billion, would be for operations and maintenance and, of course, flying hours and spare parts, real-property maintenance, depot maintenance, uniforms, the unglamorous nuts and bolts essentials that really make our military work.

Another $400 million would fund military personnel priorities, subsistence allowances to keep our service members off food stamps, housing allowances, and to pay for unbudgeted National Guard and Reserve costs.

It would also provide, Mr. Chairman, $300 million for high-priority procurement costs. It would add $65 million to replace the EP–3 that is being cut to pieces on Hainan Island, China; also an additional $49 million to expedite the repair of the U.S.S. *Cole*.

All of these items, plus others, such as rebuild Apache helicopters and for ammunition, are all emergencies. These are high-priority funding, and they are all recommended by the chiefs of staffs of the military services.

Mr. Chairman, last year, during the hearings that we had, request remained of the service chiefs to give us their unfunded requirements to get them through the coming year, and they did so. I reviewed that list, and being conservative, I offered an amendment of merely $2.7 million which, of course, could have been much more.

It reflects some of the differences between the service chiefs' unfunded requirements lists and the portion of items that we have addressed in this bill today.

These are legitimate needs. I only wish that the amendment could have been fully debated and fully voted on by this House.

I know that my amendment is vulnerable to a point of order, and at the appropriate moment, according to my discussion with the gentleman from Florida (Mr. YOUNG), who has reserved the right to object, I will withdraw it at the appropriate moment.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I stand up to support the Skeleton amendment to H.R. 2216, the supplemental appropriations Bill. I think that this amendment is a very responsible amendment. We know that when we go and visit the training areas and the different camps, we know that the planes they fly are older than the pilots that fly those planes; and what happened during the past several years is that we have not kept up with the maintenance.

The military, and the Army alone, has a shortfall of $483 million. If we cannot buy at least new planes now, I think that the responsible thing to do is to have sufficient money so that we can buy parts for these planes, so that we can maintain. Time is running late, my friends.

If we do not come with a responsible supplemental, the training stops, no tanks will be running, no planes will be flying; and I think that this is a very responsible amendment. Therefore, I support the Skelton amendment.

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

Mr. Chairman, I might add at this point that there is sufficient funding in the contingency fund for this, according to the CBO.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. MCINTYRE!).

Mr. MCINTYRE. Mr. Chairman, I would like to express my strong support for the amendment offered by the gentleman from Missouri (Mr. SKELTON) to provide an additional $2.7 billion that is needed to meet the critical needs of our men and women in uniform.

I am extremely disappointed that this amendment was not ruled in order. Why would this House not be willing to stand up on behalf of our Nation's military and provide it with the additional resources it needs to do its job?

How can we send men and women into battle without all of the ammunition, spare parts and tools that they need to get the job done? These are the men and women who put their lives on the line each and every day to defend our freedom. This should not be about us saying one thing and then doing another.

This is about the money needed to buy spare parts to repair equipment that can be as much as 30 years old. This is about money needed to buy bullets, ammunition, so our servicemen and women can get the training they need to prepare for battle.

This is about the money needed to ensure that our military families have decent housing and do not have to depend on food stamps.

Mr. Chairman, I urge my colleagues to support the Skelton amendment and to do the right thing, support fully our men and women in uniform.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the Skelton amendment. The underlying bill begins to address the hole that was blown in the side of the U.S.S. *Cole*. The Skelton amendment begins to address the hole that has been blown into the spare parts, the ammunition, the basic-training material that we need for our men and women.

It begins to address the hole that has been blown and the promise of decent housing and decent education we have made to their families. But we cannot address the Skelton amendment because of the hole that has been blown in the budget by the tax cut that this House approved just a few weeks ago.

It is the wrong national priority. The right national priority would be to pass the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I rise in support of the Skelton amendment; and I ask the administration, where is the help? Time and again, the military was told that help is on the way. They waited, and today they are still waiting.

I have a handful of letters from San Diego echoing the same sentiment: help, significant help is required.

Let me share with you this dire situation in California. There are 1,200 highly skilled people all who are vital to the defense, the defense industrial base in San Diego are going to lose their jobs. Why? Why is that?

The Navy requested an additional $375 million for ship-depot maintenance, but political appointees in the Pentagon and at the Office of Management and Budget reduced that amount to $200 million.

Mr. Chairman, $375 million is not an arbitrary amount. It is absolutely essential to complete this year's ship maintenance and overhaul requirements.

This year alone in San Diego, 26 major repairs had to be canceled, and even more were canceled in Hawaii and Washington State and in Virginia. Our

sailors deserve vessels that are adequately maintained, ready to go in harm's way and perform their mission.

Mr. Chairman, a continual decline in the condition of our ships is a real emergency. Clearly this funding emergency jeopardizes national security and preparedness, precipitates the rapid decline of the industrial base in this country. National security should not be a partisan issue. It is not a California issue; it is a national issue, and we are trying to help.

I urge my colleagues to support the Skelton amendment. I am sorry that it is not in order. For having moved it forward, we would be showing our troops that help is on the way.

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

Mr. Chairman, again I must express my disappointment over the fact that the Committee on Rules did not make the amendment in order.

Mr. Chairman, I yield the balance of my time to the gentleman from Rhode Island (Mr. LANGEVIN).

The CHAIRMAN. The gentleman from Rhode Island is recognized for 2 minutes.

Mr. LANGEVIN. Mr. Chairman, today I rise in strong support of the amendment offered by my colleague, the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of the Committee on Armed Services.

As a member of this committee, I am honored to work with the gentleman to ensure our military is provided the necessary funding to protect America and our allies.

I support this amendment because it provides critical funding for basic maintenance costs, as well as personnel needs for each of the services.

Specifically, this amendment would add a total of $2.7 billion to the supplemental appropriations bill for various defense programs. This funding will be used for flying hours, spare parts, maintenance, housing allowances, and subsistence allowances.

It will also be used to repair or replace the EP–3 supply plane on Hainan Island, much-needed repair of the U.S.S. *Cole* and deployment munitions.

These programs desperately need this funding. Let us make no mistake about it. Mr. SKELTON wrote this amendment based on the service chiefs' fiscal year 2001 unfunded requirements list. It is reasonable and in direct response to the expressed needs of our military.

Mr. Chairman, we must pass this amendment. We owe it not only to our hardworking men and women who have dedicated their lives to ensuring freedom and democracy in this great Nation, but we also owe it to all the Americans who are counting on us to ensure that they are safe.

Mr. Chairman, I urge my colleagues to join me and vote for the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

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

I regret that I had to reserve the point of order on this good amendment. I am not opposed to this amendment. As a matter of fact, I could identify to the Members of the House far more needs in our national defense than even the Skelton amendment covers.

The problem is we are constrained by the budget resolution for fiscal year 2001 not to go above the number that we are using in this bill. Other than that, I would tell my colleagues that the gentleman from Missouri (Mr. SKELTON) is a stand-up Member on national defense, and he has always been a stand-up Member for national defense.

He understands the needs of those that work in defense every day. He understands their needs.

I would like to give my colleagues an example of the needs that I have identified. For a couple of years, I have made a list, as the gentleman from Missouri (Mr. SKELTON) has, of unfunded requirements. On this list is a substantial number of items that need to be done for the military, for the Army and the Navy and the Air Force and the Marine Corps.

If the Members can see that list, they will see on this list, if the Members can see that, the blue lines. Those are items that we have been able to take care of in the last couple of years; but there are many, many more items on this list that have not been taken care of yet.

The Skelton amendment would take care of a lot of them. The problem is, we are constrained by the budget resolution for fiscal year 2001. Other than that we would be here enthusiastically supporting the Skelton amendment, because, in fact, it is a good amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense.

Mr. LEWIS of California. Mr. Chairman, I thank very much the gentleman from Florida (Mr. YOUNG), my full committee chairman, for yielding me the time. Like the gentleman from Florida, I wish that I were the author of this amendment for, indeed, if it were not for those budget limitations that have been mentioned, there is little question that we would have bipartisan support by way of vote, as well as spirit.

There is little question that one of the complications in this process is that under other circumstances, we might very well have exercised emergency provisions to be able to go by our budgetary cap. On the other hand, we face rather sensitive and complicated circumstances in the other body.

If they should find themselves with difficulty, it would require 60 votes in the other body; and it could slow down this very, very important measure. Nevertheless, as the gentleman from Florida has indicated, there is not a Member in the House who is more concerned and dedicated to doing the work that is necessary for the men and women who make up our armed services than the gentleman from Missouri (Mr. SKELTON).

He is my colleague, the ranking member on the authorizing committee. He works very, very closely with us as we go about the appropriations process. I very enthusiastically support his intent here, but I must reserve my vote when the vote actually occurs. And I appreciate the gentleman from Missouri (Mr. SKELTON).

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, there are a few people in this Chamber that all of us respect and one is the gentleman from Missouri (Mr. SKELTON). I love the gentleman. He is a descendent of Daniel Boone.

I also agree with the gentleman from Florida (Mr. YOUNG) that this is very, very noteworthy.

As a matter of fact, the individuals that spoke in favor of his amendment, I cannot see a one of them that is antidefense, that is not there to help our men and women. We asked for $362 million, which the gentleman helped us get for ship repair. The Navy switched that over to nuclear and carrier refueling and then gave us $171 million shortfall in ship repair.

□ 1615

So the mismanagement within the services is a problem as well.

If we look at the basics of the things that have been mentioned here today, this does not even scratch it. And if I had the ability to override the other body and the Senator in the other body, I think we would see all of us supporting that. But we do not have the 60 votes in the other body.

Many of us spoke about, including my friend, the gentleman from Ohio (Mr. KUCINICH), not going along with Izetbegovic in Bosnia. When we talk about the U.S.S. *Cole*, it was those Mujahadeen and Hamas that surrounded Izetbegovic in Sarajevo that blew up the U.S.S. *Cole*. And the 124 deployments that have put us into this position, that many of us fought against, including many of my colleagues on the other side, have put us in this hole. Shalikashvili, previous Secretary of Defense, stated that it just wore our equipment out and tore us down.

I do not think there will be supplementals in the future. That tells me that the services better come up with a clean number so that we can fund them, because there may be limited ability to do that. But I laud my friend and I regretfully oppose his amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would admonish Members they are not to

characterize the intentions of the other body.

Mr. YOUNG of Florida. Mr. Chairman, I regret I must insist on my point of order, and I yield to the gentleman from Missouri (Mr. SKELTON).

Mr. UNDERWOOD. Mr. Chairman, I rise in support of this much needed supplemental bill that seeks to replenish military accounts drawn down by high fuel costs and other training and military readiness requirements.

For months I have joined my colleagues on both sides of the aisle in advocating for additional funding so our troops can continue training, replace spare parts and fix dilapidated infrastructure. While I support this supplemental bill today. I am concerned that it does not solve the many problems that our military faces this year.

H.R. 2216, appropriates $6.5 billion in supplemental funds, $5.5 billion (85 percent) of which will address military readiness, training and other operations requirements. Specifically, $44 million to repair the damage to the U.S.S. *Cole*, which was damaged by a suicide bomb attack last fall while it was docked in Yemen; $970 million to fully fund the flying-hours requirements of Navy and Air Force pilots; $463 million for increased utility costs, especially in California; $100 million for environmental cleanup and waste management; and $33 million for the Navy and Marine Corps to increase security against terrorist attacks.

I am especially pleased that the committee has included $9.4 million for the construction of an emergency submarine repair facility in Guam. This project provides budgetary support to a renewed focus on Guam and the Pacific by military planners and the Bush administration. This facility will play a vital role in providing much needed support for the three navy attack submarines that are to be homeported in Guam starting in April, 2002. Currently, Guam has a very capable shipyard of providing support and maintenance to the surface fleet and submarines. Moreover, the U.S.S. *Frank Cable* is homeported on Guam, and is the only forward deployed submarine tender in the Pacific. While I strongly support this new facility, it is my hope that this will not instigate competition with the existing shipyard on Guam.

Moreover, I would like to express my strong support for Mr. SKELTON's amendment, which unfortunately is not protected from a point of order. This amendment will provide an additional $2.7 billion and reflects the difference between the Service Chiefs FY 01 unfunded requirements lists and the pieces of those lists included in the Appropriations Committee markup of the supplemental.

Specifically, the Skelton amendment would provide nearly $2 billion towards current operations and maintenance accounts; $320 million in procurement, including funding for a new Navy EP–3E aircraft, which was damaged in regards to the accidental collision with a Chinese fighter jet and currently grounded on China's Hainan Island.

As the Bush administration continues to delay sending a defense budget to Congress, it looks all the more likely that the Defense appropriations bill for FY 02 will be the last of the 13 annual spending bills passed this year. Given this predicament, this supplemental is the only vehicle Congress has to address the needs and requirements of our troops in uniform this year, thus punctuating the importance of the Skelton amendment.

We all support increased military funding, but I call into question where the money will come from given the massive and recently passed $1.35 trillion tax cut. Our military is facing several multifaceted challenges that this Congress must address this year. It is my hope that President Bush will back up his campaign promise of ''help is on the way'' when he finally submits his defense budget request later this summer.

With that, I urge all Members to support the Skelton amendment and this measure as it will work towards providing immediate relief to our Armed Forces.

Mr. SKELTON. Mr. Chairman, I ask unanimous consent to withdraw the amendment for the aforestated reasons.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment, and I ask unanimous consent that it be considered at this point.

The Clerk read as follows:

Amendment offered by Ms. PELOSI:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. (a) For purposes of this section:

(1) The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) The term ''cost-of-service-based rate'' means a rate, charge, or classification for the sale of electric energy that is equal to the sum of the following:

(A) All variable and fixed costs of generating such electric energy.

(B) Either—

(i) a reasonable risk premium, or

(ii) a return on invested capital used to generate and transmit such electric energy that reflects customary returns during the period 1994 through 1999.

(C) Other reasonable costs associated with the acquisition, conservation, and transmission of such electric energy.

(3) The term ''new generation facility'' means any facility generating electric energy that did not generate electric energy at any time prior to January 1, 2001.

(b) Within 30 days after the enactment of this Act, the Commission shall issue an order establishing cost-of-service-based rates for electric energy sold at wholesale subject to the jurisdiction of the Commission under the Federal Power Act for use in that portion of the United States that is covered by the Western Systems Coordinating Council of the North American Electric Reliability Council.

(c) Subsection (b) shall not apply to sales of electric energy after March 1, 2003.

(d) The rates required under subsection (b) shall not apply to any sale of electric energy generated by any new generation facility.

(e)(1) If a State determines that a wholesale rate applicable to delivery of electricity within the State is not in compliance with subsection (b) or is not just and reasonable, the State may bring an action in the appropriate United States district court. Upon adequate showing that a rate is not in compliance with subsection (b) or is not just and reasonable, the court shall order refunds or other relief as appropriate.

(2) Any person who violates any requirement of this section shall be subject to civil penalties equal to 3 times the value of the amount involved in such violation. The Commission shall assess such penalties, after notice and opportunity for public hearing, in accordance with the same provisions as are applicable under section 31(d) of the Federal Power Act in the case of civil penalties assessed under such section 31.

(f) Nothing in this section shall affect any authority of the Commission existing before the enactment of this section.

(g) Section 202(c) of the Federal Power Act (16 U.S.C. 825(c)) is amended by adding the following at the end thereof: ''Except during the continuance of any war, no order may be issued under this subsection unless the payment of compensation or reimbursement to the person subject to such order if fully guaranteed by the United States Government or by a State government.''.

(h) If any provision of this section is found to be unenforceable or invalid, no other provision of this section shall be invalidated thereby.

Ms. PELOSI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. Is there objection to the amendment being considered at this point?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. PELOSI) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the amendment that we have before us was a product of work done by the gentleman from Washington (Mr. INSLEE) and the gentlewoman from California (Ms. ESHOO) and others in the Committee on Commerce which I was pleased to present to the full committee the other day.

For my colleagues' benefit, the Federal Election Regulatory Commission was established under the Power Act,

and under it the FERC, when it determined that power companies, generators, were charging unjust and unreasonable rates, they would reach a threshold whereby they could do something, they could mitigate for that. The gentleman from Washington (Mr. INSLEE) and the gentlewoman from California (Ms. ESHOO) and others have authored this amendment, and I will yield to him to explain the amendment to our colleagues, but first I wish to thank him for his tremendous leadership on behalf of consumers in the western United States.

Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I am pleased to offer this amendment with the gentlewoman from California (Ms. PELOSI) as a real and a meaningful and a truly effective price mitigation strategy for the West Coast. The West Coast is a great place. We do not have hurricanes like the Southeast, but right now we have an economic tornado that is ripping right up and down the coast of California, Oregon, and Washington.

In Washington, our wholesale prices have gone up not twice, not three, not four times, but by a thousand percent. And while those prices have gone up a thousand percent, while people in the State of Washington, 43,000 of them, may lose their jobs this year in the State of Washington due to this economic tornado, what has the Federal Government done for our citizens on the West Coast? Nothing. In January, when we asked FERC to act, they did nothing. In February, in March, in April, they did nothing. In May and today, when we have asked the majority party to join us, nothing has been done.

This amendment would do something meaningful. What it would do is to set a 2-year period of cost-based pricing for wholesale electrical generators. A reasonable thing to do. We would, by this amendment, simply require FERC to order cost-based pricing on the West Coast of the United States for 2 years. That means generators would charge reasonable rates based on their cost. Each generator would get what they have coming to them, which is the cost to generate the electricity, plus a reasonable degree of profit. That is not too much to ask when we have 43,000 people in the State of Washington that may be coming home with no job.

Now, as my colleagues know, finally, after we have drug this administration and my friends across the aisle kicking and screaming to the price mitigation bar, the FERC finally did something 2 days ago. But FERC doing something does not mean that this House should do nothing. Because what FERC did would essentially adopt a price mitigation strategy that may not mitigate anybody's prices.

Look what they did. They said nobody can charge more than a certain price. But the price they picked was the most expensive generator on the whole West Coast, the least efficient generator on the whole West Coast. Mr. Chairman, it would be the equivalent if we had FERC dealing with two high prices in the automobile industry. If we gave them that job, they would pick the cost of a Rolls Royce Silver Cloud as the price for the limit. That would not help any car buyers, and this is unlikely to help consumers on the western coast of the United States. It is likely to be an ineffective proposal.

So what we have done is to do what historically has been done, which is to adopt cost-based pricing. Something meaningful. When we talk about incentives, think about it from this standpoint. If we are going to send a message to the generators of electricity, the message that FERC sent to the generators is they said turn your most expensive, your least efficient, your environmentally dirtiest plants on first. Is that the message that the U.S. Government wants to send to the industry to adopt their dirtiest most expensive generators first? Yet, that is what the FERC order has done.

To those who argue that economics say we should not adopt price mitigation, I want to quote from Dr. Frank Wolak, who studied this effort. He is an economist from Stanford. This scheme, referring to the FERC order, guarantees that consumers pay more for wholesale electricity than they would pay for cost of service pricing. Under the FERC plan, consumers have the potential to pay significantly more than total production costs to receive the same amount of electricity in order to preserve a market clearing price mechanism which provides incentives.

This is not enough. It is time for this U.S. House to act.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, let me give a little history. Price caps in the 1970s were disastrous. Canada controls a large percentage of the energy coming into California. If we put price caps on, there is nothing that controls Canada in resources for selling power. That is why we ended up with gas lines in the 1970s.

My colleagues, look at what Governor Davis has done to stop power generation, yet he is now trying to shift the blame to the White House. The Governor was warned that deregulation and not buying long-term power would be critical to California. He not only rejected it, he killed it. And at the same time the Governor now has millions of dollars from those same energy companies in his personal campaign. I think that is wrong.

The Governor was warned that San Diego Gas & Electric was a private company and they had to buy excess power from public utilities, but they could not because there was no excess power. He rejected it.

The White House offered the California Governor the GE and Caterpillar generators that could produce thousands of megawatts of power. I quote, ''We do not need it.'' The White House offered the Governor help, and each time he rejected it. The White House said if you make a request in writing, we will do a waiver of the California Clean Air standards just for this emergency period. The Governor would not do that. A year and a half later, he is now thinking about it. We could have turned on 600 generators just for the emergency period, and in the interim worked to clean up those generators.

One generator producer in Los Angeles wanted his license because he cleaned up his system. The Governor said, in response to the gentleman, ''If you unionize your shop, I will give you a license.'' Playing politics. And now the Governor's poll numbers are going down and down and down, and the only thing he can do is try and shift the blame to the White House that was in office 1 week when this hit him.

It has been caused over and over. Some of my critics will say, well, Pete Wilson started it. Gray Davis had the chance to buy long-term power and he did not, and now he is getting campaign money from the very electric companies that are ripping off these folks.

I would say that regardless of what the reason that my colleagues on the other side want price caps, it is detrimental and it will not work, because there is no one that forces those 14 States or Canada to sell power to California. They will sell it elsewhere, and then we will end up with the gas lines like we did in the 1970s.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO), who was a very critical part of putting this amendment together.

Ms. ESHOO. Mr. Chairman, I thank the gentlewoman from California (Ms. PELOSI) for her great leadership on this issue in the Committee on Appropriations that affects not only her Congressional District, mine, but all Californians.

I rise today as not only the representative of the 14th Congressional District but someone that loves my State. When I hear the word California, I cannot help but smile. It is a great State and we have done and will continue to do great things. But we know that she is a State that is in crisis, and so I join with my colleague from the Committee on Appropriations, the gentlewoman from California (Ms. PELOSI), in the amendment that she offered because it meant and still means relief for California.

□ 1630

Mr. Chairman, all of my colleagues are thinking, Well, the Federal agency did act on Monday. And I salute them for finally ending their sit-down strike because previously they refused to act on behalf of California's energy consumer.

What I rise to speak about today is the issue of refunds. There has been

some $8.9 billion which is not penny larceny, by the way, which has been exported out of the State of California, the largest export of dollars since the Civil War from one State to another. What the FERC did in their order was to simply say, in 15 days go before an administrative law judge and somehow settle this.

I think it is the responsibility, and that is why I went to the Committee on Rules last evening to ask for an amendment to be debated on the floor today. They did not make that amendment in order. But what I will be offering is legislation that does deal with a refund. If a consumer goes to Macy's or a restaurant and is overcharged, they are going to seek a refund. Californians deserve it. They have been ripped off, and we seek to have this money returned to the good people of California.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. OSE).

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

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

This issue of energy in California is perhaps the most critical issue at the moment in California. The gentlewoman from California (Ms. PELOSI) and some of our friends on the Democratic side have come forward with an idea for price caps. I have read the amendment of the gentlewoman from California (Ms. PELOSI). One of the most important things is figuring how do we bring new supply to market, and how do we do it in a manner that is environmentally acceptable.

This week Senator FEINSTEIN has been good enough to speak the truth, and that is perhaps we ought to let FERC's plan work a little bit and see if it actually works, rather than jumping in and imposing another layer of regulatory standards.

Mr. Chairman, I want to enter into the RECORD a letter that I received from Calpine, which is a national company reknown for its ability to bring efficient, environmentally friendly power to the market.

CALPINE,
Washington, DC, June 18, 2001.

Hon. DOUG OSE,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN OSE: Thank you for your leadership in helping to resolve the severe electricity crisis in California and the West Coast. Your legislation, H.R. 1974, is a responsible attempt to provide the Federal Energy Regulatory Commission (FERC) with the needed tools that will help it in its effort to stabilize Western states electricity markets.

There has been some misguided criticism of your bill as it relates to the price set during certain market conditions. Under your proposal, the price limitations are based on the FERC order of April 26, 2001. These price limitations are set in relation to the least-efficient generation units entering the market at specific times. Some have claimed that this will encourage inefficiency. The reality is just the opposite: by pegging the price to the least-efficient unit entering the market, it rewards those generators who are more efficient. In addition, it allows the power from these less-efficient units to be sent to the grid when it is most needed, thereby preventing additional blackouts. This will be especially important as we enter the summer, which is when peak demand occurs in California and any blackouts could create serious impacts on public health and safety.

By using the least-efficient units for the price limitations, your legislation actually encourages newer and cleaner plants to be construed. Eventually this will lead to the decommissioning of the oldest and dirtiest plants in the state. It should be noted that Calpine's resources are very efficient, as we do not own or operate the types of plants that are the last to enter the market during times of potential shortfalls.

Calpine looks forward to working with you in resolving this crisis. We want a stable market that provides reliable and affordable electricity to all of the citizens in the West. Whenever you need the perspective of a California-based supplier of clean and reliable electricity, we will be pleased to provide it.

Sincerely,

JOE RONAN,
Vice President—Government and Regulatory Affairs.

They clearly state that price caps just are not going to work. They are, in effect, a reward given to the most inefficient, highly polluting plants that can be used.

Mr. Chairman, here is the concept. Under the gentlewoman's bill, we would have generators regardless of their cost basis who would earn a return on their cost. So if they produce at $10 a megawatt, they make a percentage on that. Over here we may have some other producer who can do it for $5, and under the gentlewoman's proposal, they would get a percentage of that. The guy who can bring power to market for $5 is bringing power to California consumers at half the cost of the $10 person.

If we use the technology that is available to us today, we can bring power to the market, we can do it in a way that allows us to use highly efficient conversion of gas to electricity. We can do it in a way that instead of continuing to pollute our environment in California with these traditional sources that the gentlewoman is attempting to protect, we do it with technology that has significantly lower levels of pollution.

That is what we are arguing about here today, whether to protect the dinosaurs using cost-based rates or to move into the 21st century, protect our environment, protect our consumers from price gouging, bring supply to the market and create jobs in California.

Mr. Chairman, I urge my colleagues to reject the gentlewoman from California's amendment.

Ms. PELOSI. Mr. Chairman, I yield myself 15 seconds to comment on the previous speaker's comments.

Mr. Chairman, clearly the gentleman from California (Mr. OSE) does not understand what our amendment does. What he described and its shortcomings is exactly what the FERC did this week, to give standing to the dirtiest and oldest technology and generators, and thereby making the problem that will certainly be skirted by suppliers. My amendment will do exactly what he described we want to happen. If he had an understanding of both of these, he would realize that and support my amendment.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT), who has been involved in these issues for a long time.

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

Mr. MCDERMOTT. Mr. Chairman, this is not just a California problem. I repeat, it is not just a California problem. We had the Deputy Secretary of Energy before the Committee on the Budget today, and he said in answer to a direct question, this is not only California, it affects the State of Washington.

Mr. Chairman, we are facing 150 percent increases under BPA. We face the loss of 102,000 jobs in Washington State. Electricity that cost $23 a megawatt last year is between $200 and $300 this year. Some of you are feeling fat and sassy in the Midwest or East and saying it is just the Californians arguing about a big problem. The rest of the Nation is also going to get it because there is a grid that connects the whole energy system in the United States. What is happening to us in Washington State, we are only a thousand miles from California, if my colleagues are within a thousand miles, my colleagues ought to be voting for this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. CALLAHAN), chairman of the Subcommittee on Energy and Water Development for the Committee on Appropriations.

Mr. CALLAHAN. Mr. Chairman, first of all, I do not know of anyone on either side of the aisle who is opposed to helping California get out of this serious problem they are in, or any of the other Western States as well.

We recognize fully that there is a crisis in the West. We recognize fully that this crisis is going to spread even more nationally. We recognize because of the crisis in California and because of the crisis in the West, that it is causing a domino effect even as low down in the South as Alabama because our rates, too, are increasing simply because of supply and demand.

Let me tell my colleagues, I think this administration is trying to do the right thing. We had this issue that came up in our committee, full committee meeting this past week, and we debated it there and the issue was overwhelmingly defeated in committee. And it was overwhelmingly defeated, I think, because the committee was convinced that the administration is doing everything that they possibly can to eliminate this crisis and to stop those rolling blackouts in California.

Mr. Chairman, we all want to do the same thing. We are all trying to get to the same corner of the room, but I think this is the wrong route to take because if we take this route of price caps, there is no doubt in my mind that we are going to encourage even more problems for California because that eliminates the incentives that are being imposed now by the fact that people recognize there is a shortage. We will eliminate the incentive for conservation if indeed we apply price caps. Indeed, this amendment could ultimately increase the problem in California, and I know that is the last thing the gentlewoman from California wants to do, and it is the last thing that anybody on either side of the aisle wants to do. We want to help.

Mr. Chairman, just this week FERC has imposed some price caps the responsible way of imposing them, for all of the 11 Western States. So the administration is moving very aggressive in this direction to help California. We are going to ultimately provide money for new energy sources that we hope will be developed in California to make this a long-term solution.

We cannot do anything that is going to solve this problem overnight and stop a rolling blackout that is going to take place tomorrow. But we can, by working together, provide the necessary resources and encouragement to California and to the Western States and to the energy providers to eliminate this problem; and that is our long-term goal.

But this, Mr. Chairman, is not the way to do it because this amendment will compound the problems that California currently is undergoing. There has been a lot of talk about blame. Who is at fault? I do not care who is at fault. I do not care that I do not live in California. I know that the people in California are suffering financially because of this and for the inconvenience and the danger in some instances it is causing because of some health problems that cannot be addressed without availability of electricity.

This is something we are going to have to work together, Mr. Chairman, to resolve. And we are going to begin working together to resolve it in the bill that will come to the floor hopefully next week, the energy and water appropriations bill of the Committee on Appropriations. We are going to pump money into this issue. We are going to address some of the other crises that are going to be affecting California, and that is the next crisis of water.

Mr. Chairman, the people in California tell me this is an even more dangerous crisis pending than the electrical crisis. We are going to work together in a bipartisan fashion and try to give California the necessary resources and assistance they need to create a long-term solution and a permanent solution to this crisis that they are in.

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

Ms. PELOSI. Mr. Chairman, I would like to inquire about the time remaining?

The CHAIRMAN. The gentlewoman from California (Ms. PELOSI) has 6¾ minutes remaining. The gentleman from Florida (Mr. YOUNG) has 4½ minutes remaining.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), who is an expert on power generation in our country and has been a tremendous resource to us.

Mr. DEFAZIO. Mr. Chairman, interesting debate; but let us talk about the facts. What the gentlewoman's amendment would do is return us to the system that prevailed in this country for two-thirds of the last century, through the Great Depression, World War II, the oil crisis, and made us the greatest industrial power on Earth. It is cost-based rates, and it goes to every individual generator, unlike the gentleman from California (Mr. OSE) who said this would encourage inefficiency and the dirty plants would operate first and everybody would pay the price. No, that is what the Bush Federal Energy Regulatory Commission did. They said the price will be based on the least-efficient plant, and the most-efficient plant will get that price.

So the gentleman from California (Mr. OSE), now knowing the facts, I am certain, will support the gentlewoman's amendment.

The FERC also found in December that the prices were not just and reasonable. They were violating Federal law. And since that time, we have found wholesale prices 10 times that of 2 years ago. We found Texas-based energy conglomerates whose profits are up 1,000 percent in 1 year. The price of energy has gone from $7 billion to $27 billion in California in 1 year, and that is spreading up into the Pacific Northwest.

Mr. Chairman, the market does not exist. It is being manipulated. There is more and more evidence coming to prove that point. The FERC, by adopting a half-baked proposal, admitted that. It is intervening in a dysfunctional market because of market manipulation and price gouging, but what they have done does not solve the problem.

We need to return to a system of cost-based energy which served our Nation so well for two-thirds of a century. We need full refunds, not the partial, maybe refunds that FERC mandated; and we need something that goes for two seasons in California and two seasons in the Pacific Northwest, not two seasons in California and one season in the Pacific Northwest.

Mr. Chairman, we heard the administration is doing everything. They are doing everything but offending the very powerful and generous contributors who are making money hand over fist from consumers who are experiencing price gouging.

Ms. PELOSI. Mr. Chairman, I yield ¾ minute to the gentleman from Washington (Mr. DICKS).

□ 1645

Mr. DICKS. Mr. Chairman, I rise in very strong support of the Pelosi amendment. This has been a real crisis, not just in California but throughout the West and particularly in the Pacific Northwest. My own utility in Tacoma has increased rates by approximately 50 percent and may be faced with another 50 percent increase because of drought conditions affecting Bonneville Power and its power.

I want to associate myself with the gentleman from Oregon's comments. He is exactly right. The idea that we are going to base the cost of power on the output of the weakest plant and the plant that is the most expensive is an outrage. I think we need to stay with this. We need to get this amendment adopted. I urge the House to support the Pelosi amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. LEWIS), chairman of the Subcommittee on Defense.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding me this time. The assumptions being made in the Pelosi amendment relative to the price caps assumes that one way or another that such price caps are going to make sure that the price of energy in California does not rise. The fact is that the price of energy, our utility bills in California, are rising at this moment and it appears they are going to continue to rise because of a history in California of a considerable lack of leadership in planning in terms of our energy needs and how we might meet those needs.

There is little question that the action taken by FERC this last several days and actually over the last several weeks is a very positive step in the right direction. It was not by accident after the FERC ruling that affects the entire West that my colleague in the Senate, DIANNE FEINSTEIN, made a decision to back off of the approach that she was going to be taking relative to the energy crisis at home. She felt we ought to give it some time to work.

It is very apparent that there is a very real risk that if we impose energy caps, two things will occur. First, we will lay the foundation to undermine the long-range solution, the kind of investment that will allow us to develop energy sources in California that we desperately need. But secondly I would point to a report that came forth today from the Department of Energy that indicates that the proposed wholesale electric price controls in California could double the number of rolling blackouts from 113 to 235 hours and increase the number of households in the dark to about 1,575. Minimizing the number of blackouts ought to be our principal goal because more intense blackouts would greatly imperil the health and safety of California's citizens and would undermine the State's economy at least as much as high prices.

The analysis in this report is that blackouts will be worse and last longer if price controls are established. For those reasons, we should strongly oppose the Pelosi amendment.

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

It is very interesting to hear my colleagues from California speak out about this solution to our crisis that we have there. Either they and our colleagues on the Republican side are closing their eyes to a situation which they do not wish to acknowledge, to quote the Music Man, or they refuse to acknowledge the caliber of disaster posed by the exploitation by the power companies who have withheld energy in order to drive up prices to exploit the market and increase costs to the consumers.

This amendment, which is the Inslee amendment, is appropriate to come up on this emergency supplemental because it is an emergency indeed. It does not cost one penny. But what it says is that this body will recognize an emergency. You be the judge. In 1999, Californians spent $7 billion on energy. In 2000, it was $27 billion because of this exploitation. And projected for 2001 is 50 to $60 billion, nearly 10 times.

This is taking a terrible toll on our economy. We will have a revenue bond issue to help cover the cost, to underwrite cost to consumers and businesses, residences and businesses, of about $12 billion, the highest State bond issue ever. What does that mean? It means that our credit rating for our State will be affected by that. And when our State's economy is affected, the economy of the whole country is and certainly that of the western United States as our colleagues from other States in the West have testified to.

We have at this moment homeowners, residences, businesses, which will be driven out of existence. They cannot afford to pay even the cost that is not being underwritten by the State. In some cases their energy bills will go up $400 for a residence and even much more than that for some of the businesses, especially the small businesses will have their very existence threatened. We have 800,000 people who are disabled in California, who depend on energy at all times and will be very affected by not being able to pay their bills and have that source of energy.

So when people want to talk about how we got where we are today, we can have that debate and frankly if we had more time we could have it right here. But the fact is that whatever those reasons, it does not eliminate the fact that power companies withheld energy to drive up the cost, to exploit the market, to have this impact on consumers. So our choice here, Mr. Chairman, is to make a choice between the exploiters and the consumers.

Mr. Chairman, I am pleased to yield the balance of my time to the gentleman from Washington (Mr. INSLEE), who with the gentlewoman from California (Ms. ESHOO) and others from this region is the author of this amendment, which as I say I am pleased as an appropriator to offer and thank him again for his leadership.

The CHAIRMAN. The gentleman from Washington (Mr. INSLEE) is recognized for 1¼ minutes.

Mr. INSLEE. Mr. Chairman, this debate has a bit of an Alice in Wonderland feel to it for this reason: the FERC action of 2 days ago which the administration says they support, which I hear my friends across the aisle say they support, is a price cap. It is a price limitation. It says you cannot spend any more money than this dollar figure of the least efficient, most expensive, dirtiest plant in the whole western United States. It is a cap.

What is wrong with it is it is the wrong cap. It is the wrong limitation. It is like setting the bar at a limbo contest and setting it at the lowest level that Shaquille O'Neal can get through. It is like setting the testing standards for fourth graders, finding the slowest student in America and that is where you set the limitation. It is not going to work, just like the failure of Congress and FERC for the last 6 months. They have not done a darn thing.

I will just close by saying this. There is a famous story, we have heard it, where the grandchild comes to the grandfather's knee and says, ''Grandpa, what did you do during the war?'' And the grandpa tells his story.

When the majority fail to allow us to offer a refund amendment, when the majority fail to allow us to even vote, even vote on something to do about these absurd, outrageous prices, when the majority insist that we do nothing, when your grandchild asks you what you did in the power crisis of 2001, you can tell them, ''Nothing.''

Mr. YOUNG of Florida. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I appreciate the gentleman yielding me this time.

Mr. Chairman, I rise again only to say that the history of this is very, very important. Well over a year ago in San Diego, California, as a result of ill-placed policies developed in the State legislature, we found ourselves faced with an energy crisis. Some way, somehow the chairman of our public utilities commission in California advised the Governor that it was not a crisis and as a result of that literally they did nothing. The State legislature and the Governor has done nothing during this last year and a half. Now suddenly they are recognizing the crisis and asking Washington some way to figure out how they got there and how they ought to get out.

The fact is that electrons do not know the limits of San Diego or of California. We are in a regionwide crisis. That crisis is beginning to be dealt with by some actions by FERC, only after long awaiting the Governor and the State legislature to come forth with actions of their own.

Mr. Chairman, there is little question that we face a crisis in the West. But this proposal of price caps will only undermine the short-term efforts that are being made here but could potentially destroy our hope for a long-term solution which involves more and new energy sources in California.

Mr. STARK. Mr. Chairman. California is facing an energy crisis. This problem is not one that California can solve without the help of Federal intervention. The root of the California energy crisis is the soaring wholesale rates for electricity. The spot market price of electricity has increased from $30 per megawatt hour in 1999 to $300 in 2001. Energy prices have soared as high as $1,900 per megawatt hour. For a point of comparison that many of us can better relate to: if the price of a gallon of milk increased at the same rate as California's energy prices, milk that now costs $3 per gallon would cost $190 per gallon. Energy costs are a real problem facing California and our western neighbors. The Inslee-Pelosi amendment can remedy this problem but the Republican leadership will only allow debate on the amendment—they will not allow a vote on the amendment.

Many critics will tell you that price caps hurt the market and will stifle new electrical power generation. However, the Inslee-Pelosi amendment exempts new generating facilities to ensure that the pricing mechanism does not provide a disincentive to new energy generation. The amendment places the Western energy grid under a cost-of-service based rate system. This means that the energy suppliers, most of which are Texas-based friends of the current administration, will be able to recover the cost of producing energy, as well as make a reasonable profit.

The administration realizes that some form of price caps is necessary and allowed the Federal Energy and Regulatory Commission, FERC, to impose a limited price control structure to help mitigate the soaring price spikes. However, more must be done. These energy generators are gaming the deregulated system in order to increase profits, all at the expense of California's families and businesses. FERC has the power to impose effective cost controls now, but they refuse to fulfill their obligation. The recent FERC decision might help California, but price caps are certain to help California's consumers.

Unfortunately, we have a White House that is more sympathetic to the Texas energy producers than to California residents sitting in the dark and the heat, facing skyrocketing electricity rates. The only alternative is congressional action with measures such as the Inslee-Pelosi amendment, since FERC will only provide limited consumer protection.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, as previously announced under my reservation of a point of order, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and therefore violates clause 2 of rule XXI. The rule states, in pertinent part,

''an amendment to a general appropriations bill shall not be in order if changing existing law.'' The amendment directly amends existing law. I insist on my point of order.

The CHAIRMAN. The gentleman raises a point of order. Does the gentlewoman wish to be heard on the point of order?

Ms. PELOSI. Mr. Chairman, I do not wish to be heard on the point of order.

The CHAIRMAN. The Chair finds that this amendment directly amends existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to inquire of the distinguished chairman if there are any other authorizations in this supplemental, emergency supplemental bill.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I would concede to the gentlewoman that there are several that are protected by the rule. This amendment offered by the gentlewoman from California is not protected by the rule and, therefore, is subject to the point of order.

Ms. PELOSI. Would the gentleman be so kind as to inform our colleagues as to how many authorizations are within this bill? Is it something like 30?

Mr. YOUNG of Florida. If the gentlewoman will yield, I will be happy to go through that list and provide that to her in an expeditious time.

Ms. PELOSI. It is my understanding that there are about 30 such authorizations protected by the rule in this emergency supplemental.

Mr. YOUNG of Florida. Any other item that might be considered authorizing on an appropriations bill would have been protected by the rule.

Ms. PELOSI. It is very unfortunate, Mr. Chairman, that while there may be 30 perhaps, the gentleman has not told us an exact figure, but I respect the fact that he will get that information to us, authorizations protected by the rule for this bill, that the majority has chosen to ignore a crisis in California and the western States, our western region as our amendment addresses the West.

This is an emergency for us. Our energy costs have increased 10 times, into the tens of billions of dollars as I mentioned. Hundreds of thousands of disabled people depending on access to energy at all times cannot tolerate rolling blackouts or any other kind, including the high cost of energy. It will have an impact on the credit rating of our State which has now surpassed France as an economy in the world. California has surpassed France as an economy, and we are going to be cavalier about the impact that has on our country and that small businesses and homeowners and residences and all the rest will carry this tremendous burden.

It seems to me our Republican colleagues want to play the blame game instead of trying to find a solution to this problem. No matter how you describe it, the fact is that the suppliers have exploited the market by withholding power to drive up the prices to exploit the consumer. You cannot deny that, as many places as you want to place the blame. The fact is that we have had tremendous growth in our economy in the West. We have also had a real dearth of rainfall and we depend heavily on hydroelectric. There are other reasons why we are in the situation we are in today.

But again I repeat, the remedy that we are suggesting today is for a reasonable cap based on expenses and profit to the suppliers that is just and reasonable. That is what the power law called for. That is what they told and instructed the FERC, the Federal Energy Regulatory Commission, that they could do if there were not just and reasonable rates charged. The FERC determined that the rates were not fair and reasonable. They are almost $9 billion overcharged to consumers in California. With all of that, the FERC has decided to act this week, favoring the dirtiest and oldest technology to make the cap the highest possible cap.

□ 1700

So while they recognize there is a problem, they intervened into the market. They did so in a way that was, as was said earlier by my colleagues, half baked. So for this committee to say that we will object to this on the basis of the fact that it is authorizing on an appropriations bill, when there are at least 30 other authorizations in this bill protected by the rule, but to save the people in the western United States the emergency does not count to us, again we would rather play the blame game than solve the problem, I have serious problems with that, Mr. Chairman. I just wish that the chairman would reconsider his objection on the basis of it being authorizing; but if that is the route the majority chooses to go, as the gentleman from Alabama (Mr. CALLAHAN) said last week, he said the Californians made their bed, then let them lie in it.

The Republicans are making their bed on this issue right now by siding with the exploiters at the expense of the consumers. They are making their bed.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think everybody in this House knows that when I make an agreement, I keep it. As I said, I think everybody in this Chamber knows that if I make a commitment, I keep it. I agreed not to press the point of order at the beginning of the debate so the gentlewoman could have time, and we agreed that each side would have 15 minutes. She had her 15 minutes and then went on to violate the agreement by taking another 5 minutes.

I am not going to respond in kind or rebut this at all; but the point is, the arguments of the gentlewoman from California (Ms. PELOSI) should be made on an authorizing bill. They should not be made on an appropriations bill.

The other authorizing issues she is concerned about are practically meaningless. This is a very significant change of the basic law.

I would suggest to anyone else listening to this conversation that if we are going to violate the agreement that we had earlier in the day, I will press the point of order on everyone at the beginning of the consideration of the amendment, and I will not provide the additional 20 minutes that I have agreed to. If we are going to make a deal, let us keep the deal. Let us do not violate it.

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

Mr. YOUNG of Florida. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I apologize because I was part of the unanimous consent agreement. I am sure the gentlewoman from California (Ms. PELOSI) did not mean in any way to violate the agreement, but I agree that we should not have violated the agreement.

We have a legitimate agreement to talk about this. As important as it is, I understand the emotion; but I would hope we would be able to continue on with the other agreements that have been made. I apologize that it is such an emotionally charged issue and that we got a little out of hand here.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 2

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'', $140,000,000, to remain available until expended: *Provided*, That funding is authorized for Project 01–D–107, Atlas Relocation and Operations, and Project 01–D–108, Microsystems and Engineering Sciences Application Complex.

AMENDMENT OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FARR of California:

Page 13, after line 14, insert the following:

ELECTRIC POWER GRID IMPROVEMENT LOANS

The Secretary of Energy is hereby authorized to make direct loans and loan guarantees in an aggregate principal amount not exceeding $350,000,000 for the purpose of improving existing electric power transmission systems within the United States: *Provided*, That such direct loans and loan guarantees may be made only when the Secretary determines that they would maintain or improve electric transmission efficiency, reliability, or capacity necessary to protect public health and safety or to prevent significant economic disruption in regions served by such systems: *Provided further*, That such direct loans and loan guarantees may be made only to States, companies, or other entities

according to terms and conditions established by the Secretary: *Provided further*, That such direct loans and loan guarantees may be made only if the Secretary determines that other commercial financial alternatives are not economically feasible: *Provided further*, That, during a period determined by the Secretary that does not exceed 25 years after the date of enactment of this Act, the Department of Energy shall fully recover, and deposit in the general fund of the Treasury, the cost of any direct loan or loan guarantee made under the authority provided in this paragraph in a manner determined by the Secretary: *Provided further*, That no direct loan or loan guarantee may be made under the authority provided in this paragraph until 30 days after the Secretary (1) notifies the Committees on Appropriations in writing of the proposed direct loan or loan guarantee, and (2) certifies that the costs to be borne by the Government are reasonable and that contractual safeguards will be in place to provide reasonable assurance that the Government will be repaid in full on a timely basis: *Provided further*, That nothing in this paragraph may be construed to provide Federal eminent domain over any land acquisition needed to improve existing electric power transmission systems: *Provided further*, That the Secretary may delegate to other Department of Energy officials the administration of direct loans and loan guarantees conducted under the authority provided in this paragraph: *Provided further*, That the total amount provided under this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

Mr. FARR of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, I wish to make sure that my reservation on a point of order against the Farr amendment is protected.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) reserves a point of order on the amendment.

Pursuant to the order of the House today, the gentleman from California (Mr. FARR) and the gentleman from Florida (Mr. YOUNG) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. FARR).

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

Mr. Chairman, I think the interesting debate on this emergency supplemental, which appropriates about $6.7 billion to fix emergencies in the United States, I think it is appropriate that it did that; but I want to point out that the debate all session, since we began in January, has been a lot about the California energy problem, and it now recognizes a national energy problem.

If we watch the debate, it has been for 6 months essentially a Washington, White House-led accusation that the problem in California is Californians; that we have not built enough power plants; that we have too many environmental regulations; that it is essentially a State problem.

Californians, on the other hand, have responded that if we look at the facts, we are using the same amount of energy that we used last year, so the demand is not up. If we look at the national facts, California uses less energy per capita than any other State in the United States.

So this debate, it is California's problem on infrastructure and California's response, it is the Federal Government's problem on not being able to control costs.

Well, guess what? Guess what this bill does? This bill recognizes that it is a cost problem. It recognizes that it is a cost problem for our military, our Federal military installations and the men and women in uniform who work for the military bases. They did not say that they have a problem with the way they are conserving energy. They did not say they have a problem with the way they are producing energy. They said, we have a problem with what we are paying for energy. It is a cost problem. So in this bill, we appropriate $6.8 million for the Army to pay its energy bills; and by the way, we waive points of order on that.

We appropriate $7.2 million for the Navy to pay its electrical bills, and we waive the points of order on that; and we appropriate $3 million for the Air Force to pay its electrical bills, for a total of $17 million.

Now, I support that, but I want it to be known that we are being two-faced here when we say we are going to pay for the military and nobody else; nobody else gets any cost reduction.

The last debate was about how a cap is put on those costs, and I think it was an appropriate debate to have.

Now, the amendment that I am presenting is essentially to answer that other accusation. It is, let us fix the infrastructure. Well, Mr. Chairman, in the United States there are about 13 gridlocks. There are places where the power cannot get through the transmission line. There is too much power on one side and a need for power on the other, and it is too tight. It is too old. It is too archaic. This simple amendment would appropriate $350 million nationally to have applications for those funds on the basis that one could not get a loan anywhere else and that the President would have to declare that these, indeed, gridlocks are an emergency.

It is a simple amendment. It has to be paid back in 25 years, and it answers what this accusation is in Washington: let us fix the transmission problems; let us fix the distribution problem.

The reason they need to have a Federal guarantee is because these gridlocks are owned by a whole consortium of companies. No one of them can stand alone and qualify for those loans. It is a complicated ownership. It is so complicated that these transmission gridlocks, which are pointed out in the President's energy report, are a serious problem; so serious that the Secretary of Energy testified that during the summer of 2000 cool weather in the Midwest and hot temperatures in the South created a heavy north-to-south flow of lower-cost energy to serve air conditioning loads. Because the transmission system was unable to accommodate the heavy loads, regions in the South had to rely on inefficient, older generation units at higher prices. Went on to say, high density urban areas such as Chicago, New York and others have also old, inefficient, obsolete power transmission systems. This amendment would fix that.

Mr. Chairman, I suggest that this amendment is exactly putting money where our mouth has been for the last 6 months.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Energy and Water Development.

Mr. CALLAHAN. Mr. Chairman, I must admit that I am somewhat confused because on the one hand we see a few minutes ago some on the other side accusing the energy companies of price gouging and making excessive profits during this current energy crisis and seeking to impose a cap on those companies and obtain funds for unjust and unreasonable rates, refunds. Now, in the next minute, they want us to feel sorry for these poor energy companies that are so financially strapped that we have to give them a federally guaranteed loan. I know that there are some who think that this might be a good idea, but it certainly makes no sense. Maybe the distinction being proposed is that we should punish those companies and utilities that made successful business decisions and are making a profit and reward those that made bad business decisions by giving them government loans.

We realize that there are some very serious problems with the transmission grid in the West. We know that. I disagree with the Governor of California. When I was out there 2 or 3 weeks ago, I watched television and the only thing I saw the Governor doing in a progressive sense was point his finger at Washington and to tell George W. Bush this is his fault.

What I would like to tell the Governor and the people of California, this is not George W. Bush's fault. It is not the fault of the Congress of the United States. We are the body and he is the President that is going to provide the relief that is absolutely necessary for the crisis that they are in.

So it is not a question of whether or not we are going to help these companies by giving them loan guarantees that admittedly, based on the statement the gentleman has made, these companies are insolvent. So we are going to give them loan guarantees to continue what they are doing now?

No, we are not. We are going to come through, as the President and the Vice President has come through in his energy policy, and give them a reasonable amount of time to develop a coherent and comprehensive plan for the transmission grid.

On the immediate basis, what we have done in this bill and what we are doing, the supplemental before us today takes action on the most obvious transmission grid problem, the bottleneck called Path 15 in California. Our bill provides $1.5 million so the Western Area Power Administration can complete the necessary planning and environmental studies so this project can go forward. So we have done something about the crisis in California. We do it in this bill. We provide for that major bottleneck, an opportunity to do immediate studies so we can help correct them; but we are coming to help.

We are not the enemy. We are friends. George Bush did not create this. The Congress did not, but George W. Bush and the Congress of the United States are going to help our friends and our beloved people of California in that wonderful, beautiful State have the necessary power and the grids to carry that power.

Mr. FARR of California. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise in support of the amendment by the gentleman from California (Mr. FARR). This emergency supplemental is exactly the vehicle that should include measures to address the current energy emergency out West and relieve transmission congestion in the Midwest and avoid similar problems in other parts of the country before we have a repeat of this crisis.

The Committee on Energy and Commerce held several hearings on the electric emergency bill over the past couple of months and identified transmission expansion as vital to California's situation. One of the components of the legislation was expansion of the Path 15 transmission lines that could deliver an additional 1,500 megawatts of power to California from the northwest. That measure identified the need for Path 15 expansion at $220 million. During that hearing, I asked witnesses what stood in the way of getting Path 15 transmission lines expanded and upgraded, and the director of that Western Power Association said, an appropriation.

Mr. Chairman, the Committee on Energy and Commerce did not authorize an appropriation, but the chairman indicated that they felt they had that authorization already. We just need to step up to the plate. So funds to upgrade transmission systems all over our country is the most critical problem we can address today for our Nation's energy future. Besides the efforts to upgrade Path 15, the creation of the loan fund in the Farr amendment will allow for investment in other approaches to upgrade the transmission systems that have lacked commercial support.

I urge adoption of the amendment.

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

Mr. FARR of California. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, we are asked to work in a bipartisan way. The gentlewoman from California (Ms. LOFGREN) has a bill on fusion; my friend, the gentleman from California (Mr. FARR). The President spoke about Path 15 and the inability for us to get power transmission. All the positives that the Members on both sides of the aisle are working together with, if we do not have a way to get that power to our constituents, it is all for naught, whether it is ANWR, whether it is electric, whether it is whatever. That is why I think that this is a good amendment.

My colleagues on my own side of the aisle sought not to support this amendment, but I would say that there are many, many bipartisan supporting activities. The exploration of ANWR, some are against it; some are for. The things that we want to do and look at: clean coal, some are for; some are against. We can take all of these positives that we are working on, and I think people would listen and say we are fighting each other on caps.

□ 1715

I think caps historically are wrong and will be detrimental. But the amendment of the gentleman from California (Mr. FARR) is exactly what the President spoke about in his own power projection plan. That is the reason I rise in support.

Mr. FARR of California. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, the gentleman from Alabama said it is not the fault of the Congress. It is the fault of the Congress. It was the 1992 Energy Act, which I opposed, which brought about and enabled the State of California to deregulate and brought about Federal deregulation of wholesale power transmission and generation. It is the fault of the Congress.

They say it is not the fault of the administration. It is the fault of the administration. The buck stops there. The President has appointed a majority of the Federal Energy Regulatory Commission. He appointed the Chair of the Federal Energy Regulatory Commission, who would not do anything, even though his own staff had said they are violating the law, the prices are unjust and unreasonable. So there is plenty of blame to go around on the Federal level.

There should be Federal support to solve this problem. It involves Federal power agencies. The gentleman from another part of the country, he is familiar with TVA. That is a Federal agency. We have WAPA, we have EPA, we have other Federal agencies involved in power transmission in the West. They need funds to enhance that transmission to get us out of this problem and more efficiently use the power west-wide.

What are the jerks at FERC doing? They are proposing a market-based congestion management pricing system which will give us a California every day on the transmission system.

Mr. FARR of California. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes 10 seconds to the gentleman from Washington.

The CHAIRMAN. The gentleman from Washington is recognized for 4 minutes 10 seconds.

Mr. INSLEE. Mr. Chairman, I would like to note the graciousness of the gentleman from Florida (Chairman YOUNG) in allowing us to speak and address this issue in debate today. We appreciate that. But I also want to note that people do not pay us to talk here, although we do that a bit. They pay us for action. And the majority is not allowing a vote by the elected representatives of this Chamber on two or three of the most important issues in the West Coast and that part of the country right now, refunds for consumers and small business people, on inadequate price limitation.

Despite the graciousness on debate of the gentleman from Florida (Mr. YOUNG), which we have had plenty of, we have had plenty of debate, but we are having no votes, and America, in the small democratic tradition, with a small D, ought to have votes.

So I want to yield to the gentleman from Florida (Mr. YOUNG) and ask him a very sincere question: We have many people who have paid literally billions of dollars too much in their electrical bills in the West Coast in the last several months. We have small businesses going out of business because of that.

Does the gentleman join us in asking for a vote on these issues in some bill in the next couple of weeks?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would respond in this way: This is an important subject. This is an important matter. What I am trying to do is to protect the institution, and the institution provides for appropriations bills and for authorization bills. The way to deal with these issues, because

they are authorizing in nature, they change the law, is to write a bill, introduce it, take it to the committee of jurisdiction and persuade that committee to bring the bill to the floor.

If we do not do that, what happens is every appropriations bill that comes before the Congress is going to get overburdened with amendments that are not appropriations in nature. At the end of every year, Members complain bitterly sometimes that everything is being held up, we cannot come to a conclusion on this or that. Most of the issues that hold us up at the end of a Congress are legislation on appropriations bills, riders that have no place on appropriations bills. We are trying to protect the integrity of the rules of this institution.

Just one further point: All of these amendments that we are talking about here were presented in the committee, and they were debated at great length in the committee, and in fact there were votes on all of these amendments in the committee. So there have been votes at the Committee on Appropriations level.

Mr. INSLEE. Mr. Chairman, reclaiming my time, I appreciate what the gentleman has to say, but the fact of the matter is we have been trying to get a vote for these through the regular order, through an authorization bill, for over 6 months, while my people are dying on the vine paying these extraordinary bills, and yet the majority has not allowed these bills a vote by this Chamber, the elected representatives.

I want to ask a simple question: I just want to ask the gentleman, will the gentleman help us ask the Republican leadership of this House, bring these bills to the floor for consideration in the next couple of weeks so we can have an up or down vote and see where the votes lie?

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would just take the time to advise the gentleman that our leadership knows of the gentleman's concern. As the gentleman has noticed from the debate that has taken place today, there is a strong disagreement as to whether these amendments would actually solve the problem or add to the problem.

Now, this situation deserves hearings, it deserves an opportunity to be investigated by the committee that has jurisdiction and has more knowledge than the Committee on Appropriations.

So, I would be happy to tell the gentleman, the leadership already knows about this debate. I repeat, there is a strong difference of opinion as to what the effect of these amendments would be. Those on our side believe that they would be negative, have the opposite effect of what your side believes. The amendments should be considered by an authorizing committee that has jurisdiction, and they can have hearings and investigate and make the decisions based on what the facts really are.

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

Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, for this debate. Let me point out on page 38 of the bill, it says, ''The bill includes several appropriations that are not authorized by law and, as such, may be construed as legislative in nature. The bill includes several emergency appropriation designations that may be construed as legislative in nature,'' and the first three that they list say that language has been included for the Department of Defense, military, in the operation and maintenance, Army, which extends availability of funds for California energy demand reduction, and goes on to repeat that for the Navy and the Air Force. In fact, it goes on and lists 35 waivers.

Now, the point here is that I think that we are all, and this is the problem, we are sort of getting into this blame game, and I hope we can get off the blame game and really help solve the problem.

There has been a suggestion here that in this emergency, which the Secretary of Energy has indicated is a problem, that we ought to appropriate money which the committee of jurisdiction said was an appropriations problem. Here is an appropriations bill that is declared as an emergency that ought to solve that, and points of order have been waived for other provisions recognizing it is an emergency.

That is all that I am trying to point out, is that we have got to deal with the availability of funding. If we are going to talk about infrastructure improvement, let us improve infrastructure. If we are going to talk about cost, let us not just help the military, and I support 100 percent of what we are doing here, but I think we leave it flat by also not helping the civilian community. That is an emergency as well as it is for the military.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriations bill shall not be in order if changing existing law.''

The amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 and as such constitutes legislation in violation of clause 2 of rule XXI.

Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman insists on his point of order.

Does the gentleman from California wish to be heard on the point of order?

Mr. FARR of California. No, Mr. Chairman.

The CHAIRMAN. The Chair finds that this amendment includes an emergency designation under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for ''Defense Environmental Restoration and Waste Management'', $100,000,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For an additional amount for ''Defense Facilities Closure Projects'', $21,000,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For an additional amount for ''Defense Environmental Management Privatization'', $27,472,000, to remain available until expended.

CHAPTER 3

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $67,400,000: *Provided,* That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, NAVY

For an additional amount for ''Military Construction, Navy'', $10,500,000: *Provided,* That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $8,000,000: *Provided,* That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING, ARMY

For an additional amount for ''Family Housing, Army'', $29,480,000 for operation and maintenance.

FAMILY HOUSING, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing, Navy and Marine Corps'', $20,300,000 for operation and maintenance.

FAMILY HOUSING, AIR FORCE

For an additional amount for ''Family Housing, Air Force'', $18,000,000 for operation and maintenance.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For an additional amount for deposit into the ''Department of Defense Base Realignment and Closure Account 1990'', $9,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. (a) CADET PHYSICAL DEVELOPMENT CENTER.—Notwithstanding section 138

of the Military Construction Appropriations Act, 2001 (division A of Public Law 106–246; 114 Stat. 524), the Secretary of the Army may expend appropriated funds in excess of the amount specified by such section to construct and renovate the Cadet Physical Development Center at the United States Military Academy, except that—

(1) such additional expenditures may be used only for the purposes of meeting unanticipated price increases and related construction contingency costs and making minor changes to the project to incorporate design features that result in reducing long-term operating costs; and

(2) such additional expenditures may not exceed the difference between the authorized amount for the project and the amount specified in such section.

(b) LIMITATIONS AND REPORTS.—No sums may be expended for final phase construction of the project until 15 days after the Secretary of the Army submits a report to the congressional defense committees describing the revised cost estimates referred to in subsection (a), the methodology used in making these cost estimates, and the changes in project costs compared to estimates made in October, 2000. Not later than August 1, 2001, the Secretary of the Army shall submit a report to the congressional defense committees explaining the plan of the Department of the Army to expend privately donated funds for capital improvements at the United States Military Academy between fiscal years 2001 and 2011.

SEC. 1302. Except as otherwise specifically provided in this Chapter, amounts provided to the Department of Defense under each of the headings in this Chapter shall be made available for the same time period as the amounts appropriated under each such heading in Public Law 106–246.

(RESCISSION)

SEC. 1303. Of the funds provided in previous Military Construction Appropriations Acts, $70,500,000 is hereby rescinded as of the date of the enactment of this Act.

TITLE II

OTHER SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

GENERAL PROVISION—THIS CHAPTER

SEC. 2101. The paragraph under the heading ''Rural Community Advancement Program'' in title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549A–17), is amended—

(1) in the third proviso, by striking ''ability of'' and inserting ''ability of low income rural communities and''; and

(2) in the fourth proviso, by striking ''assistance to'' the first place it appears and inserting ''assistance and to''.

CHAPTER 2

DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for ''Governmental Direction and Support'', $5,400,000 from local funds for increases in natural gas costs.

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Public Law 106–522; 114 Stat. 2447), $250,000 to simplify employee compensation systems is rescinded.

ECONOMIC DEVELOPMENT AND REGULATION

For an additional amount for ''Economic Development and Regulation'', $1,625,000 from local funds to be allocated as follows: $1,000,000 for the implementation of the New E-Conomy Transformation Act of 2000 (D.C. Act 13–543); and $625,000 for the Department of Consumer and Regulatory Affairs to carry out the purposes of D.C. Code, sec. 5–513: *Provided*, That the fees established and collected pursuant to Bill 13–646 shall be identified, and an accounting provided, to the Committee on Consumer and Regulatory Affairs of the Council of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for ''Public Safety and Justice'', $8,901,000 from local funds to be allocated as follows: $2,800,000 is for the Metropolitan Police Department of which $800,000 is for the speed camera program and $2,000,000 is for the Fraternal Order of Police arbitration award and the Fair Labor Standards Act liability; $5,940,000 is for the Fire and Emergency Medical Services Department of which $5,540,000 is for pre-tax payments for pension, health and life insurance premiums and $400,000 is for the fifth fire fighter on trucks initiative; and $161,000 is for the Child Fatality Review Committee established pursuant to the Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14–40) and the Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Bill 14–165).

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Public Law 106–522), $131,000 for Taxicab Inspectors is rescinded.

PUBLIC EDUCATION SYSTEM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Education System'', $2,000,000, of which $250,000 shall be derived by transfer from the amount provided under the heading ''Federal Payment for Plan To Simplify Employee Compensation Systems'' in the District of Columbia Appropriations Act, 2001 (Public Law 106–522; 114 Stat. 2444) and $1,750,000 from local funds, to be allocated as follows: $1,000,000 from local funds for the State Education Office for a census-type audit of the student enrollment of each District of Columbia Public School and of each public charter school; and $1,000,000, of which $250,000 shall be from the funds transferred earlier in this paragraph and $750,000 from local funds, for the Excel Institute Adult Education Program: *Provided*, That section 108(b) of the District of Columbia Public Education Act, Public Law 89–791 as amended (D.C. Code, sec. 31–1408), is amended by adding at the end of the paragraph the following: ''In addition, any proceeds and interest accruing thereon, which remain from the sale of the former radio station WDCU in an escrow account of the District of Columbia Financial Management and Assistance Authority for the benefit of the University of the District of Columbia, shall be used for the University of the District of Columbia's Endowment Fund, and such proceeds may be invested in equity based securities if approved by the Chief Financial Officer of the District of Columbia.''

AMENDMENT OFFERED BY MR. KNOLLENBERG

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

The Clerk read as follows:

Amendment offered by Mr. KNOLLENBERG:

Page 19, line 25, strike ''$2,000,000'' and insert ''$14,000,000''.

Page 20, line 5, strike ''$1,750,000'' and insert ''$13,750,000''.

Page 20, line 6, insert after the colon the following: ''$12,000,000 from local funds for the District of Columbia Public Schools to conduct the 2001 summer school program;''.

Mr. KNOLLENBERG. Mr. Chairman, I rise to offer an amendment to allocate $12 million of the District of Columbia's local funds for the city's summer school program. These funds are the city's own money and they are taken from the unobligated surplus funds. This amendment has no cost, no cost, to the Federal Government. Simply put, Federal money is not involved.

I have long held that education is one area that I want to focus on as the chair of the Committee on Appropriations Subcommittee on the District of Columbia. In fact, my first trip into the city to visit some of the local schools and the subcommittee's very first hearing this year was on education.

□ 1730

I am not alone in my attention to the District of Columbia schools. President George Bush and First Lady Laura Bush have visited schools in our Nation's Capital. The First Lady also champions a local initiative that will hire 100 professionals and put them into the city's classrooms.

This amendment is the continuation of this mutual commitment.

For the past few years, the D.C. public school system has received money from the Federal Department of Education, and the officials have been working with them to secure the summer school funds for fiscal year 01. Recently, it has become apparent that the funds will not be forthcoming from the Federal agency for the current fiscal year and local officials have been scrambling to find or address the looming shortfall. After all, if the funds are not available, the summer school doors will remain locked and the kids will not be able to get the education they deserve.

I must confess some disappointment as to how we arrived at this point. The mayor and the city council sent a supplemental package to Congress on May 22, but it contained no money for the summer school program and I think surely someone must have known this was looming.

In fact, I did not receive any notice about the $12 million shortfall until Friday, June 8, nearly 3 weeks after the mayor and the council sent their request to Congress. And I saw no justification or language until the following Wednesday evening, June 13, which was the night before the full committee markup of the supplemental. I know the gentleman from Pennsylvania (Mr. FATTAH) and I were unprepared to address this last Thursday in full committee because details were still coming in at that time and there were remaining questions that had not been answered. Since then, further details have been slow to come, but most arrived just yesterday after some prodding from the gentlewoman from the District of Columbia (Ms. NORTON), and I thank her for that assistance, and now we have what we want. I look forward to working more

closely with District officials to ensure that we are provided with materials and answers to questions at the beginning of the process.

Mr. Chairman, if this amendment is not a part of the supplemental bill, then thousands of kids will not be able to attend summer school in the District of Columbia. Regardless of how we got here this evening, it is critical we pass this amendment.

I want to reiterate that the $12 million in the amendment is not Federal money, but merely allocating funds from the unobligated local surplus that the District has accumulated through the careful financial management by Mayor Anthony Williams. There will be no impact on the Federal budget as a result of this amendment.

Mr. Chairman, I urge Members to support the amendment. I yield to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee, for any comments he might wish to make.

Mr. YOUNG of Florida. Mr. Chairman, I want to compliment the gentleman as the new chairman of the Subcommittee on the District of Columbia. He has done an exceptional job in bringing a great communication between the Congress and the District of Columbia.

This is a good amendment. As he said, this is not Federal funds, this is District of Columbia funds. This is a germane amendment, it is an appropriation amendment, and I support the gentleman's amendment.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman.

Mr. FATTAH. Mr. Chairman, I move to strike the last word.

I would like to thank the chairman of the full committee for accepting this amendment, along with the ranking member. I brought this up in the committee meeting and with an agreement of the chairman of the subcommittee, we held it back because the chairman assured me and, as is his word, he is here on the floor today, making sure that the 30,000 children in the District of Columbia will be able to participate in summer school.

The District of Columbia has had a renaissance: 4 years of surpluses and upgrades in all of its bond ratings. It has a large cash reserve, and it is really unfortunate that the District even has to come to the Congress to ask to spend its own money on behalf of its own children for summer school. This is the first year, as the chairman mentioned, that it had not received from the Federal Government support for its summer school program, which is disappointing. I am sure that Secretary Paige and the Bush administration, because of their extraordinary commitment to the D.C. schools, next year we will not be in this situation and the Department will provide support for its summer school.

Nonetheless, the District has made a way, and the chairman has made it available through this amendment. I want to thank him.

I also want to say that this would not have been possible without the leadership and support of the gentlewoman from the District of Columbia (Ms. NORTON). I want to thank her for the extraordinary leadership that her office provided.

I wish the superintendent, Paul Vance, well. He is doing a tremendous job. Summer school for these young people will be as important here in the District as it is back home in our districts for the young people there. I want to thank the gentleman from Michigan (Mr. KNOLLENBERG), the chairman of the subcommittee, for following through on his commitment made in the committee markup to bring this matter to the floor once we had further information.

Ms. NORTON. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I need to rise first to thank the gentleman from Michigan (Mr. KNOLLENBERG), the chairman of the subcommittee, and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member. I thank the gentleman from Michigan for the great attention, for the scrupulous and careful, tough oversight, but always fair oversight he is rendering as subcommittee chair. And I thank the gentleman from Pennsylvania, who brings a profound understanding of the District and its operations, the first big city ranking member we have had in some years now. The chairman and the ranking member have worked so well together, and that is why we are here today.

Let me apologize for taking up the time of the body on whether local jurisdiction can spend its own local money on its own children. I am inclined to think it is pathetic, but this is the procedure that is used here. I hope to have an amendment before this body that will keep this body from spending its time this way.

The superintendent I think held out hope, he is a new superintendent, that Federal funds that have been forthcoming will be forthcoming this year. They were not. Yet, this is the 3rd year of a summer school virtual extension of the school year, and it is extended and expanded because we have so many students who test at basic or below basic and because the first 2 years of this expanded summer school have had such a big payoff in educational achievement. I think the body should commend this pioneering program to other districts, because there is none in the United States that does not need it.

Essentially what it does is to extend the school year here from 5 to 6 weeks with a 20 percent increase from 22,000 to 30,000 students. This means almost half of the school students in the District of Columbia will be in this Summer Stars program. This is a 267 percent increase in the size of the program, with only a 50 percent increase in funds.

The key to the program is a 15-to-1 student-teacher ratio and a 12-to-1 ratio for special education students. The reason the program is expanding is because of the consistent increase in post-test scores over pre-test scores, and in the same significant improvement in the SAT 9 scores. This program is required of every student in the District of Columbia who scored basic or below basic in reading and math. That is the morning program. There is an afternoon program that is optional for children who scored proficient or advanced in reading and math and for all English learners and special education students. Something that works so well and is so well documented I hope will be voted by acclamation. Every child in the United States who needs extended educational opportunities in the summer should have a similar opportunity. I hope Members will look at this program for their own districts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. KNOLLENBERG).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HUMAN SUPPORT SERVICES

For an additional amount for ''Human Support Services'', $28,000,000 from local funds to be allocated as follows: $15,000,000 for expansion of the Medicaid program; $4,000,000 to increase the local share for Disproportionate Share to Hospitals (DSH) payments; $3,000,000 for the Disability Compensation Fund; $1,000,000 for the Office of Latino Affairs for Latino Community Education grants; and $5,000,000 for the Children Investment Trust.

PUBLIC WORKS

For an additional amount for ''Public Works'', $131,000 from local funds for Taxicab Inspectors.

WORKFORCE INVESTMENTS

For expenses associated with the workforce investments program, $40,500,000 from local funds.

WILSON BUILDING

For an additional amount for ''Wilson Building'', $7,100,000 from local funds.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For an additional amount for ''Water and Sewer Authority and the Washington Aqueduct'', $2,151,000 from local funds for the Water and Sewer Authority for initiatives associated with complying with stormwater legislation and proposed right-of-way fees.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for ''Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee'', for emergency expenses due to flooding and other natural disasters, $18,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for ''Operation and Maintenance, General'', for emergency expenses due to flooding and other natural disasters, $115,500,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That using $1,900,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the project authorized by section 518 of Public Law 106–53, at full Federal expense.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended, $50,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For an additional amount for ''Non-Defense Environmental Management'', $11,950,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

For an additional amount for ''Uranium Facilities Maintenance and Remediation'', $18,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For an additional amount for ''Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration'', $1,578,000, to remain available until expended: *Provided*, That these funds shall be non-reimbursable.

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. Of the amounts appropriated under the heading ''Operation and Maintenance, General'' under title I of the Energy and Water Appropriations Act, 2001 (enacted by Public Law 106–377; 114 Stat. 1441 A–62), the $500,000 made available for the Chickamauga Lock, Tennessee, shall be available for completion of the feasibility study for Chickamauga Lock, Tennessee.

AMENDMENT OFFERED BY MR. FILNER

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

The Clerk read as follows:

Amendment offered by Mr. FILNER:

In title II, at the end of chapter 3, insert the following:

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Salaries and Expenses'', $1,000,000, for establishment of a maximum price for wholesale sales of electricity at rates that are unjust, unreasonable, or unduly discriminatory or preferential and to provide for the refund of prices paid in excess of such maximum price, to be derived by transfer from funds made available under title I: *Provided*, That the Director of the Office of Management and Budget shall determine the amount to be transferred from each account in title I: *Provided further*, That the Director shall not transfer any amounts from the funds made available under the headings ''Military Personnel'', ''Defense Health Program'', ''Family Housing, Army'', ''Family Housing, Navy and Marine Corps'', and ''Family Housing, Air Force''.

Mr. YOUNG of Florida. Mr. Chairman, I rise to reserve a point of order. Although this amendment was not part of the originally agreed-upon unanimous consent, I will not make the point of order until the gentleman has his 5 minutes, but after he has explained the amendment, I will make the point of order against the amendment.

The CHAIRMAN. Does the gentleman reserve his point of order?

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order.

Mr. FILNER. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG) for his courtesy.

This item, which provides money to the Federal Energy Regulatory Commission for the purpose of establishing cost-base rates in the western region of our electricity grid and to provide for refund of all of the criminal overcharges that California and the West has experienced since last June.

Now, we have debated on this floor amendments similar to this. I would just like to add for my colleagues some information.

I represent San Diego, California, which was at ground zero for the crisis that we are experiencing in the West and, I predict, soon in the rest of the United States. The experience we had in San Diego is that when our retail market was fully deregulated, and I will say to those who say full regulation never occurred in California, it did in San Diego. Both the retail and wholesale prices were fully deregulated, and I will tell my colleagues that within 30 days of deregulation, prices doubled on all businesses and individuals in San Diego County. At the end of 60 days, prices tripled. There was literally a revolution and panic in San Diego. Businesses closed up by the scores. If you were a small business on the margins and you had an $800 bill for your monthly electricity rates, and that bill went up to $1,500 and then to $2,500, there is no way that you can survive.

I will tell the Chairman, a recent report by our San Diego County Chamber of Commerce showed that, and I want my colleagues to listen to this figure, because it is almost unbelievable: Sixty-five percent of small businesses in San Diego County face bankruptcy this year if electricity prices do not come down. Sixty five percent.

Now, I will tell my colleagues when a few percent of businesses are wiped out with an earthquake or a flood or a fire, FEMA and the whole Federal Government is into that area.

□ 1745

Well, where is the Federal government in California and San Diego when this kind of disaster strikes? Not only are we facing business closings, bankruptcies, but individuals on fixed income cannot afford their electricity bills, big businesses cannot afford the uncertainty about the prices.

The biggest employer in my district may close this year, not just because of the potential price increases, but because of blackouts and uncertainty that they cannot keep up their production. This is disaster.

The chairman has in the supplemental bill, and I heard his testimony at the Committee on Rules, the first thing the chairman mentioned was that $750 million of this bill was going for increased energy costs. He recognize that the problem in the West is high prices of electricity.

There were no lectures in this bill about increasing supply or decreasing demand. The chairman reimbursed the military for their high prices. What about the small businesses in San Diego and California? What about the people on fixed income? We need to bring the prices down.

My colleagues on the other side of the aisle and the Vice President and President have said that price controls do not produce a kilowatt of electricity. They do not save a kilowatt of electricity. Hello, we know that, but the Governor of California has a dozen plants online in California to increase capacity. We are now the number one State for energy conservation in this Nation. We are doing our share to increase capacity and bring down demand, but it is the prices that are bleeding us dry. It is the prices.

We paid, Mr. Chairman, $7 billion for all of our electricity 2 years ago. Now last year we paid $27 billion without any increase in demand, though a little increase in cost of production. We have faced bills of between $50 billion and $70 billion this year, a ten-fold increase, a ten-fold increase of prices, with no appreciable increase of demand or increase of cost.

That is the problem, Mr. Chairman. The problem is the prices that are bleeding us dry. They recognize the problem by increasing the military expenditures in this field. We need to bring down the prices for the small business people, for the big business people, for the families on fixed incomes, for all families in San Diego, in California, and in the West, and I will bet soon in the rest of the Nation.

Mr. Chairman, when we brought to the attention of FERC the increase of prices in San Diego, we charged that the electricity cartel was withholding supply. We charged that they were falsifying transmission data to show that there was a problem with supply. We showed that they were laundering electrons.

Do Members know what happened? FERC did an investigation. FERC found, yes, the market was manipulated. The market was manipulated. They found the prices to be unjust, unreasonable, and by Federal power law,

illegal. So we have been paying illegal prices, Mr. Chairman, for 1 year. We have been paying illegal prices for 1 year.

When FERC did nothing in November, December, January, February, March, April, or May, what did they tell the electricity cartel? Go and rob the State blind. Go and rob the region blind. Go and rob the country blind. That is exactly what is happening.

I will tell the Members, whether they are in Florida or Pennsylvania, they are going to face this next.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. YOUNG of Florida. Mr. Chairman, I insist on the point of order because it proposes to change existing law and constitutes legislation on an appropriation bill, and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part, ''An amendment to a general appropriations bill shall not be in order if changing existing law.'' The amendment gives affirmative direction, in effect. I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. YOUNG of Florida. Yes, Mr. Chairman.

The CHAIRMAN. Does the gentleman from California (Mr. FILNER) wish to be heard on the point of order?

Mr. FILNER. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized on the point of order.

Mr. FILNER. Mr. Chairman, I understand the technical point of order, but my constituents do not understand how a technicality can prevent dealing with this emergency in San Diego and in California.

The chairman knows, and I will not bother to ask, but the chairman knows that there are hundreds if not thousands of provisions that have been on appropriations bills since the gentleman's chairmanship that have been passed through this Congress. The gentleman knows that items which are not authorized are approved.

I heard the gentleman in an earlier statement saying they were meaningless items in this bill. I do not know about that, but certainly in other appropriations bills they have been significant authorizations.

On behalf of my constituents, I would just plead to the gentleman, on a technicality, do not insist on a point of order when we have this emergency that is bleeding us dry. All the small businesses are at risk in San Diego and in California. Please do not send them under.

The CHAIRMAN. The Chair is prepared to rule. The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, I will be offering an amendment. We are working with the majority to refine the language.

Mr. Chairman, I ask unanimous consent to be allowed to return to this portion of the bill to offer my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, I wonder if the gentleman would speak a little more directly into the microphone and explain what his request is.

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

Mr. YOUNG of Florida. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, the staffs and Members are conversing about the amendment that I am offering for $23.7 million for dam safety and efficiency improvement. I believe we have reached an agreement, but we do not have the final language prepared. I simply want to preserve the prerogative to return to this point in the bill.

Mr. YOUNG of Alaska. Mr. Chairman, I understand the gentleman's request. He is an important member of the Committee on Appropriations. I certainly hope that the House will accommodate his request.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 24, after line 19, insert the following new chapter:

CHAPTER 3A

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''International Disaster Assistance'' for rehabilitation and reconstruction assistance for India, to be derived by transfer from the amount provided in chapter 1 of title I for ''Research, Development, Test and Evaluation, Air Force'', $100,000,000, to remain available until expended.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

Mr. YOUNG of Alaska. Reserving the right to object, Mr. Chairman, I do so to reserve a point of order. Although this amendment was not part of the original agreement, I will not make the point of order until the gentlewoman has concluded her 5 minutes on the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. I appreciate the gentleman's statement, Mr. Chairman. Both the chairman and the ranking member are very kind.

Mr. Chairman, as I indicated to the gentleman's staff, I stand here speaking about a disaster that is very far away from Houston, Texas.

It so happened that I began my work with the members of the Indian community, the Indo-American community, in Houston way before the devastation of Tropical Storm Allison appeared in Houston, Texas.

This amendment is responding to the devastation that we are well aware of that occurred some months ago in India, where 18,000 are dead, 166,836 are injured, and 600,000 are homeless.

Although I know a number of my colleagues have been working toward assisting the Nation of India, this is an amendment to add $100 million to the bilateral economic assistance line to provide resources for the rehabilitation of India, after their devastating earthquake last year.

I can only say that it is part of our general attitude in this country of extending our hand of assistance to those who have been devastated. As I indicated to the chairman, I am far away from Houston, Texas, on this particular amendment, but this is a longstanding work that we have been doing.

The Indo-American community has been raising private funds throughout the Nation. They have been trying to independently work to provide resources to their loved ones in India. I am only hoping that, as we proceed through the appropriations process, that we would have the opportunity, though this amendment may be subject to a point of order, that we will have the opportunity to work with the appropriate subcommittee of the Committee on Appropriations to be sure that we provide the necessary resources to help rebuild the devastating part of India that this disaster took place in.

Although today I will come forward again speaking about the devastation in Houston, I would be remiss not to continue the work that I have done with the Indo-American community on trying to assist them and the Nation of India.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. YOUNG of Florida. Mr. Chairman, there will be an appropriate time to consider this amendment. When the

authorizing bill is passed, the vehicle will be available.

But at the present time, I must make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI. Clause 2 of rule XXI states, in pertinent part, ''An appropriation may not be in order as an amendment for an expenditure not previously authorized by law.''

Mr. Chairman, the authorization for this program has not been signed into law. The amendment therefore violates clause 2 of rule XXI, and I insist on the point of order.

The CHAIRMAN. The gentleman insists on his point of order.

Does the gentlewoman from Texas (Ms. JACKSON-LEE) wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. I do, Mr. Chairman.

The CHAIRMAN. The gentlewoman is recognized for that purpose.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I know authorizers and appropriators have to work together. We were hoping this had been authorized and that we could, frankly, find the exchange of funds.

Based upon the chairman's pronouncement, let me say that I will take him at his word that we will work through the appropriating process so that India will be able to have the secured funds that are necessary. Although I would hope that the point of order would be withdrawn, I thank the chairman.

The CHAIRMAN. The Chair is prepared to rule. The proponent of an item of appropriation carries the burden of persuasion on the question of whether it is supported by an authorization in law.

Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law.

The Chair is therefore constrained to sustain the point of order under clause 2(a) of rule XXI. The amendment is not in order.

AMENDMENT OFFERED BY MR. VISCLOSKY

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

The Clerk read as follows:

Amendment offered by Mr. VISCLOSKY:

On page 24, after line 19, insert the following:

SEC. 2302. The amounts otherwise provided by this Act for ''National Nuclear Security Administration—Weapons Activities'' are reduced by $23,700,000. For an additional amount for ''Corps of Engineers—Civil—Operation and Maintenance, General'', $23,700,000, to remain available until expended.

Mr. VISCLOSKY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

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

Mr. VISCLOSKY. Mr. Chairman, I essentially would explain the amendment that is for $23.7 million for desperately needed rehabilitation, repair, and safety measures at dams under the jurisdiction of the Army Corps of Engineers.

It is meant to improve the safety, reliability, and efficiency of these facilities that are already in place, and with the recognition that if we can improve efficiency by 1 percent, we can generate an additional $3.3 billion kilowatt hours of electricity without the construction of any additional facilities.

It is my understanding that the majority has agreed to the amendment. I simply want to use my time to thank the gentleman from Florida (Chairman YOUNG), the gentleman from Alabama (Chairman CALLAHAN), and the gentleman from California (Chairman LEWIS), for their deep consideration and approval of this measure.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we have had the opportunity to review the amendment. We find it to be a very positive amendment. For the majority, I accept this amendment.

Mr. MURTHA. Mr. Chairman, I move to strike the last word.

We have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY).

The amendment was agreed to.

Mr. GREEN of Texas, Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take all my time, but I would like to rise and express opposition concerning the approach that is being taken toward the Federal Emergency Management Administration disaster relief funding.

Already this year we have 27 major disaster declarations across the United States, including the devastating flood in Houston and southeastern Texas caused by Tropical Storm Allison. The damage estimates from this declaration are continuing to go up.

In fact, in today's paper in Houston we see that the estimates now are up to $4.8 billion in losses just from 2 weeks ago in Houston, Texas, and that is not counting the loss in Louisiana and to the southeastern United States, all the way up to Pennsylvania this last weekend.

□ 1800

The provision in this bill to rescind the $389 million in FEMA disaster relief should not be taken lightly, not only to my own constituents in Houston but to all Americans who may suffer natural disasters this year. My colleagues should understand there is an amendment that will make it an across-the-board cut that will restore about $330 million of this; but even with that, there is much to be lost.

In fact, I have a letter from our U.S. Senator, Senator KAY BAILEY HUTCHISON, expressing concern about this cut, but also there is concern that we may be looking at asking for an extra billion dollars for FEMA. Because, again, as of 7:00 a.m. on June 19, yesterday, we had 47,348 claims filed with FEMA in just Houston, Texas, alone.

Again, this is really the early start of it, as my colleagues know who have been through this before. I have not been through it in the Houston area, like some of my colleagues, but the recision funding could hinder FEMA's ability to provide quick and effective disaster assistance, maybe not only in Houston but in future disasters.

Again, the Bush administration expressed concern about this with the Office of Management and Budget in a letter, and I know if we do not do it in this particular emergency spending, because that is what emergency spending bills are about, disaster relief, then we will have to fix it in the appropriations bill, Mr. Chairman; and that is what concerns me.

Mr. Chairman, I have areas in northeast Harris County that literally have been devastated, very urban areas, areas that are very costly to try and even reach some kind of an amount that will help my constituents.

I know there are efforts even now as we stand here tonight that FEMA is offered to try and deal with mosquito control in Houston, because we always have mosquito problems. Now we see that the number of mosquitos is measured by how many landings they have on a person's exposed arm. So anything above 25 is considered dangerous.

If you have your arm outside and 25 mosquitos light on it, and I do not know how many would be willing to take 25, but we have more than that, in fact, four times that rate in Houston, so FEMA has agreed to fund $1.2 million to help spray for the mosquitos. Again, this is just in one area of the loss from Tropical Storm Allison.

Again, I cannot implore to my colleagues, not only on the majority side but on the minority side, to realize that disaster relief is mounting and the recision of the $389 million should not happen; and even the restoration of $330 million with cuts across the board may not be enough.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 4

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for ''Operation of Indian Programs'', $50,000,000, to remain available until September 30, 2002, for electric power operations at the San Carlos Irrigation Project, of which such amounts as necessary may be transferred to other appropriations accounts for repayment of advances previously made for such power operations: *Provided*, That the entire amount is

designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for ''Construction'', $17,700,000, to remain available until expended, to repair damages caused by floods, ice storms, and earthquakes in the States of Washington, Illinois, Iowa, Minnesota, Missouri, Wisconsin, New Mexico, Oklahoma, and Texas: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

UNITED STATES PARK POLICE

For an additional amount for ''United States Park Police'', $1,700,000, to remain available until September 30, 2002, for unbudgeted increases in pension costs for retired United States Park Police officers.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for ''State and Private Forestry'', $22,000,000, to remain available until expended, to repair damages caused by ice storms in the States of Arkansas and Oklahoma, and for emergency pest suppression and prevention on Federal, State and private lands: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FOREST SYSTEM

For an additional amount for ''National Forest System'', $12,000,000, to remain available until expended, to repair damages caused by ice storms in the States of Arkansas and Oklahoma and to address illegal cultivation of marijuana in California and Kentucky: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

WILDLAND FIRE MANAGEMENT

For an additional amount for ''Wildland Fire Management'', $100,000,000, to remain available until expended, for emergency rehabilitation, presuppression due to emergencies, and wildland fire suppression activities: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for ''Capital Improvement and Maintenance'', $4,000,000, to remain available until expended, to repair damages caused by ice storms in the States of Arkansas and Oklahoma: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. Of the funds appropriated to ''Operation of the National Park System'' in Public Law 106–291, $200,000 for completion of a wilderness study at Apostle Islands National Lakeshore, Wisconsin, shall remain available until expended.

SEC. 2402. (a) The unobligated balances as of September 30, 2001, of the funds transferred to the Secretary of the Interior pursuant to section 311 of chapter 3 of division A of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106–554) for maintenance, protection, or preservation of the land and interests in land described in section 3 of the Minuteman Missile National Historic Site Establishment Act of 1999 (Public Law 106–115), are rescinded.

(b) Subsection (a) shall be effective on September 30, 2001.

(c) The amount rescinded pursuant to subsection (a) is appropriated to the Secretary of the Interior for the purposes specified in such subsection, to remain available until expended.

SEC. 2403. Section 338 of Public Law 106–291 is amended by striking ''105–825'' and inserting in lieu thereof: ''105–277''.

SEC. 2404. Section 2 of Public Law 106–558 is amended by striking subsection (b) in its entirety and inserting in lieu thereof:

''(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.''.

SEC. 2405. Federal Highway Administration emergency relief for federally-owned roads, made available to the Forest Service as Federal-aid highways funds, may be used to reimburse Forest Service accounts for expenditures previously completed only to the extent that such expenditures would otherwise have qualified for the use of Federal-aid highways funds.

CHAPTER 5

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for ''Low Income Home Energy Assistance'' under section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), $300,000,000: *Provided,* That these funds are for the home energy assistance needs of one or more States, as authorized by section 2604(e) of that Act and notwithstanding the designation requirement of section 2602(e) of such Act.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

In the statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; H. Rept. 106–1033), in title III of the explanatory language on H.R. 5656 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001), in the matter relating to Technology Innovation Challenge Grants under the heading ''Education Reform'', the amount specified for Western Kentucky University to improve teacher preparation programs that help incorporate technology into the school curriculum shall be deemed to be $400,000.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO:

In chapter 5 of title II, strike the item relating to ''LOW INCOME HOME ENERGY ASSISTANCE'' and insert the following:

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for ''Low Income Home Energy Assistance'' under section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), $600,000,000: *Provided,* That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further,* That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

For making payments for ''Low Income Home Energy Assistance'' under section 2602(b) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(b)), $1,400,000,000, which shall become available on October 1, 2001.

In chapter 9 of title II, in the item relating to ''FEDERAL EMERGENCY MANAGEMENT AGENCY—DISASTER RELIEF'', after the dollar amount of the rescission, insert the following: ''(reduced by $300,000,000)''.

Ms. DELAURO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment as agreed to earlier today and that there would be 10 minutes on each side. So, Mr. Chairman, I reserve a point of order until that 10 minutes on each side has been concluded.

The CHAIRMAN. Pursuant to the order of the Committee today, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Florida (Mr. YOUNG) each will control 10 minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

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

Mr. Chairman, my amendment would provide $600 million in emergency funding for this fiscal year for the Low-Income Heating Energy Assistance Program, the LIHEAP program, and $1.4 billion for fiscal year 2002 in advance funding for the LIHEAP program. Equally critical, it would restore $300 million to the Federal Emergency Management Agency's Disaster Relief Fund.

The LIHEAP program is one of the most critical and successful components of our social safety net. The program provides essential heating and cooling assistance to almost 5 million low-income households, including the working poor, those who are making the transition from welfare to work, disabled persons, elderly and families with young children, the most vulnerable in our society. The price spikes with regard to costs of energy have a disproportionate effect on these vulnerable populations.

They pay 20 percent of their income on energy bills, and that is about four times on average the amount paid by other people. These are folks who are making around $8,000 or less a year.

Mr. Chairman, the $150 million requested by the President and the 300 million included in this bill are inadequate. They do not meet the needs of millions of working families and seniors who are facing unbelievable energy

costs, no matter where you go in the United States.

In addition, all of the LIHEAP funds appropriated for this fiscal year have been released and nearly half of the States have already exhausted or nearly exhausted their funding.

Warm weather States facing the prospects of a hot summer will have little relief without immediate emergency LIHEAP funds. The amendment increases assistance to these families by providing this emergency appropriation.

The funds are needed in order to address an immediate problem, an immediate relief for those States who are trying to deal with delinquent energy payments and then preparing for the effects of the summer.

The amendment also provides $1.4 billion for LIHEAP for that appropriation for the year 2002, and we need to do this now so that there is no interruption of benefits for people who are suffering with the high prices.

States need to have the advanced funding so that they can prevent the cuts in benefits, they can determine eligibility levels, and they can enter into contracts when the energy costs are low so that they do not have to pay more when the cold weather hits.

Finally, the amendment would restore $300 million to the Federal Emergency Management Agency's Disaster Relief Fund. These were originally used to offset the $300 million the committee had set aside for LIHEAP assistance.

As my colleagues have said earlier today, most of the South is dealing with the aftermath of Tropical Storm Allison. This storm has caused numerous fatalities and dumped 30 inches of rain in some areas as it has ripped its way from Texas to New England.

Yesterday, FEMA director Joe Allbaugh stated that the costs are now going to exceed $4 billion. They originally talked about $2 billion. As my colleague from Texas pointed out, the Houston Chronicle this morning talked about $4.8 billion, and they are not sure where this number is finally going to land.

This is not the time, not the time to take money away from FEMA; but it is the time when we ought to be strengthening what we are doing here.

If we fail to act now, our most vulnerable population, people who are struggling every single day to pay the high cost of energy, making serious choices in what their lives are about in order to deal with energy costs, they are going to be confronted continually with these skyrocketing costs. We have an opportunity on an emergency basis to do something about it. We should act today.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he might consume to the distinguished gentleman from Ohio (Mr. REGULA), the chairman of the Subcommittee on Labor, Health and Human Services and Education.

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

Mr. REGULA. Mr. Chairman, I rise in opposition to this amendment. I recognize, of course, that the gentlewoman from Connecticut (Ms. DELAURO), the proponent, is concerned; but let me say that we also recognize there is a need out there.

The President recommended 150 million extra dollars and in the subcommittee action as part of the full committee, we doubled that to $300 million. And effectively, what this means that we have committed for fiscal year 2001 a total of $2.5 billion.

Obviously, you add and add and add; but at some point we have to say this is a reasonable amount, and this recognizes the responsibility of the government and does provide a reserve for the balance of this fiscal year of 300 additional million dollars, plus what was already in the bill.

Last summer, we only used $35 million of the $600 million that was provided in emergency funding, and those remaining funds are carried into 2001, and they are available for this year's program. I think that what we have done is recognize the importance of LIHEAP to those who have fuel problems, and I think in putting in 300 million additional dollars, we understand that and have been very generous in trying to meet those needs.

Mr. Chairman, no one knows exactly what the weather is going to be, but it seems to me that the $300 million represents a very reasonable amount. It is double what the administration recommended. Again, I think it expresses the concern that the members of the Committee on Appropriations have for this program.

I would say to my colleagues that I believe we have been very responsible in providing the $300 million and would reluctantly oppose adding any more to this, because the supplemental is already approaching a large sum of money.

On the issue of advanced appropriations, and that is also part of this amendment, it provides for an advanced appropriation of $2 billion for the LIHEAP program. While I understand there is a desire on the part of the States to have as much advance notice on the funding level as possible for the next fiscal year, I do not think it is a responsible approach to advance appropriate that amount.

Obviously, when we get to the 2002 budget, and I am sure that the gentlewoman understands that, we are going to be as generous as possible in providing for LIHEAP funding for the fiscal year 2002, but I think it is a little premature to put the money out now until we know what the fiscal condition of the government will be; and what happens with the extra money we put in for this year will give us a better feel for what will be needed next year. Fortunately, energy costs are coming down in many areas; and I believe this, too, will be a factor.

We probably will be doing a markup in September, and at that time the Committee would be better able to evaluate the needs of 2002 rather than to start at this point and advance fund the program.

Mr. Chairman, for the reasons I mentioned, I would urge my colleagues to not vote for this particular amendment, because we have already gone the extra mile in putting in the $300 million for this fiscal year.

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

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

Mr. Chairman, I might just say that the $300 million that was added in is the money that came from the disaster relief account, and we know that that money should not be taken out of the disaster relief account and that the $1.4 billion that is here in my amendment is what the President has requested.

Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

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

Mr. BALDACCI. Mr. Chairman, I speak in support of the DeLauro amendment. I share her belief that we need to provide additional funding for the LIHEAP program. The State of Maine knows winter very well. Winter in my State has lasted longer than normal. Significant snowfall, colder temperatures, and high heating costs took a toll on many households.

□ 1815

As in other northeastern States, many Mainers rely on oil for their heat. And as we all know, oil prices have been very high. Heating bills were higher than normal, and it was too much for many households to bear. The winter alone, the LIHEAP program served more than 53,000 Maine households, a 20 percent increase over the previous winter. Unfortunately, the benefit was only $432. While appreciated, because of the high energy costs and because of the larger pool of people, we ended up not being able to meet the needs of most Maine families that did qualify.

This is a tremendous social safety program for our Nation's poorest and most vulnerable citizens and it keeps people in their homes, which is something I know we are all committed towards. I think it is unfortunate that we have not given the funding necessary.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me this time. Obviously, I want to congratulate the gentlewoman from Connecticut for bringing this amendment forward. In Massachusetts, there are 85,000 people who rely on LIHEAP in order to get their fuel. I also want to commend the chairman of both the committee and the subcommittee, because they have

taken a look at this and they have increased the numbers somewhat and they are appreciative and sympathetic to the problems that people face.

I think, however, the gentlewoman from Connecticut makes the point that we need more funds than the committee made available. We have large amounts of people that face this problem. One need only talk to the dealers who go out and deliver the oil in the winter to people in my communities to know that time in and time out there are not enough resources there for the people that need these services. So having this money on hand makes an important statement and gives important protection to people.

Mr. Chairman, I would ask that we go forward, approve this amendment both with respect to the LIHEAP monies and also with respect to the FEMA monies that have been asked for, because those situations are upon us, they are real and people suffer otherwise. Again I thank the gentlewoman for bringing forward this particular amendment and urge Members to support it.

Ms. DeLAURO. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Chairman, I rise also in support of the DeLauro amendment to double the LIHEAP emergency fund, to increase the nonemergency LIHEAP block grants, and to restore the $300 million to FEMA's disaster relief fund.

LIHEAP is an essential safety net for the millions of low-income families who struggle to heat their homes in the winter and cool their homes in the summer. For these people, this program is a matter of life and death. For these people, many of whom live in my district, they have to choose between putting groceries on their table or heating and cooling their homes. For these people, they have to choose between paying for their prescription drugs and heating and cooling their homes.

We can do much better than this. The President's budget request of $150 million was insulting and dangerous. The $300 million in this bill, while an improvement, we could do so much better. We need the $600 million proposed in this amendment to protect and save those lives that we all say we care about.

Restoration of the FEMA disaster funds also makes sense, especially in light of Tropical Storm Allison. Three months after the President cut vital projects in the FEMA budget, Tropical Storm Allison reminds us all that cutting vital funds for FEMA is a tragic mistake. This is a good amendment. Please support it.

Ms. DeLAURO. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I appreciate her bringing these issues before us.

We are dealing with the two elements of her amendment that actually affect people's lives in the most direct and immediate sense. We are watching, in the aftermath of Hurricane Allison, where we could have up to $4 billion dealing with cleanup and related health costs. The restoration of $300 million I would think would be the minimum that we would do to be able to assure that we have the services that are necessary.

In a time when we are dealing with global climate change, at least the scientific community feels it is not time to study it, we must move for action. Not having adequate energy assistance literally could mean the difference between life and death for poor citizens who choose between air-conditioning and heating and cooling when we have weather extremes as it relates to global climate change. It makes me very nervous.

I appreciate the gentlewoman bringing forth this amendment. I think it can make a huge difference for the people we serve.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I serve as the authorizing subcommittee chairman of the Committee on Energy and Commerce that has jurisdiction over the LIHEAP program. Earlier this year, we were trying to move legislation to help the West Coast with their electricity problem. The gentlewoman from California (Mrs. BONO) offered a LIHEAP amendment authorizing an additional $100 million. The Bush administration later came forward and said they were going to support $150 million. The subcommittee and now the full committee in the supplemental has raised that to $300 million.

If we look at the history of the program and look at the situation both in terms of heating requirements in the colder regions of the country and cooling requirements in the warmer regions of the country for the summer, the amount of additional funding in the pending supplemental should be more than adequate, if we consider the rollover money that is carried forward that the gentleman from Ohio (Mr. REGULA) talked about in his statement several minutes ago.

Also, if we consider that we are going to have a FEMA increase amendment, we think fairly quickly on the floor offered by three Members, which increases FEMA with an offset to the rest of the bill, I think we can handle that part of the amendment of the gentlewoman from Connecticut.

So I know it is well meaning, but I would hope we would follow the committee and reject this amendment and support the Toomey-Tancredo-Flake amendment that should come later and we can act in a responsible fashion. So I would oppose the gentlewoman's amendment.

Ms. DeLAURO. Mr. Chairman, I yield myself the balance of my time.

Let me just say to my colleagues that this is the emergency supplemental bill. I do not think anyone could deny the whole issue of energy prices, whether someone is from the West Coast, in the middle of the country, or the East Coast; that there has been a severe crisis and an issue with regard to the escalating energy costs.

The fact of the matter is that LIHEAP has proven to be a successful program but always a program that is underfunded, and it does affect the most vulnerable populations in this country. We know firsthand that almost half of the States of these United States are out of money or almost out of money. We have the hot summer months coming up. That we can stand here today and not utilize this vehicle, which is for emergency purposes, to bring some relief to people in this country, I find somewhat mind-boggling.

On the issue of disaster relief, I am not from Texas, I am not from Houston, we got only a piece of what this tropical storm was all about, but I have heard from people on both sides of the aisle, I have been reading and watching the news broadcasts, and the folks in Texas are in trouble. They are in trouble. They keep doubling the costs of what this disaster is going to be. The mosquito problem has just risen, and we have agreed to pay a portion of that. Why do we want to knowingly take money from the program that we know we are going to have to appropriate to help people?

Our job is to represent those folks who send us here, no matter where we are. This is the right thing to do.

Ms. SLAUGHTER. Mr. Chairman, I am proud to join my colleagues in expressing my strong support for an increase in Low-Income Home Energy Assistance Program's (LIHEAP) emergency funding level and advance funding for fiscal year 2002. This advanced funding would allow LIHEAP recipients to purchase home heating oil and natural gas early—during the summertime—when home heating energy prices are lower. Thus, they would get more bang for their buck.

If we have learned nothing over the past year, it should be that short-term thinking does not work. Last winter, I learned about a senior citizen in my district who lives on $515 a month from Social Security. In addition to heavy medical costs, 19.7 percent of her income has to go to paying her energy bills. Unfortunately, I am sure her situation is not unique.

Currently, two-thirds of LIHEAP households have incomes of less than $8,000 per year and even with assistance, the average LIHEAP family already spends over 18 percent of its income on home energy costs, compared with 6.7 percent for all households. Only 19 percent of the households who are eligible receive LIHEAP assistance. At the same time, last winter in my state, forty percent

more households were applying for Home Energy Assistance Program grants than the previous year.

I am disappointed that Representative DELAURO's amendment was not made in order. This increase in LIHEAP would be a significant first step toward helping our residents pay for a basic necessity.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order at this point.

The CHAIRMAN. The gentleman is recognized on his point of order.

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment of the gentlewoman from Connecticut (Ms. DELAURO) because it proposes to change existing law and constitutes legislation on an appropriation bill and therefore violates clause 2 of rule XXI.

The Rule states in pertinent part:

''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 and as such constitutes legislation in violation of clause 2 of rule XXI, and I insist on my point of order, Mr. Chairman.

The CHAIRMAN. Does the gentlewoman wish to be heard on the point of order?

Ms. DELAURO. Just very, very briefly, Mr. Chairman. I say to the Chair of the committee that it is true this additional amount for LIHEAP for this emergency contingency fund is not authorized. However, last year Congress provided a $600 million emergency supplemental for LIHEAP that was also not authorized. If we can overlook the lack of authorization last year, I think when the need is greater this year we can overlook it, particularly because it is of an emergency nature.

I also submit to you, Mr. Chairman, that there are several other provisions in this supplemental that are provisions that have not been authorized and yet they received waivers. I think we could waive the point of order on this issue which affects the American folks so deeply.

The CHAIRMAN. The Chair is prepared to rule. The Chair finds that this amendment includes an emergency designation under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on the following specified amendments to the bill, and any amendments thereto, be limited to the time specified, equally divided and controlled by the proponent and myself as an opponent:

Number one, an amendment to be offered by the gentleman from Pennsylvania (Mr. TOOMEY), as printed in part B of the Rule, for 20 minutes; and an amendment to be offered by the gentleman from Wisconsin (Mr. OBEY) regarding the tax rebate mailing and high-intensity drug trafficking areas, for 30 minutes.

This request has been agreed to by the minority and the majority.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SANDERS:

Title II, chapter 5, at the end of the item relating to ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—Administration for Children and Families Low Income Home Energy Assistance'' insert the following:

For ''Low Income Home Energy Assistance'' under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) for fiscal year 2002, $2,000,000,000.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the Sanders amendment.

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes in support of his amendment.

Mr. SANDERS. Mr. Chairman, this tripartisan amendment is cosponsored by the gentlewoman from California (Ms. LEE) and the gentleman from New York (Mr. QUINN). It would provide $2 billion in advance funding for the Low Income Home Energy Assistance Program, LIHEAP, for fiscal year 2002. I understand that the point of order is going to be asked for, and I am very disappointed that this important amendment will not get a chance to be voted upon today.

From California to Vermont, every American knows that energy costs are skyrocketing. LIHEAP is the primary program that provides assistance to help lower-income families pay their energy bills, and there has been no time when more people are going to need LIHEAP assistance than now. According to the National Energy Assistance Directors Association, 19 States have reported that they are either out of LIHEAP funds or have very low balances.

Mr. Chairman, this is simply unacceptable. In the richest country in the world, not one family should go without heat this winter, not one senior citizen should choose between heating their homes or affording their prescription drugs. Not one child should come home to a refrigerator empty of food because the heating bill is too high. But, Mr. Chairman, this is exactly what will happen if we do not substantially increase funding for LIHEAP.

Let me take this opportunity to thank the committee and the chairman, the gentleman from Florida (Mr. YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY) for doubling the President's totally inadequate request for LIHEAP emergency funding, but because of the severe energy crisis that we are in, the committee's number is still far too low.

□ 1830

It should not be acceptable for any Member of Congress or the President that more than 17 million Americans who are eligible to receive LIHEAP have been left behind because of insufficient funding. In fact, since 1985, LIHEAP funding has declined by 70 percent after adjusting for inflation.

Mr. Chairman, at this point I yield to my colleague from California. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman may yield to other Members for debate, but may not yield blocks of time under the 5-minute rule. So the gentleman simply has to yield to another Member.

Mr. SANDERS. For approximately 2 minutes.

The CHAIRMAN. The gentleman yields to the gentlewoman for her comments.

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding, and thank the gentleman for pushing forward this Sanders-Lee-Quinn amendment, which would add $2 billion in forward funding for the Low Income Home Energy Assistance Program. The supplemental appropriations bill as written ignores one of our most urgent situations, and that is our Nation's energy crisis which we are experiencing in California, but it is moving nationwide.

We must provide real and meaningful increases for LIHEAP, which help seniors, people with disabilities and low-income individuals and families pay their skyrocketing utility bills. LIHEAP assistance helps people for whom rising energy costs are not an inconvenience, but a real catastrophe.

Currently, only one in three American households that are eligible for LIHEAP assistance receives any support. In California, fewer than 10 percent of the 2.1 million eligible households will receive LIHEAP funding unless funding is increased significantly. State officials assisted as many Californians in the first 5 months of this year than in all of 2000.

Furthermore, at least 19 States have completely exhausted their LIHEAP funds or are almost out of money or in dire need.

We held a meeting in my district in Oakland, California, with the gentleman from Missouri (Mr. GEPHARDT), the minority leader. At our meeting, Members of Congress saw the faces of this crisis. They heard from persons with disabilities, from low-income individuals and families. They heard from people in California who have been paying the price of this crisis for the last year.

Now we have an opportunity to help, help those most vulnerable. Unfortunately, we will not allow, as I understand it, this amendment to come forward. Our Nation needs this. Senior citizens need this. Low-income families and individuals need an additional $2 billion minimum in LIHEAP.

Mr. SANDERS. Mr. Chairman, I thank my colleague from California, and the bottom line is that we appreciate the committee's effort in doubling the President's total inadequate funding. But because energy costs are skyrocketing, let me say in the State of Vermont, the price of propane gas has gone up by 27 percent, kerosene by 47 percent, and heating oil by 56 percent.

When we have these extraordinary increases in the price of fuel, then the LIHEAP program has got to respond. All over this country more people need LIHEAP, and we have to increase funding.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I rise to make a point of order. I make a point of order against the amendment. This amendment is not germane, and as such is a violation of rule XVI, clause 7.

This rule states that: ''No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.''

This amendment deals with a proposition different from that being amended; and, therefore, is a violation of rule XVI, clause 7, and I insist on my point of order.

The CHAIRMAN. The gentleman insists on his point of order. Does the gentleman from Vermont wish to be heard on the point of order?

Mr. SANDERS. Mr. Chairman, yes, I do.

Mr. Chairman, what I wish to say to the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), I hope in conference committee and in my colleague's work with the Senate, can we have some assurance from the gentleman from Florida (Mr. YOUNG), who I know recognizes this problem, when I have some assurance when we go to conference, the gentleman will be representing the House and asking for substantially more LIHEAP funding?

Mr. YOUNG of Florida. I suggest to the gentleman that we will represent the House's position when we go to conference with the other body. During that conference, I expect that LIHEAP would be a subject of consideration.

Mr. SANDERS. Mr. Chairman, I ask the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) to fight as hard as they can for substantially more money for LIHEAP.

The CHAIRMAN. The Chair has heard each gentleman on his own time. Members need to restrict their remarks to the point of order.

The Chair is prepared to rule on the point of order.

The gentleman from Florida raises a point of order that the amendment is not germane. The bill provides supplemental appropriations for various programs for fiscal year 2001. The amendment offered by the gentleman from Vermont provides funding for the Low Income Home Energy Assistance Program for fiscal year 2002. Clause 7 of rule XVI, the germaneness rule, provides that no proposition on subject different from that under consideration shall be admitted under color of amendment. One of the central tenets of the germaneness rule is that the fundamental purpose of an amendment must be germane to the fundamental purposes of the underlying text.

The fundamental purpose of the bill is to provide supplemental funding for programs for the current fiscal year. By contrast, the fundamental purpose of the amendment is to provide an advanced appropriation in the next fiscal year for LIHEAP.

Accordingly, the amendment is not germane, and the point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

EDUCATION FOR THE DISADVANTAGED

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) is amended by striking ''$7,332,721,000'' and inserting ''$7,237,721,000''.

For an additional amount (to the corrected amount under this heading) for ''Education for the Disadvantaged'' to carry out part A of title I of the Elementary and Secondary Education Act of 1965 in accordance with the eighth proviso under that heading, $161,000,000, which shall become available on July 1, 2001, and shall remain available through September 30, 2002.

IMPACT AID

Of the $12,802,000 available under the heading ''Impact Aid'' in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) for construction under section 8007 of the Elementary and Secondary Education Act of 1965, $6,802,000 shall be used as directed in the first proviso under that heading, and the remaining $6,000,000 shall be distributed to eligible local educational agencies under section 8007, as such section was in effect on September 30, 2000.

AMENDMENT OFFERED BY MR. CROWLEY

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

The Clerk read as follows:

Amendment offered by Mr. CROWLEY:

In chapter 5 of title II, before the heading of the item relating to ''Special Education'', insert the following:

SCHOOL IMPROVEMENT PROGRAMS

(TRANSFER OF FUNDS)

For an additional amount for ''School Improvement Programs'' for magnet school assistance, to be derived from amounts provided in title II for ''Operation and Maintenance, Army'' and to remain available until expended, $25,000,000.

Mr. YOUNG of Florida. Mr. Chairman, I rise to reserve a point of order on the gentleman's amendment; and as a courtesy to the gentleman, I will not exercise that point of order until he has had an opportunity to explain.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

Mr. CROWLEY. Mr. Chairman, while I understand that the Parliamentarian will rule this amendment out of order, I would like to take this opportunity to offer my amendment and highlight a key educational issue not only for my district, for the Seventh Congressional District in Queens and the Bronx, but for congressional districts and local educational agencies throughout the U.S.

At the end of my time, Mr. Chairman, I will then withdraw this amendment. My amendment would strike the $25 million under operations and maintenance account of the Army that has been requested for recruiting and advertising for this branch and would transfer this $25 million in badly needed funds to the U.S. Department of Education for the Magnet School Assistance Program.

Magnet schools are specialized theme schools with innovative educational programs, often focusing in specific areas like math and the sciences while also providing some choice to parents and students.

I have become quite familiar with and impressed by the successes of magnet schools after witnessing the students' achievements at Community School District 30 centered in Jackson Heights, Queens, New York in my congressional district.

Community School District 30, which serves the student populations of Astoria, Long Island City, East Elmhurst, Jackson Heights, and parts of Corona and Woodside in Queens, is home to the most diverse ethnic population in the United States, according to the U.S. Census. These communities house over 120 ethnic groups and languages, making the ability to serve all of the educational needs very, very challenging, to say the least.

But Community School District 30 has proven that serving these children is not impossible. They have achieved a number of successes through the operation of magnet schools. In the case of School District 30, they have created an interactive intra- and interschool learning community, employing all of the stakeholders in this issue: teachers, parents, students, and local universities.

My amendment will provide additional funding to increase assistance to School District 30 and other local educational agencies to create and/or expand magnet schools in their communities, whether they be urban, suburban or rural.

It is my hope that as this bill works its way through the process, that this Congress will find an additional $25 million for the Magnet School Assistance Program for the Department of Education.

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

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding, and I rise in strong support of his amendment. I also rise today with strong concerns about the supplemental appropriations bill. While I agree there are a number of items on the bill that need increased funding, I am disturbed that this funding is at the expense of a very important program, the Workforce Investment Act, which was cut, and that there are other important items that need to be funded, such as education. We all know that nothing is more important to our children's future than education. This amendment would strike $25 million from the operations and maintenance, and transfer these very much needed funds to the Department of Education for the Magnet School Assistance Program.

Many of the students in my district in Astoria, Queens, attend magnet schools, specifically School District 30 which serves a very diverse school body in Queens, had received a magnet grant several years ago; and they were in fact in competition for yet another magnet grant this year.

Because of their high performance, their increased scores in math and English, I am certain that they would have received the grant; yet the Board of Education ran out of money.

So this funding, this $25 million, is needed tremendously. I am also very concerned that this bill cuts the Workforce Investment Act, which provides job training, related services to low-income persons, dislocated workers and other unemployed or underemployed individuals.

This program had trained and helped many of the young people in the district that I have the honor of representing, specifically the Stanley Isaac Neighborhood Center, the Boys and Girls Club of Queens. Both of these programs were funded by WIA, and now I wonder whether or not they will be funded in the future because this very important program trains our young people for jobs. I speak very strongly in support of the $25 million for education, my colleague's amendment.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I rise to make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 19, 2001. That was House Report 107–104. This amendment would provide new budget authority in excess of the subcommittee's suballocation made under section 302(b) and is not permitted under section 302(f) of the act, and I insist on my point of order.

The CHAIRMAN. The gentleman from Florida wishes to pursue his point of order. Does the gentleman from New York wish to be heard on the point of order?

Mr. CROWLEY. Mr. Chairman, no. I withdraw my amendment.

The CHAIRMAN. Without objection the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SPECIAL EDUCATION

In the statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; H. Rept. 106–1033), in title III of the explanatory language on H.R. 5656 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001), in the matter relating to Special Education Research and Innovation under the heading ''Special Education'', the provision for training, technical support, services and equipment through the Early Childhood Development Project in the Mississippi Delta Region shall be applied by substituting ''Easter Seals—Arkansas'' for ''the National Easter Seals Society''.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) is amended by striking ''$139,624,000'' and inserting ''$139,853,000''.

In the statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; H. Rept. 106–1033), in title III of the explanatory language on H.R. 5656 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001), in the matter relating to the Fund for the Improvement of Education under the heading ''Education Research, Statistics and Improvement''—

(1) the aggregate amount specified shall be deemed to be $139,853,000;

(2) the amount specified for the National Mentoring Partnership in Washington DC for establishing the National E-Mentoring Clearinghouse shall be deemed to be $461,000; and

(3) the provision specifying $1,275,000 for one-to-one computing shall be deemed to read as follows: ''$1,275,000—NetSchools Corporation, to provide one-to-one e-learning pilot programs for Dover Elementary School in San Pablo, California, Belle Haven Elementary School in East Menlo Park, California, East Rock Magnet School in New Haven, Connecticut, Reid Elementary School in Searchlight, Nevada, and McDermitt Combined School in McDermitt, Nevada;''.

CHAPTER 6

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Rhonda B. Sisisky, widow of Norman Sisisky, late a Representative from the Commonwealth of Virginia, $145,100.

For payment to Barbara Cheney, heir of John Joseph Moakley, late a Representative from the Commonwealth of Massachusetts, $145,100.

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the House of Representatives, $61,662,000, as follows:

MEMBERS' REPRESENTATIONAL ALLOWANCES, STANDING COMMITTEES, SPECIAL AND SELECT, COMMITTEE ON APPROPRIATIONS, ALLOWANCES AND EXPENSES

For an additional amount for Members' Representational Allowances, Standing Committees, Special and Select, Committee on Appropriations, and Allowances and Expenses, $44,214,000, with any allocations to such accounts subject to approval by the Committee on Appropriations of the House of Representatives: *Provided*, That $9,776,000 of such amount shall remain available for such salaries and expenses until December 31, 2002.

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for compensation and expenses of officers and employees, as authorized by law, $17,448,000, including: for salaries and expenses of the Office of the Clerk, $3,150,000; and for salaries and expenses of the Office of the Chief Administrative Officer, $14,298,000, of which $11,181,000 shall be for salaries, expenses, and temporary personal services of House Information Resources and $3,000,000 shall be for separate upgrades for committee rooms: *Provided*, That $500,000 of the funds provided to the Office of the Chief Administrative Officer for separate upgrades for committee rooms may be transferred to the Office of the Architect of the Capitol for the same purpose, subject to the approval of the Committee on Appropriations of the House of Representatives: *Provided further*, That all of the funds provided under this heading shall remain available until expended.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $35,000.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For an additional amount for authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $11,900,000.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $6,000,000, to remain available until expended, for air-conditioning and lighting systems.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for salaries and expenses, Library of Congress, $600,000, to remain available until expended, for a collaborative Library of Congress telecommunications project with the United States Military Academy.

CHAPTER 7

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, $30,000,000 are rescinded.

□ 1845

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 37, line 14, after ''$92,000,000'' insert ''(reduced by $50,000,000)''.

Page 44, line 25, after ''$389,200,000'' insert ''(reduced by $50,000,000)''.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order and advise the gentlewoman as a courtesy to her that I will not raise the point of order until she completes her explanation.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

Ms. JACKSON-LEE of Texas. I thank the chairman very much and again the ranking member.

Mr. Chairman, I do not know how I can capture a visual for this House. So many Members have come to the floor of the House in times of need of their respective communities. I believe that the most potent statement that can be said about what happened in Houston, Texas as we have followed the devastating pathway of Tropical Storm Allison is that nobody knew. It has gone from the heart of Texas in the Houston and surrounding areas east to New Orleans, Louisiana and other places and up the East Coast, even to the extent of matching its wits for the States in the mid-Atlantic and Northeast. We too were unaware of the devastation that occurred.

But let me say to you, Mr. Chairman, we are in need. We really need this House to act. We have got now some $4 billion in damage in Houston, Texas; 32,000 plus homes are devastated and people are out of their homes. We were declared a disaster for personal aid as well as infrastructure. And the FEMA director is back in the community today. He traveled with us about a week ago, and he indicated at that time he thought there was enough money. But I am very glad that he is back again because we are realizing that we do not have enough money and after there is the $300 million plus rescission or money taken out of FEMA, I know we will not have enough money. In fact, we believe that with all FEMA has to do around the Nation, they only have $1.1 billion left, I do not see how in the world they are going to be able to function.

There is an amendment that adds the $300 million plus, $389 million. I do not know where Texans will be primarily because it is devastating to the other parts of the bill, but I have a letter here, Mr. Chairman, and to the chairman from the Senator, United States Senator KAY BAILEY HUTCHISON, who is begging us not to take the money out from the other body, if you will, a letter that I would like to offer into the RECORD.

U.S. SENATE,
Washington, DC, June 20, 2001.

DEAR ——: As we recover from the devastation of Tropical Storm Allison and brace ourselves for the upcoming hurricane season, I am writing to enlist your support for ensuring that the Federal Emergency Management Agency (FEMA) remains ready to respond.

As you may know, the House Appropriations Committee recently approved its Supplemental Appropriations Bill for Fiscal Year 2001. In that bill, the House Appropriations Committee included a $389 million rescission of FEMA's current disaster relief funds. This rescission is opposed by the Bush Administration.

In terms of economic impact, Tropical Storm Allison is proving to be one of the largest natural disasters in U.S. history, with over 50,000 homes and hundreds of businesses destroyed or damaged in Southeast Texas alone. Furthermore, several vital area hospitals and major academic research facilities have been heavily damaged, with some currently closed.

The preliminary overall damage estimate from the storm and the record flooding it caused in Texas is in excess of $4 billion. While at least $2 billion of this amount may be recoverable through FEMA, those payments will likely meet, if not exceed, the amount FEMA currently has in its disaster relief and contingency accounts.

In light of this situation, I ask for your assistance in supporting any efforts on the House floor to eliminate the provisions in the Supplemental Appropriations Bill that rescinds FEMA's disaster relief funds. In addition, as Congress continues to consider the Supplemental Appropriations Bill, I would like your support in going a step further by ensuring that FEMA's disaster relief resources are replenished in order to make up for the substantial costs the agency is now incurring due to Tropical Storm Allison. I am working with Joe Allbaugh to determine an appropriate reserve amount.

Please feel free to contact Natasha Moore of my staff at 224–5922 if you have any questions. Thank you for your consideration.

Sincerely,

KAY BAILEY HUTCHISON,
U.S. Senate

Mr. Chairman, my amendment makes an attempt to add $50 million to deal with the displaced elderly in our community who cannot stay in these shelters much longer. The physically challenged, the young families, the women who are expecting are in shelters and they need to get temporary housing assistance. As was already noted, we have a devastating mosquito problem. The mosquitoes are practically taking over our community. We have houses that have yet to begin to get repaired. It is going to be a long period of time. This is not the time to cut FEMA.

This amendment is a reasonable amendment. Though I may be, I guess, apt to, with the reservation of the point of order, withdraw this amendment, I hope that I have been able to create a visual of the urgency of what we have got to do. And so I would like to yield to common sense, I guess, and to take this amendment now off the table and to be able to yield to the chairman of the Committee on Appropriations for a colloquy.

I hope I have adequately, Mr. Chairman, described the enormous devastation. He noted that I was on the floor previously about India. I told him I had been working on that. I did not want there to be a misunderstanding of the importance of all of these issues. But now I come to him pleading for the people of Houston and surrounding areas regarding this. I rise for the purpose of the colloquy or I am standing here with the gentleman from Florida (Mr. YOUNG) regarding as I have described to him the enormous impact of a tropical storm that was unexpected and certainly not an incident, if you will, or a factual basis of which we in Houston have had much experience. We have had our hurricanes, we know how to get out of the way, but this tropical storm really has devastated our community.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I want to confirm here on the floor our conversation earlier that we have a great deal of sympathy for the enormous relief efforts taking place in Houston as a result of Tropical Storm Allison. I applaud the gentlewoman's efforts in doing everything possible to make sure that the United States House of Representatives helps Houston recover from this disaster. I would add that this Congress has never refused to meet the requirements and obligations to a natural disaster in our country and many other parts of the world. We are working together on this.

Ms. JACKSON-LEE of Texas. I thank the gentleman very much. As I indicated to him, I am questioning whether we have enough money, but I am very hopeful.

Mr. YOUNG of Florida. Mr. Chairman, I rise to strike the last word. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I hope that we can provide adequate funding for the damage done by Tropical Storm Allison to Houston and the surrounding areas. This is critical to the people of the 18th Congressional District that have suffered so immensely as a result of the storm.

Mr. YOUNG of Florida. Mr. Chairman, I would say to the gentlewoman that there is no doubt in my mind that there are currently adequate resources to provide all appropriate resources and necessary assistance for her constituents. I will work to guarantee that that remains the case. And even after this rescission, there is $1.6 billion remaining in that emergency fund. Should that not be sufficient in the future, we will react quickly to make sure any emergency is dealt with.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think the practicality of what we are doing here today is to get help for Houston. Realizing that, I am going to withdraw this amendment because I have received from him and the members of the committee and the ranking members their sincerity about working with us, rolling up our sleeves and trying to bring home to Houston some sense of relief. I want to thank the gentleman for his support and look forward to working with him.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating expenses'', $92,000,000, to remain available until September 30, 2002.

CHAPTER 8

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $49,576,000, to remain available through September 30, 2002.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For an additional amount for ''Processing, Assistance, and Management'', $66,200,000, to remain available through September 30, 2002.

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY:

At the end of chapter 8 of title II, insert the following new provision:

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''High Intensity Drug Trafficking Areas Program'', to be derived by transfer of amounts provided in this chapter for ''Internal Revenue Service—Processing, assistance, and management'', $30,500,000, as authorized by law (21 U.S.C. 1706).

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 15 minutes.

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

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. I thank my distinguished colleague, the ranking member on the Committee on Appropriations, for yielding me this time.

Mr. Chairman, we speak often in this body about the need to reduce waste, fraud and abuse, and unnecessary spending. Yet today's bill includes an example that is wasteful, that I believe is an abuse of funds, and that is clearly unnecessary spending.

Included in this bill is a measure that would apparently provide up to 20 to $30 million to send a letter to the American people telling them something they already know for purposes which can only be described as blatantly political; 20 to $30 million to tell the American people that they are pleased to inform them that the United States Congress passed and President George Bush signed into law the Economic Growth and Tax Relief Reconciliation Act which provides long-term tax relief.

The American people know that. I can right here save the American people $29,999,999.75 by telling them take 25 cents, buy a newspaper, read about the tax bill, and you will know everything that you would receive in this letter.

We should not be spending this kind of money on unnecessary political propaganda. It is the worst example of waste and abuse of government spending. The gentleman from Wisconsin (Mr. OBEY), who I want to commend and I wish he did not have laryngitis because I would love to hear what he would have to say were he empowered to speak on this today, but he has correctly identified the problem and he has proposed a much, much better use of these funds.

In my district in southwest Washington, we have got an explosion of methamphetamine labs, literally explosions of those labs, a doubling of meth busts every single year. People are being exposed to the dangerous drug methamphetamine, to black tar heroin, and the gentleman from Wisconsin has correctly recognized that there is a need for additional funding to expand the high intensity drug trafficking areas to help fight these scourges.

Mr. Chairman, if you ask the American people, would you rather put $30 million towards battling the scourge of drug abuse, toward protecting our children and our families and our schools, or would you rather receive a letter telling you something you already know?

□ 1900

I know exactly where the American people would stand. The American people would say, do not waste the $30 million of our taxpayers' money. Put it instead to something productive like high-intensity drug trafficking areas, as the amendment of the gentleman from Wisconsin (Mr. OBEY) would call for.

Mr. Chairman, it is indeed time to stop wasteful and unnecessary spending in government. We can begin today by passing the amendment from the ranking member and the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. SUNUNU), a distinguished member of the Committee on Appropriations and the Committee on the Budget.

Mr. SUNUNU. Mr. Chairman, I appreciate the comments that were provided in offering this amendment, but I think they were at least a little bit misleading. There was reading from the notice itself, and I think that was fair. In point of fact, it was really only the first sentence. The notice includes a lot more information than just the fact that a tax relief bill was passed. What the notice attempts to do is to include helpful, useful information to taxpayers and to ensure that as we go forward mailing out rebate checks, which were supported by dozens of Members on the minority side, that we do not have mass confusion.

The notice informs the taxpayer as to the amount of the rebate check. It informs the taxpayer how this amount was calculated, because every taxpayer is not going to receive an identical check. The rebate will be based on the taxable return that was paid for the year 2000.

The notice includes information as to whether or not the rebate check is reportable as income when they go to next pay their taxes. If one receives a $300 check or a $600 check, unfortunately for a lot of people there will be confusion as to whether or not they have to pay taxes on this rebate.

It also gives information to the taxpayer as to what they should do if they have questions, a phone number, a Web site, so that they can follow up if they need additional information. Providing a taxpayer with this important information is not abusive. Providing a taxpayer with information about how to get their questions answered is not fraud. I certainly do not believe that the employees of the IRS would consider the work that they do to deal with confusion or questions to be fraud, to be abusive, which is exactly why the National Treasury Employees Union has written opposing the kind of cut that is trying to be put through on the floor today.

Is it wasteful? Well, we can go back to the old television commercial, you can pay me now or you can pay me later. If taxpayers are not given information about how this rebate is being calculated, whether or not it is taxable income, how to get their questions answered, then when all of these checks go out the IRS phone lines are going to be flooded, or there are going to be complaints, and there is going to be a significant amount of cost incurred by the customer service representatives at the IRS trying to sort out that confusion.

We can pay for it now to make sure that they have the information that is needed, or we can pay later in the form of much higher calls required, much higher cost of customer service. I think it makes sense. I think it is fair planning to deal with it now, to deal with it in this fiscal year, when the checks are going to be sent out.

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

Mr. SUNUNU. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I would ask the gentleman from New Hampshire (Mr. SUNUNU), he says some of this information, for instance, whether or not it is taxable and the amount, have to be told to people. I would guess most people would be able to tell the amount when they looked at the check.

As far as whether or not it is taxable, why could a little thing in the same envelope not be included in the rebate check that said, this is not taxable? Why does there have to be a separate mailing?

Mr. SUNUNU. Mr. Chairman, to address the gentleman's first point, what I said was there is information about how it is calculated, because while the headline in the Washington Post or the New York Times may be $300 a person, $600 a person, that is not technically correct. I know it is a surprise to Members on both sides of the aisle that the New York Times may not have gotten the headline right, but not everyone is going to receive the same check.

So there is information about how it was calculated and information about whether or not it is taxable.

Mr. FRANK. Why could not it be put in that same envelope that the check came in? Do they need a lot of advanced notice to prepare them for it?

Mr. SUNUNU. I think it serves the taxpayer well to have advance information. From the IRS's standpoint, the processing of checks may well be done differently than the processing of a notice like this. Why not give the taxpayer the information ahead of time before they receive the check?

Mr. FRANK. Because it costs $30 million is why.

Mr. SUNUNU. I do not think it is unreasonable.

Mr. OBEY. Mr. Chairman, I yield 4½ minutes to the gentleman from Maryland (MR. HOYER).

Mr. HOYER. Mr. Chairman, I thank my silent ranking member, the gentleman from Wisconsin (Mr. OBEY), for yielding those quiet 4 minutes.

Mr. Chairman, I will not be quite as quiet. First of all, it is interesting that this administration that wants to send out this check did not ask for this money to be sent to the taxpayer this year. This essentially was an initiative on this side of the aisle to make an immediate payment, number one. Of course, the letter does not go into that slight detail. It would be inconvenient to do so, I understand.

Secondly, it is their money. It is their money, and we ought to spend it carefully. So we are sending a letter telling them they are going to get a check. It is not taxable; and by the way, they do not have to do anything. The taxpayer will be overwhelmed with that information, without which think how at sea they would be.

They do not have to do anything. There is no answer, and the gentleman who is extraordinarily bright and able, struggled for an answer to the question of the gentleman from Massachusetts (Mr. FRANK). Why is the check and the information not sent in one envelope and save $30 million of their money?

Now, $30 million is a lot of their money. This amendment is opposed by the NTEU, the National Treasury Employees Union. Do we know why? Because they are fearful that the administration's desire to send out this money, and by the way the conference that included no Democrats, this is not in the statute, they do not have to do this statutorily. They have to do it in the conference report. I guarantee, maybe two people on the House floor knew that was the case when they voted for this bill. Maybe. I do not want to ask the chairman whether he knew or the ranking member whether he knew. I did not know, I will say, and I am the ranking member of the subcommittee.

Nobody knew this. It is in conference report language; and by the way, the conference report does not even direct that it be done. It says, we expect that it will be done.

What the Treasury employees are worried about is, if this money is taken out, the letter will be sent anyway and make the Treasury employees eat it. Cut the costs of the IRS because you want to impose this Dear Taxpayer, George Bush is giving you some money back. In another context, this might be called $30 million of public financing of campaigns which, of course, President Bush and the minority side are very much against; and in my opinion probably most taxpayers are against that as well, but that is what is happening. We are spending $30 million as a campaign letter.

Now, the gentleman from New Hampshire (Mr. SUNUNU) fully knows that 1–800 number could be included in the mailing of the check. Let me say, when they get the check is when it is going to motivate them to call. So if we think we are saving money on calls, we are going to have to look at that when the committee marks up this bill later on, because I guarantee it will not. Why? Because there will be certain people who will look at this letter and say, oh, that is nice; not do anything, not take any action, not really have any knowledge. But when they get the check, that is the operative time that the taxpayer will get interested. If he does not get the $300 or they do not get the $600, they will pick up the phone and say, why not? Hopefully we will answer them.

If they do not and they call and we use this $30 million to mail them this what we believe to be a political notice, if they do that then we are going to have 30 million less dollars that they could use for taxpayer service.

We passed the reform bill, said we wanted to be taxpayer friendly, which meant the ability to answer phones. Sending this money off this way will undermine our ability to serve our taxpayers well. I urge a vote for this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would, in the same tone that my friend, the gentleman from Maryland (Mr. HOYER), just spoke, I would like to say to him and to all the Members that if we wanted to be political about this what we would have done would be to have all the checks delivered to those offices of the Members who voted for the tax cut and let them send out the checks with a little message to their constituents. Now that would have been political.

The way we are doing it now is really not political, and I think it is important that people understand in plain English what this is all about.

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

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I appreciate that. The gentleman from Florida (Mr. YOUNG) told me that in private as well. I think that is an interesting observation and option. It is the difference between blatant and subtle, I would suggest to my chairman.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time he may consume to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Chairman, in addressing some of the concerns raised, particularly with regard to the employees at the IRS, I think rather than characterize what their motives might be, it is best to go right to the source.

In a letter from the National Treasury Employees Union, it was made clear what the concerns were. Simply put, quote, ''the IRS has great difficulty responding to all the telephone calls from taxpayers with questions. The volume of calls will increase dramatically as anticipation of rebate checks grows. Providing taxpayers with a notice in advance will hold down the increase in calls and prevent a significant decrease in the IRS' ability to provide customer service.''

It is also stressed in the letter, which comes from the National President of the employees union, that the IRS has indicated, the agency, not Congress but the IRS itself, that it may go forward with a notice on the tax rebate even if the funds to mail it are not provided or are reduced. So this is a decision that the IRS is likely to make of its own accord because the agency understands it is important. The union itself recognizes, and the employees recognize, that if the notices do not go out that the burden on customer service will be significant. In the end that will not be in the best interest of taxpayers because the costs associated with that confusion are just as likely to be greater than what this expenditure calls for.

□ 1915

Mr. OBEY. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I want to start in a spirit of bipartisanship with congratulations. I congratulate the chairman of the Committee on Appropriations on the restraint he says he showed in not having Members individually send out the checks to the constituents. It might have been a violation of the separation of powers. I admire his doing that.

Until he just smiled, I was going to congratulate the gentleman from New

Hampshire for keeping a very straight face during this entire proceeding. Were I he, I could not have done so.

I welcome this in some ways. Let us be clear what we are talking about. It is a letter that begins not with telling you that it is not taxable or how it was calculated, but by telling you that this is a present to you from George Bush. It comes to you from George Bush and the Congress.

Now, I in one sense must tell you for self-interests welcome this. For some time I have been distressed that politically self-serving mail is known as ''franked'' mail. I have been upset to be a synonym with the use of taxpayer money to send out blatantly self-serving mail.

But, from now on, that mail will no longer be thought of primarily as franked mail. It will be ''bushed'' mail; not bush mill, bushed mail, because the $30 million in this one fell swoop will be a greater exploitation of the taxpayer's money for political purposes than ever before.

Now, I had this question as to why it could not be included, there are two important pieces of information; how it was calculated. By the way, according to the letter, how it is calculated is on the back of the letter, so that none of the things on the front of the letter are relevant to that. Secondly, people need to know it is not taxable.

Well, that could have been put in the same letter, I thought. But then I read what the gentleman said to the New York Times about it, and maybe this explains it.

My question is, why could you not simply put into the same envelope, ''this is not taxable,'' and then include that about how it was calculated? Why do you have to tell them that President Bush did it, and Congress did it, and it is part of the long-term tax relief? There are a number of things in here that have no relevance to that.

The New York Times article is very interesting, because Mr. Keith, a spokesman for the wholly autonomous Internal Revenue Service, which apparently decided on its own to do this favor for the President, and that is a degree of loyalty that he inspires in his employees that is truly inspirational in itself, but he says, ''I would point out that the letter contains the information that we believe the taxpayer needs.'' But then in an indirect quote, ''including the size of the check.''

Now, I had thought that meant the dollar amount. But, on the other hand, that would be too stupid even to try and pretend, because the way the average person would tell what was the amount of the check would be to look at the amount on the check. It says it right on the check, ''amount.'' Most people would probably be able to figure out when it said amount of the check $300, that the amount of the check was $300. But, no, we have to tell them in advance of the size of the check.

And why can we not put it in the same envelope? Then I suddenly realized, these are going to be really big checks. There will not be room in the envelope. They want to really make an impression. You are getting this from George Bush, and we do not want some little dinky piece of paper that you can read it, $300, that is nice, put it in my pocket, I will spend it, that is good for the economy, which we suggested.

Instead, we are going to send them really big checks, and we have to warn them. We have to warn them, so that people, for instance, may have to widen their mail slots. They may have to empty out their mailboxes, because what we are telling them is, listen, you are going to get a really big check. Now, to some people, $300 would not be a big check in dollars, so it must mean a big physical check.

So we are going to send them such a big check that we have to warn them in advance that it is coming, do not let your kid, if you have got a small child, do not have your child walking under the mail slot when the mail comes. He may get whacked in the head with a really big check, and that is not worth $300.

And, we also then cannot fit it in that envelope, because I cannot think of any other reason. Here is what we are told; the reason for doing this is, one, to tell them the amount of the check. Now, as I said, nobody believes that. Some people have said it; I do not think many people believe it. The fact is that you will see the amount of the check when you get the check.

We are told you should be told it is not taxable. Well, that could be put in the envelope along with the calculation. But I have to say, if this works, why stop here? We know that many older people who live isolated lives like getting mail. They get Social Security checks. Social Security checks are not, for many people, taxable. For some they are. People may not know that.

Why not 2 weeks before the Social Security check comes send them a letter telling them that they are going to get a Social Security check? Why not alert them to the size of the impending Social Security check, and they can be warned about it and they can be told it is not taxable, or that it is, and how it was calculated.

I mean, if we are in fact going to have a policy where we not only provide a benefit to the public, but we tell them in advance who gave them the benefit, I think we should not stop here. I think the gentleman has a policy we ought to extend.

If the gentleman wants me to yield, I will be glad to yield, unless he just was kind of standing up because he was, you know, adjusting something. Does the gentleman want me to yield?

Mr. SUNUNU. I am sorry, is the gentleman distracted by the fact I am standing at the lectern? We have reserved the balance of our time.

Mr. FRANK. I will tell you what, I thought the gentleman, usually when people stand, they want to respond. I will tell you, I will have trouble sleeping tonight, because I am still trying to figure out why they cannot go in the same check, and I thought maybe the gentleman from New Hampshire was going to enlighten me. I thought maybe my neighbor was going to say I am so perplexed, because I tend to think I am of reasonable intelligence.

And here is the issue. We are going to send people a check, and they need to know two things, other than the check itself. They need to know that it is not taxable, and I think that is right; and they need to know how it is calculated, if they are interested. They do not need to know that, but that would be useful. I cannot figure out why that cannot go in the same envelope. I do not understand.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Chairman, if the gentleman will yield on that point, the Financial Management Service considered a range of options. They considered including that information in the same envelope.

Mr. FRANK of Massachusetts. Why did they reject that?

Mr. SUNUNU. Well, there are two reasons. One, because the checks are going to go out in a staggered format. They are going to go out in July, they are going to go out in August, and they are going to go out in September. The first people that are going to get the checks will get them in July, and the people that have not received the checks are certainly going to wonder what is going on. It makes sense to notify everybody at the same time.

The second reason is because there are two different systems right now for printing notices and printing checks. Now, we can try to combine the two and manually stuff all the envelopes.

Mr. FRANK. I thank the gentleman, and I am taking back my time.

Mr. SUNUNU. I think it is unreasonable not to allow me to answer the question.

Mr. FRANK. I will take back my time.

The CHAIRMAN. The gentleman from Massachusetts controls the time.

Mr. FRANK. I understand the gentleman has trouble understanding how the mail works, but he should know how the rules of the House work.

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

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

Mr. HOYER. Mr. Chairman, the answer to the gentleman's question is simple why the FMS and others decided they could not do it in one mailing, which seems to make sense to everybody, and that is because the majority in its conference report, which was seen by nobody on the floor when they voted on the bill, said that the majority, who, of course, the President is a part of their party, the President is the Chief Executive of our country, the Chief Executive is the executive officer of the FMS.

Mr. FRANK. Mr. Chairman, reclaiming my time, let me just say, because we are about to run out of all time, that not having heard the explanation, it obviously makes no sense. Apparently people think Americans are consumed with jealousy, and some people are going to get a check in July, and some are getting it in September, and they will have no idea why that happened. Again, we do not think that is a serious argument. And the notion that you cannot consolidate in one check that information, again, is wholly unpersuasive.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

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

Mr. THOMAS. Mr. Chairman, I can understand why some of the gentlemen on the floor are baffled. I am quite sure they were baffled as to why we would want to return some of the taxpayer money in the first place. That really is, I think, the fundamental argument.

Let me say this: This letter simply does not meet the standards of the previous administration. I have to assure you, when you want to notify taxpayers of really important information you ought to look at the Health Care Financing Administration multicolored brochure, which, when you open the first page, had a large color picture of then Secretary of HHS Donna Shalala. Then you turn to the second page, and there was a large color photo of the gentleman who was then the Administrator of HCFA. Then you turn to the next page, and there was another photo. So, for someone trying to find out something about Medicare, they had to go through three large multicolored photos of people who were there not for political reasons.

I can understand why some people are baffled, because actually people learned through the media that Congress was returning some of their tax money. The first assumption would be it is not true. The second assumption would be, if it is true, how much am I getting? The third assumption would be, where do I call to verify?

One of the concerns was that, believe it or not, some people would like to verify that they are getting money. Can you imagine millions of people, a small fraction of the total who are getting the checks, trying to call the IRS to find out, one, if they are getting their money; two, if they are, when are they getting it; and, three, how much is it going to be?

So what you have is a letter that provides that factual information, especially the question of when I am going to get it? Because if you only included the amount and a way to determine how much it was supposed to be and the fact that it was coming, they would still make a phone call to say when am I going to get it?

So I think the real frustration is that this Congress passed and this President signed, one, tax relief for the American taxpayer; and, two, it was done in such a way that we are actually going to return some of the money to the taxpayers.

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

Mr. THOMAS: I would like to finish my statement. I do not have a lot of time. Then, if I finish, I will yield.

Mr. FRANK. He has 3 extra minutes for you at the end.

Mr. THOMAS. Oh, good. Then I will use it in a minute.

The idea here is to, first of all, ease the bureaucratic burden of trying to respond to millions of people who are inevitably going to call. I know the gentleman from Massachusetts believes he is of average intelligence, and, therefore, most other people would assume all of those things he assumed.

All of us here on the floor know, and I will tell everyone else, the gentleman from Massachusetts is not of average intelligence; he is extremely intelligent and perceptive. And I guess the concern is that if not everyone matches his ability to understand, interpret and relate, that somehow it is a sinister political motive to notify people of the consequences, the time and the amount of the check return.

It is not a rebate. It is money which is a lump sum payment in lieu of withholding adjustment. So people would kind of wonder, what is it that I am getting? And, gee, this letter says that it is in fact not something that you will have to worry about. You will not be required to report the amount of this as taxable income on your Federal tax return. And, by the way, it provides a convenient receipt for you if in fact your State or lesser municipality has tax consequences in terms of Federal money.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. THOMAS. Do I get the 3 minutes? Could I have the 3 minutes? I thought you were going to give me 3 minutes.

Mr. FRANK. The gentleman from Florida has the 3 minutes.

The CHAIRMAN. The gentleman from Florida has time remaining.

Mr. THOMAS. I thought you were going to give me the 3 minutes.

Mr. YOUNG of Florida. Mr. Chairman, would the Chair advise how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 3½ minutes. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. THOMAS.)

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

Mr. THOMAS. I certainly yield to my friend, the gentleman from Massachusetts.

Mr. FRANK. First, I want to repeat what the gentleman from Maryland said. The notion of the $300 to $600 was not something opposed on this side. The gentleman inaccurately said there were people who were opposed to that. The notion of sending a check out right away was something that was advocated by many on this side.

Mr. THOMAS. Mr. Chairman, I will tell the gentleman I will reclaim my time if he does not have a question of me. He is just debating the point on his side again.

Mr. FRANK. I am correcting him. May I ask a question? May I ask the gentleman a question?

Mr. THOMAS. Mr. Chairman, I will reclaim my time. You had an opportunity.

Mr. FRANK. May I ask a question? May I ask the gentleman a question?

The CHAIRMAN. The gentleman from California controls the time. He may yield to a question if he wishes.

Mr. THOMAS. I thank the Chairman.

Apparently the gentleman from New Hampshire is not the only one who understands the rules on the floor, or there was a willing abuse of the rules. I indicated that I would yield to the gentleman for a question. The gentleman then began continuing to make a statement.

Therefore, in the remainder of my time, I will tell you this is a thinly veiled attempt to stop the Internal Revenue Service from making its job easier in informing taxpayers of money that is coming to them, in which a number of people who are now offering this amendment objected not only in substance, but in style. I understand that.

Our purpose is to vote down this amendment so the American people can find out what they are getting from their government.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I think the majority of Members in this body use frank mail to send out information to their constituents. This is information that will help those constituents.

But I understand not wanting to send a letter out. In 1993, my colleagues took all the money, or cut veterans' COLAs. They do not want to send a letter out for that. They cut military COLAs. They increased the tax on Social Security. They spent every single dime of the Social Security trust fund, and I understand why the gentleman did not want to send out a letter for that. But I would say in this case, we believe it is their money, and we would like to let them know that it is coming in a fair manner.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 1½ minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from New Hampshire (Mr. SUNUNU).

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Mr. SUNUNU. Mr. Chairman, I very much appreciate the spirited nature of

the debate. I certainly apologize to my colleague from Massachusetts for attempting to answer his question too specifically and too accurately. I know it is never a comfortable situation for someone who is speaking on the floor.

But I do think that if we look at the scope of what the IRS is trying to do, we look at the number of checks that are going out, a couple of hundred million, I think it is very reasonable to assume that there may be a lot of confusion.

The Financial Management Service looked at a number of different options. I think they had a credible reason for wanting to do an advance notice, considering that the checks would be staggered over time. The IRS employees recognized that being inundated with phone calls could really degrade their level of customer service and that more information was better. We can quibble about the exact wording on the notice and some down at the White House might complain that Congress is mentioned first, Congress might complain that the President is even mentioned in the notice, but at the end of the day, the taxpayers will have information that is helpful to them: how this is being calculated, what the tax implications are for the current year, how they can get additional information.

I do not think there is any surreptitious or are there are any impure motives here. We are just trying to make sure that taxpayers understand the legislation that has been passed and how it is going to affect them, and we are trying to take a little bit of burden off of the employees at the IRS, and I think both of those are appropriate.

Mr. Chairman, I urge my colleagues to vote against the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) will be postponed.

The Clerk will read.

The Clerk read as follows:

CHAPTER 9

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for ''Compensation and pensions'', $589,413,000 to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for ''Readjustment benefits'', $347,000,000 to remain available until expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL AND PROSTHETIC RESEARCH

Of the amount provided for ''Medical and prosthetic research'' in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106–377), up to $3,500,000 may be used for associated travel expenses.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Of the amount provided for ''Medical care'' in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106–377), up to $19,000,000 may be transferred to ''General operating expenses'' of which up to $5,000,000 may be used for associated travel expenses.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

AMENDMENT OFFERED BY MR. ENGEL

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

The Clerk read as follows:

Amendment offered by Mr. ENGEL:

In chapter 9 of title II, under the heading relating to ''Department of Housing and Urban Development—Public and Indian Housing'', insert the following new item:

PUBLIC HOUSING OPERATING FUND

For an additional amount for the ''Public housing operating fund'' for payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g), $300,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment and will not exercise the point of order until the gentleman has had his 5 minutes to explain.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) reserves a point of order.

Mr. ENGEL. Mr. Chairman, I thank the chairman of the committee for his courtesy. I do appreciate it.

Mr. Chairman, like my colleagues, I recognize the need to meet the rising energy costs of the Defense Department. This bill contains $734 million for higher fuel costs. As we know, jet fuel, gasoline, even heating price increases are having a dramatic effect on the Defense Department. We all agree that it is no good to have the most advanced jet fighters in the world if they cannot fly. I, therefore, do agree with this portion of the bill.

Yet, the Defense Department is not the only agency that is impacted by these price increases. Public housing is also directly affected. The estimates are that the public housing authorities need about $300 million to make up the shortfall. Now, $300 million in the totality of this bill is not a great amount of money, so that is what my amendment does. It provides the funding for the $300 million. I regret that the Committee on Rules did not provide a waiver. I agree that these are needed funds to DOD, but there are other needs as well.

Because of the budget caps in the recent tax bill, I have been forced to designate this need as emergency spending. I believe with all my heart that this qualifies.

According to the Energy Information Administration, home heating oil prices increased nationally from 88 cents to $1.35, a 53 percent increase from fiscal year 1999 and fiscal year 2000. Natural gas jumped 51 percent, from $6.69 per thousand cubic feet to $10.07. In fact, in New York City, which I represent, the Nation's largest public housing authority, with 160,000 units, has actually had its oil prices rise 82 percent and natural gas prices increase 90 percent.

I could paint a picture of an elderly woman who worked for 45 years living in public housing that has no heat, but we know that, in fact, is not the case. Instead, the elderly woman who worked hard for 45 years is living in an apartment that has a hole in the ceiling, that needs new flooring in the bathroom, and could benefit from energy-saving windows and other energy-efficient things. The fact is that public housing authorities are now diverting funds from capital repairs and improvements to pay utility bills. Obviously, they do not want people to freeze over the winter.

Let me be clear that it gets my goat that we are using money to pay for heat that should be used to pay for insulation which, in the long run, would save a lot of money on heat. We are going to be debating tax policy and we are going to be debating energy policy, and I have some innovative thoughts that I hope we can act upon later on in this session.

Public housing has gotten a bad reputation around here in the past few years. We need to change this. I grew up in public housing. In fact, many of my colleagues in the New York City delegation grew up in public housing; and the people who live in public housing deserve to have quality housing. People move to public housing because it is often the only affordable housing they can find. Most public housing residents work, pay rent, and are just trying to provide a safe, loving home for their families.

So, Mr. Chairman, I believe we have an obligation and a responsibility to public housing, and I would urge the chairman of the committee not to insist on his point of order and allow this amendment to move forward. I do appreciate the courtesy of the chairman of the full committee to yield his point of order so I can make this statement.

Ms. SCHAKOWSKY. I rise to support the amendment offered by the Congressman from New York (Mr. ENGEL) to provide $300 million in emergency funds to help HUD meet increased energy demands in public housing.

My colleagues, like you, I recognize the increased demand on LIHEAP and I support this legislation's $300 million increase in the LIHEAP budget, which doubles the President's request. However, the needs of hundreds of thousands of seniors, families and persons with disabilities are ignored because there is no funding in this supplemental to ensure their

well-being during the hot summer months and the bitter winter, ahead. We must provide HUD with enough funding to meet higher energy costs but this bill fails to accomplish that goal.

Public housing authorities across the country are paying higher energy cost to keep public housing families warm in the winter and seniors cool in the summer. Public housing is still catching up with the shortfalls found in the FY 1999, FY 2000, and FY 2001 appropriations bills. According to the Energy Information Administration, home heating oil prices increased nationally from 88 cents to $1.35, a 53% increase, from FY 1999 to FY 2000! Natural Gas jumped 51%—from $6.69 per thousand cubic feet to $10.07. Chicago will need an additional $10 million to pay higher cost in public housing and to provide assistance to families in private housing.

There is no doubt that this is an emergency. We are in the middle of the summer. In 1995, 700 people died in the Chicago area because of a heat wave. There were more deaths all across the country. We can't allow another tragedy like that to happen simply because Congress refused to give HUD enough money to give air conditioning to seniors in public housing.

If Congress doesn't act, what is more likely to happen is that the public housing authorities will divert funds from capital repairs and improvements to pay utility bills. In Chicago, we have a $1.5 billion plan to rebuild public housing, including money to make units more energy efficient. My fear is that such plans in Chicago and across the country will be slowed unless we help address higher energy cost.

So, for public housing authorities struggling to meet the basic energy costs of their tenants, our constituents, I urge my colleagues to vote for the Congressman's amendment to provide HUD with $300 million in emergency energy assistance for public housing energy costs.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order.

The CHAIRMAN pro tempore (Mr. PITTS). The gentleman will state his point of order.

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part:

''An amendment to a general appropriations bill shall not be in order if changing existing law.''

The amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 and, as such, constitutes legislation in violation of clause 2 of rule XXI. Therefore, I insist on my point of order.

The CHAIRMAN pro tempore. Does any other Member wish to speak on this point of order?

Mr. ENGEL. No, Mr. Chairman. I stand by my original statement.

The CHAIRMAN pro tempore. The Chair finds that this amendment includes an emergency designation under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XIX.

The point of order is sustained and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

(RESCISSION)

$114,300,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading in fiscal year 2001 or the heading ''Annual contributions for assisted housing'' or any other heading for fiscal year 2000 and prior years: *Provided*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

The referenced statement of the managers in the seventh undesignated paragraph under this heading in title II of Public Law 106–377 is deemed to be amended by striking ''women's and children's hospital'' in reference to an appropriation for Hackensack University Medical Center, and inserting ''the construction of the Audrey Hepburn Children's House''.

The referenced statement of the managers in the seventh undesignated paragraph under this heading in title II of Public Law 106–377 is deemed to be amended by striking ''$100,000 to Essex County, Massachusetts for cyberdistrict economic development initiatives;'' in reference to an appropriation for Essex County, and inserting ''$75,000 to improve cyber-districts in Haverhill, Massachusetts and $25,000 to improve cyber-districts in Amesbury, Massachusetts;''.

The referenced statement of the managers in the seventh undesignated paragraph under this heading in title II of Public Law 106–377 is deemed to be amended by striking ''$500,000 for Essex County, Massachusetts for its wastewater and combined sewer overflow program;'' in reference to an appropriation for Essex County, and inserting ''$500,000 to the following Massachusetts communities for wastewater and combined sewer overflow infrastructure improvements: Beverly ($32,000); Peabody ($32,000); Salem ($32,000); Lynn ($32,000); Newburyport ($32,000); Glouchester ($32,000); Marblehead ($30,000); Danvers ($30,000); Ipswich ($17,305); Amesbury ($17,305); Manchester ($17,305); Essex ($17,305); Rockport ($17,305); and Haverhill ($161,475);''.

HOUSING PROGRAMS

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), $6,100,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund (in this heading referred to as ''the Fund''): *Provided*, That all balances of fees collected before December 27, 2000, pursuant to such Act shall be transferred to and merged with amounts in the Fund: *Provided further*, That not to exceed the amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the general fund estimated at not more than $0.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

Of the amounts available for administrative expenses and administrative contract expenses under the headings, ''FHA—mutual mortgage insurance program account'', ''FHA—general and special risk program account'', and ''Salaries and expenses, management and administration'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, as enacted by Public Law 106–377, not to exceed $8,000,000 is available to liquidate deficiencies incurred in fiscal year 2000 in the ''FHA—mutual mortgage insurance program account''.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For an additional amount for the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $40,000,000, to remain available until expended: *Provided*, That funding under this heading shall be made available only upon implementation of an interim final rule revising the premium structure for programs provided for under this heading.

INDEPENDENT AGENCIES

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $243,059 to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

From the amounts appropriated for Cortland County, New York and Central New York Watersheds under this heading in title III of Public Law 106–377 and in future Acts, the Administrator is authorized to award grants for work on New York watersheds.

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking all after the words ''Limestone County Water and Sewer Authority in Alabama for'' in reference to item number 13, and inserting the words ''drinking water improvements''.

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking the words ''the City of Hartselle'' in reference to item number 11, and inserting the words ''Hartselle Utilities''.

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking the words ''Florida Department of Environmental Protection'' in reference to item number 48, and inserting the words ''Southwest Florida Water Management District''.

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking all after the words ''Beloit, Wisconsin'' in reference to item number 236, and inserting the words ''extension of separate sanitary sewers and extension of separate storm sewers''.

Under this heading in title III of Public Law 106–377, strike ''$3,628,740,000'' and insert ''$3,641,341,386''.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(RESCISSION)

Of the funds made available in the second paragraph under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–377), $389,200,000 are hereby rescinded.

PART B AMENDMENT OFFERED BY MR. TOOMEY

Mr. TOOMEY. Mr. Chairman, I offer an amendment. The amendment has been printed in House Report 107–105 and made in order by House Resolution 171.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment printed in House Report 107–105 offered by Mr. TOOMEY:

In chapter 9 of title II, strike the item relating to ''Federal Emergency Management Agency''.

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . (a) GOVERNMENT-WIDE RESCISSION.—(1) There is hereby rescinded an amount equal to 0.33 percent of the new discretionary budget authority provided (or obligation limit imposed) for fiscal year 2001 in this or any other Act for each department, agency, instrumentality, or entity of the Government.

(2) Paragraph (1) shall not apply to budget accounts included under major functional category 050 (national defense).

(b) RESTRICTIONS.—In carrying out the rescissions made by subsection (a)(1), no program, project, or activity of any department, agency, instrumentality, or entity may be reduced by more than 15 percent (with ''programs projects, and activities'' as delineated in the appropriation Act or accompanying report for the relevant account, or for accounts and items not included in appropriation Acts, as delineated in the President's most recently submitted budget).

(c) REPORT.—The Director of the Office of Management and Budget shall include in the President's budget submission for fiscal year 2003 a report specifying the reductions made to each account pursuant to this section.

The CHAIRMAN pro tempore. Pursuant to the order of the Committee of today, the gentleman from Pennsylvania (Mr. TOOMEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I yield myself 3 minutes and 15 seconds.

First let me say that I recognize the need for the additional defense spending that is in this bill and I support that, and this amendment makes no attempt to offset that necessary increase in defense spending. My concern, however, is the $1.2 billion in nondefense, nonveteran, new spending in the supplemental spending bill.

I would point out that last year the Congress and the previous administration increased Federal discretionary spending by more than 8 percent. If we pass this bill in its current form without fully offsetting even the nondefense new spending portion, with sometimes spending reductions elsewhere, then we will have increased spending by approximately 10 percent. In doing so, we will be growing government faster than virtually any other segment of our society. We will be increasing government spending three to four times the rate of inflation. We will be spending away the surplus and that means less money available for tax relief, less money available for debt reduction, a greater chance that soon, perhaps as soon as 2003, we may be dipping back into the Medicare and Social Security funds to pay for all of this spending. To avoid this, we have to draw a line on spending.

In fairness, this supplemental bill does attempt to offset part of this new spending, but it does not offset all of the nondefense portion, and one of the offsets does not seem kosher. So this amendment does two things with respect to offsetting the nondefense, nonveteran portion of the spending bill.

First, it strikes the rescission of the FEMA funds. Many of our colleagues, including many Democratic colleagues, have discussed during the debate on this bill, as well as during the debate on the rule, that they do not believe it is right to concentrate so much of the offsets in the FEMA account, to cut nearly $400 million from FEMA. The White House has announced its opposition to this rescission. Others feel that maybe this is not a true cut. Some have suggested that FEMA has plenty of money and that this money will never be spent. Well, if that is the case, then it is not a real offset. In either case, this amendment restores the FEMA funding.

The second thing is does is it says, let us take all the nondefense, nonveteran spending that is not offset, that is about $1.1 billion, and offset that with an across-the-board ⅓ of 1 percent reduction in all 2001 nondefense discretionary spending.

We provide flexibility for the administration to cut a little more in some cases so that they could cut less or not at all in others. We have done this before in legislation that was signed into law by President Clinton. We leave 100 percent of all defense funding in place, and we leave the 99.67 percent of all nondefense funding in place.

□ 1945

I believe the various bureaucrats of the Federal government can survive on 99.67 percent of a budget that is already more than 8 percent higher than last year.

This amendment does not attempt to reorder the priorities in the supplemental bill. The committee has decided we need to increase funding in non-defense areas, a number of non-defense areas. We are not contesting those items. What we are saying is if we want to increase spending on those items, that is okay, but pay for it with spending reductions elsewhere.

Some opponents of this amendment will say, well, there is no need to do this because it is within the limits of the budget resolution. That is true, but it is beside the point. The fact is, spending is growing too rapidly. We have to draw a line.

Mr. Chairman, this amendment will save taxpayers $1 billion this year. It will provide more in debt reduction. It makes it more likely we will avoid spending Social Security and Medicare surpluses, and it restores the funding to FEMA.

I urge my colleagues to adopt this amendment.

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

The CHAIRMAN. Does any Member claim time in opposition?

Mr. YOUNG of Florida. Mr. Chairman, according to the agreement, I claim time in opposition.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) will be recognized for 10 minutes in opposition.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that I may yield half of my time to the gentleman from Pennsylvania (Mr. MURTHA) to control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

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

Mr. Chairman, I am reluctantly rising to oppose the gentleman's amendment. He talks about a .33 percent cut across-the-board, but what he does not point out is that 75 percent of the fiscal year is already gone, which means that 75 percent or more of the money allocated to the agencies have already been spent.

Let me give one example. In the event that this amendment were to pass, the aid to Israel, which has already been released and sent to Israel, they would have to give us a refund of $9.5 million.

If we were to pass this amendment, we would be cutting WIC by $13.3 million. We would be hitting the rural rental housing program with a deficit of $2.3 million, and $29 million would have to be cut from the Pell grant program. Furthermore, $25 million would be cut from the special education programs.

LIHEAP, the program that we just doubled from the President's budget in this bill, would have to be reduced by $5 million. Child care, $3 million would be cut from funding to help States provide assistance to families for child care.

On border and port security, both the Customs Service and the INS would have to reduce staffing and overtime hours at ports of entry, likely causing delays and reducing the frequency of inspections along the border.

With the Coast Guard, something we all support, the Coast Guard would lose $11 million because of this amendment, which would further exacerbate the shortages that the Coast Guard already has, something we are trying to improve in this bill.

On VA and medical care, if .33 went out across the board, as the amendment said, VA medical care would be cut by $65 million. I do not think we want to do that.

FEMA, although this is supposedly returning money that was rescinded from FEMA, it would be cut by $5.3 million. That does not make sense to me, when we take it out with one hand and put it back in with the other hand.

These are only a few of the examples. I am sure there are many more, if we had the time to do this. But I just ask our colleagues to oppose the Toomey amendment.

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

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this amendment. I could name it, I could give it an acronym, RTC, which means restore the cut. That is what the gentleman from Pennsylvania (Mr. TOOMEY) has done, restored FEMA and then cut it.

I want to thank, Mr. Chairman, the gentleman from Florida (Mr. YOUNG) and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), for speaking out in opposition to this amendment. It will have a terrible impact on our programs.

I would just say that the writer of this amendment does not understand. We need FEMA. We need to prove the point to the American public in which Hurricane Andrew, in which I was very much personally involved, $1.8 billion in FEMA's money went for that, and for Hurricane George, $2.4 billion in FEMA dollars to Florida, Alabama, Louisiana, and Mississippi; for Hurricane Hugo, $1.3 billion. I could go on and on. For Virginia, West Virginia, Maryland, north and south, they received funds.

I hope the gentleman understands that the people of this country do not want to resort to some kind of accounting gimmick to see money cut and then restored just because it looks good in Houston. We have to see what happened in Houston, and the devastating things that happened.

FEMA needs money. If we want to find a better way to restore FEMA funds, I do not know where we will go to find the money, because we are cutting Head Start, Pell grants, community policemen, and virtually every other nondefense program.

This Congress should not allow us to do that, in that the gentleman is posing a one-third of 1 percent across-the-board cut in all nondefense programs except the Veterans Administration. This is going to put a big cut in Federal programs. We should not allow an acronym to control our fiscal accountability to the people we serve.

Mr. TOOMEY. Mr. Chairman, I yield myself 15 seconds.

I would respond to some of these allegations, Mr. Chairman.

First, I would remind my colleagues that our amendment gives discretion to the administration as to how much would be reduced in each area, therefore not specifying any particular program requiring a cut.

Secondly, if someone is concerned about restoring funding to FEMA, our amendment restores $384 of the $389 million to FEMA.

Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, the supplemental appropriation bill before us has its genesis in the need to address budget shortfalls for our Nation's defense.

Mr. Chairman, the Constitution is clear that national defense is the first priority of the Federal government. When we as a Congress think about spending taxpayer money, our modus operandi needs to be, defense first.

Mr. Chairman, this has not been the case in recent years. Just 10 years ago, defense made up more than 60 percent of our discretionary spending. Now it is less than 50 percent of discretionary spending. Defense has clearly been a lagging priority, and the readiness and capabilities of our Nation's Armed Forces have suffered as a result. That is why this supplemental is needed.

So when we talk about offsets, it is perfectly appropriate to look at defense through a different lens than we view the rest of spending. That said, there is nearly $1 billion of spending in this bill that had nothing to do with defense, and frankly, it should not be termed an emergency.

When we look at that money, we have to ask ourselves if the pattern that we are setting is appropriate if we are to maintain fiscal discipline as a Congress. Mr. Chairman, not long ago we passed an important piece of legislation to provide tax relief. This was the right thing to do. Americans have had too much of their money taken, and when this happens, it happens because the Federal government is simply spending too much. This bureaucratic monster is out of control, and Congress has simply kept feeding it, feeding it, and feeding it.

There is no program singled out in this amendment. Any program that is deemed vital by the agency directors and department secretaries can be exempted, as the gentleman from Pennsylvania (Mr. TOOMEY) has indicated. We just call for a simple .33 reduction in spending to make up for the increases deemed necessary by the Committee on Appropriations.

Voting for this amendment is a vote for fiscal discipline. It will help set the pattern for the rest of the year. It will help prove to the American people that we can control Federal spending as we look forward to providing more tax relief in the future.

Please support the Toomey-Flake-Tancredo amendment.

Mr. MURTHA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I understand what the gentleman from Pennsylvania is trying to do, and I agree with the idea that FEMA needs to be restored. We got a letter from OMB which says it needs to be restored. We got a letter from FEMA which says it needs to be restored. A member of the other body wrote us a letter and says it needs to be restored. So I do not argue that. Later on, the gentleman from Wisconsin, the ranking member of the committee, is going to offer a recommital motion which will say that we are going to restore the money.

But the problem with this cut, at three-quarters, almost at the end of the fiscal year, we are cutting veterans' medical care. It does not have to be in that area. I know that is what it says. We do not know where it might be. We cut VA claim processing, cut Social Security Administration, and we cut highway funds. If we look at the back of this yellow sheet, we will see the amount of money cut from every State.

Now, there are none of us that travel throughout our State that do not need more money for highways. The money for highways comes from the taxpayer, and we voted this last year, to say that all the money that is collected in taxes is going to go to the highway fund. So it would be a mistake, in my estimation, for us to in any way make this cut in order to restore the FEMA funds.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, to follow up on that point, the gentleman is absolutely correct. The highway cuts are rather severe, such as the $187 million this would cut from the highway construction account, and I would point out that with 75 percent of the fiscal year already expired, these monies are obligated.

The monies being spent, how are we going to get them back if this cut should go through? It would be devastating to every State in the Union on their highway account.

Mr. Chairman, I would appreciate the gentleman's explanation about that if he has anything further on it.

Mr. MURTHA. Yes, I think it would be certainly devastating to Pennsylvania, Mr. Chairman, because the money has already been obligated; I think any other State, also, and there are a whole list of States that would lose money.

I sympathize with what the gentleman is trying to do. I went through a flood in 1977, which had a devastating impact. FEMA was absolutely essential to our recovery. We spent $350 million in Federal money trying to help the area, so we are going to help him at some point. But we cannot afford to take money out of these programs, the highway program in particular, in order to restore the FEMA money.

Mr. ROGERS of Kentucky. If the gentleman will continue to yield, Mr. Chairman, he mentioned cuts in VA medical care, $56 million of cuts. That is likely, is it not, to come from the hospital care portion of VA, and would that not mean that VA would absolutely have to have those hospitals send them money back, and retrieve money from every one of the 172 VA hospitals? Is that not correct?

Mr. MURTHA. The gentleman knows how hard we fought over the years to increase this. Every administration has not had enough money for veterans' affairs, so I would urge the Members to vote against this amendment.

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

Mr. Chairman, I would point out to my colleagues that this amendment contemplates $1 billion out of a $1,900 billion budget.

Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I come to the well this evening to support the efforts of my good friends, the gentleman from Pennsylvania (Mr. TOOMEY), the gentleman from Arizona (Mr. FLAKE), and the gentleman from Colorado (Mr. TANCREDO), in their efforts to restore the FEMA rescission and to find suitable offsets for the nonveterans, nondefense-related appropriations found in this supplemental bill.

In the few minutes that I have, Mr. Chairman, let me just say that I believe this measure and this amendment is about putting our house in order. It is not, as some Members have suggested, restoring the cut. It is not even a reduction, Mr. Chairman. It is just a slightly smaller increase.

I think tonight of all nights, in the wake of the largest tax cut in a generation, particularly the members in my party ought to remember not the victory of this time, or the victory of 20 years ago, but we ought to remember the mistakes of 20 years ago.

We ought to remember the last time we cut taxes across-the-board for all Americans that we in this Congress and even in my own party filed to marry that with fiscal restraint, with fiscal responsibility.

Mr. Chairman, I rise in strong support of this amendment, for the sole reason that history is a teacher. We will either learn from it or we will be cursed to repeat it.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to my friend, the gentleman from New Jersey (Mr. FREYLINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding time to me, Mr. Chairman.

Mr. Chairman, I rise in opposition to this amendment, which would harm the existing Veterans Administration budget in three vital areas that would affect our Nation's veterans.

First, in health care, we have all fought for increased medical care funding on a bipartisan basis. This amendment would cut almost $70 million from veterans' medical care, resulting in furloughs of many employees that look after these very needy and sick veterans.

□ 2000

This amendment would be in addition to the over $45 million that was cut from the VA medical care as a result of the first across-the-board cut.

Secondly, the fiscal year 2001 VA-HUD act delays funds for building repairs and equipment purchases until August 1. This amendment would cut the amount of money available for hospital and clinic repairs, patient safety corrections and new medical equipment for our veterans. In addition, it would cut money from vital VA research accounts.

Lastly, Mr. Chairman, this supplemental provides increased funding of $19 million to expedite claims. These claims would be hurt because they would not be processed.

Mr. TOOMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. TOOMEY) for yielding me the time.

The debate on this reminds me of what happens every single time we look at Colorado. I imagine this happens with several other States too when we look at a reduction in budgets for any entity, especially schools. Every time somebody would talk about a potential budget cut for the schools, everybody would stand up and say, if you do this, we will not be able to buy chalk; if you do this, we will not be able to provide transportation to the kids.

They would use every imaginable sort of hot button issue they could think of knowing full well that would never actually come to that point; but they know that people would say, oh, well, of course, if you cannot buy chalk, we cannot do this.

When we talk about all the things that would happen if we pass this .3 percent budget cut and our colleagues suggest that the hospitals have to give money back, all the veterans issues that our colleagues bring up would have to end up being cut.

Remember, of course, that we are not talking about mandatory spending. The mandatory spending that the gentleman refers to, especially in veterans, has absolutely nothing to do with this amendment, talking about discretionary spending.

We cannot possibly stand here and say here are all the things that are going to happen and use the biggest hot buttons issues we can think of to suggest that a .3 percent cut would, in fact, make those things happen. We know that that would not, in fact, occur.

We are looking at a Congress that should continue to fund our Nation's priorities, I understand. But what we are doing tonight in a budget, any budget, is establishing priorities. What we are simply asking our colleagues to do this evening is to think about priorities.

Do you believe that the agencies of this government can do with a .3 percent budget cut? In the meantime, do you think that that money or a good portion of it should better and could better be used by FEMA to address the problems that we all agree are national emergencies?

It seems to me so clear. It seems to me almost incomprehensible that we could suggest that somehow this government which has grown so well, 24 percent in the last 3½ years, I mean, what family budget has grown like that?

Mr. TOOMEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. TOOMEY) is recognized for 1 minute.

Mr. TOOMEY. Mr. Chairman, let me remind my colleagues and put this in some context, we have a $1,900 billion budget, plus or minus. We are contemplating $1 billion of the $1,900 billion that is going to be spent.

Let us keep in mind also that the reduction is all in discretionary spending; it is not in mandatory spending. Veteran benefits is mandatory spending. That would not be touched by this.

Let us bear in mind also that the amendment gives the administration the authority to have some flexibility, so they could choose to cut some more in some places and not cut at all in other places.

Let us also, please, keep in mind we are talking about 1/3 of 1 percent of this Federal budget, meaning that of all of the discretionary spending, 99.67 percent, would go forward.

If our colleagues believe it is important to fund FEMA, and I heard many people come down here and say how important this is, this is the amendment that does this. We restore a net of $384 million out of $389 million to FEMA.

If our colleagues believe it is important to have some spending discipline, this is the amendment that does that. It says we will offset new spending with reductions. If our colleagues believe in honest offsets and debt reduction, I urge support of this amendment.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG), Chairman of the Committee on Appropriations, has 1½ minutes to close.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to correct something that was just said, veterans health care is discretionary. Veterans health care is discretionary and would be affected by this amendment. I mentioned earlier, as have others, 75 percent of the fiscal year has gone by. By the time this bill goes to the other body, gets conferenced, goes to the White House, 80 percent of the year might be gone.

The money is going to be spent. This does not work. The money is obligated, and it is just not going to work. This amendment is not as good as it might sound.

Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. REGULA), the chairman of the Subcommittee on Labor, Health and Human Services and Education.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG) for yielding me the time.

Mr. Chairman, just let me point out a few of the cuts; $67 million on medical research, if there is ever a time in medical research that it is important, it is now.

There is $25 million from special ed. Most of the Members say we should put more in IDEA. Here we are proposing to cut $25 million from the programs for these kids that need special education.

We heard about LIHEAP earlier. There is $5 million cut from LIHEAP when we have an energy crisis. There will $3.8 million cut from community health centers where people can go instead of loading up and clogging up the emergency rooms, where the poor people can go and get some help; yet we talk about cutting it. A lot of that is done with volunteers.

There is $2 million cut from the immunization program of the Centers for Diseases Control. Many of our colleagues saw the news in my district recently about the meningitis scare. Two young people died; another young lady came close. So as a result, we vaccinated 10,000 students against meningitis. Yet we are talking about cutting it. We remember the shortage of flu shots.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY) will be postponed.

AMENDMENT OFFERED BY MR. BENTSEN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BENTSEN:

In chapter 9 of title II, strike the item relating to ''FEDERAL EMERGENCY MANAGEMENT AGENCY—DISASTER RELIEF''.

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Texas, (Mr. BENTSEN) and a Member opposed each will control 10 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

THE CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, first let me say on the previous amendment, I hope the House votes down the previous amendment, because that amendment sort of adds insult to injury. What the author did was to take the FEMA money hostage and use it to try and rewrite the budget that the Congress voted on and passed in the last Congress.

Mr. Chairman, I hope that amendment goes down. In addition, that amendment would still cut FEMA; that is the wrong direction.

We have had debates on this today. This amendment is going to be struck in a point of order, because of the Budget Act; but the fact is that there is not enough money in the FEMA accounts to deal with the situation in Texas and Louisiana, not to mention Pennsylvania and other disasters like that, and also the State of Wisconsin.

In fact, in the last 48 hours, FEMA has doubled their estimate of the damage costs that they will incur in Harris County alone from a billion dollars to $2 billion; and it is estimated that that cost will continue to rise, probably to about $4 billion. In fact, the Texas Medical Center, which is in my district, looks like it has incurred about $2 billion of damage on its own.

There are 50,000 people either removed from their homes or their homes are in complete disrepair. This is a major disaster. FEMA only has about $1.1 billion of unobligated funds.

Again, let me say, I understand the committee had to do what it had to do to try and make the numbers work, but they did add funding on and at the time they did it, they did not realize Allison was going to occur; but the President through the Office of Management and Budget is opposed to this recision.

We have one of our Senators from Texas from the other party opposed to this recision. We can correct this situation if there is not a point of order, although I assume there will be a point of order. If that does not work, then I would recommend that Members support the recommittal motion by the gentleman from Wisconsin (Mr. OBEY) that will correct the situation once and for all.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, first, let me remind my colleagues that FEMA, which is also under my committee's jurisdiction, currently has $1.3 billion available in its emergency fund even after the recision goes into effect. I want my colleagues to remember that.

I would like to also say, Mr. Chairman, that we have to understand one thing, I was not here for the Toomey-Flake-Tancredo amendment; but it violates the guaranteed funding levels established in T21 and Air 21 by requiring an across-the-board cut for Federal spending programs.

Every State and every Member's highway transit project and urgently needed airport projects would be subject to reduced fundings. T21 and Air 21 have brought much-needed honesty and protections to those dedicated-user financed trust fund programs. This amendment attempts to thwart the will of Congress.

America's modus and airplane passengers have already paid for these programs in the form of dedicated-user taxes which are established to pay for transportation improvements.

Again, let me restate, FEMA has $1.3 billion available in its emergency fund right today. That amount should be sufficient to cut FEMA's emergency costs for the balance of the fiscal year.

Mr. Chairman, I urge a no vote on both of these amendments.

Mr. BENTSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman from Texas (Mr. BENTSEN) for yielding me the time.

Mr. Chairman, I hope that the gentleman from Alaska (Mr. YOUNG) is right. I hope that FEMA has $1.3 billion. It is going to need every penny of it to respond to Allison; every penny is going to be needed and then some to respond to Allison.

In Upper Moreland Township in my State, 10 inches of rain fell in less than an hour. In a fully developed suburban community with too many parking lots and too many impervious surfaces, these small backyard creeks, the Pennypack, the Mill Creek, Little Neshaminy Creek, usually a couple of inches deep, maybe a couple of feet, Mr. Chairman, became flooded 15 feet and 20 feet deep, stretching out hundreds of yards wide and flooded out whole neighborhoods.

In my district, 1,200 homes were flooded, 200 businesses were flooded. Almost $5 million in damages to public facilities was incurred.

This is a letter from Governor Ridge to President Bush asking for a Federal declaration of disaster to be issued. We have a major disaster in Philadelphia from the same storm that so badly affected Houston, Texas, and so many communities in between.

This bill, which rescinds FEMA money, $389 million, is a terrible mistake. The previous amendment, I believe, will not succeed. It will be voted down, because of the broad across-the-board cuts. The Bentsen amendment is the only vehicle we have to restore this money to FEMA that is so badly needed.

If the Bentsen amendment is ruled out of order, I hope that the House will pass the Obey recommittal. We have to

restore this money. We cannot take a chance that FEMA will run short. The Allison bills are just beginning to roll in from Pennsylvania, and they are going to be enormous. We must act now.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. WALSH), chairman of the Subcommittee on VA, HUD and Independent Agencies.

Mr. WALSH. Mr. Chairman, I rise in opposition to this amendment offered by the gentleman from Texas (Mr. BENTSEN).

Mr. Chairman, we spent a lot of time trying to determine what funds are available in FEMA. And based on, I think, very accurate information, we know that the White House, that OMB, and the Treasury have $1.1 billion available to them in contingency emergency funds for FEMA.

There is also approximately $900 million in the pipeline from prior years' appropriations. Even with a $389 million revision, there still is $1.6 billion available for the remainder of this year. When I say the remainder of this year, I am saying, July, August, September; three more months, $1.6 billion.

In next year's bill, we intend to appropriate in the neighborhood of another $1.5 billion, which would be available as soon as the President signed the bill, hopefully in September or October. Those funds then become available.

Mr. Chairman, within the very near future, we have got about $3 billion to work with. No one knows exactly what the extent of the damages are due to Allison; but if we can learn anything from history, Hurricane Floyd, which was a very severe hurricane that we all remember, we voted on a supplemental appropriation. Hurricane Floyd affected 14 States all up and down the east coast, into the Carolinas, New Jersey, Florida, all the way up and down; and the total costs to FEMA were about $1.1 billion.

□ 2015

And it was a massive storm. No one knows yet what the estimates are for Allison, but it is fair to say, Mr. Chairman, that we have at least $1.6 billion available right now in the pipeline ready to go. And if the Congress acts promptly in the fall, we will have another $1.5 billion. So a total of over $3 billion available.

We looked very hard to find funds within existing appropriations for this rescission. I think it is a fair rescission. I have talked with Mr. Allbaugh about it. He is not totally sanguine with it, but he does understand the resources he has, and I think he can live with those until the next fiscal year begins.

So, Mr. Chairman, I would urge a strong opposition to this amendment and urge a ''no'' vote.

Mr. BENTSEN. Mr. Chairman, I yield myself 10 seconds to say that FEMA's report yesterday afternoon, for Texas alone, is $2 billion. These are their numbers and we know the numbers will go up.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. LAMPSON).

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

Eleven days ago I had a shovel in my hands and I was in my backyard trying to clear drains to save my own house. My neighbors were not as lucky as me. Nine days ago I joined the gentleman from Texas (Mr. BENTSEN) and some of my other colleagues, along with Joe Allbaugh, the Administrator of FEMA, to tour the devastation we saw throughout southeast Texas. We saw lost businesses, lost houses, lost research, wrecked lives, lost lives, and yet today we are having a debate on allocating disaster funds. Unbelievable.

Our question is do we put back into the budget the $339 million the Committee on Appropriations took out. How can any cut be justified in light of the fact that we just had a $4 billion disaster in one part of our country?

My colleagues of the House, please do not turn your backs on these people or anyone else who needs help recovering from a catastrophe. Support the Bentsen amendment or support the Obey recommittal.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I do not believe I am going to need all that time, and I will yield it back to the chairman of the committee.

I do not think anyone here can stand back and not be concerned about the damages that have occurred in Texas and throughout the country. We are all very concerned about it. We would not rescind funds if we did not think that there was sufficient funds available. I want to make that very, very clear, because this is an important emergency that we have to respond to and FEMA needs the resources. As I said, there is about $1.6 billion available.

The gentleman from Texas just pointed out that the FEMA estimates are approximately $2 billion for Texas. I believe that is true, but the fact of the matter is most of those expenses, most of those losses will be covered by private flood and disaster insurance. FEMA is not responsible nor would it ever be responsible for all those losses. Many of those will be covered by private insurance. So the $2 billion figure is not the FEMA requirement.

Mr. BENTSEN. Mr. Chairman, I yield myself 50 seconds.

Let me say to my good friend that I appreciate his sincerity and the sincerity of the chairman of the full committee. But I will tell my colleagues that they estimate, that probably less than a quarter were in the NFIP program; that less than a quarter had flood insurance. They estimate that private insurance will pick up less than a quarter of the costs, and they estimate the cost is going to rise.

I know we will get back to it and get money in there. But my concern is we are going to hamstring FEMA while they are trying to do this. They already have a couple of hundred million allocated to this, and they expect to do much more, to move very quickly. I know the committee did not do this because they were not concerned about Allison or trying to help, because Allison had not occurred when the committee was looking to do this.

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

Mr. BENTSEN. I have a limited time, but I yield to the gentleman from New York for 5 seconds.

Mr. WALSH. Even in that case, FEMA's responsibility is to do the immediate cleanup and then pay for municipal damages, not all private damages.

Mr. BENTSEN. Reclaiming my time, Mr. Chairman, the numbers they are talking about are both the residential and the public disaster assistance.

Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, as we can see, there is a lot of need in Texas. And I guess the point to my colleagues, as I support this amendment, is this is the right way to do it. This is simply striking the rescission of $389 million, and the reason is because we need the money now.

Disaster after disaster, we do not know what this is going to total. And might I say that the FEMA Director himself analyzed that the total damage is $4 billion. We realize that some of this does not get covered by FEMA, but let me say that most people did not expect this and therefore they are in areas of flooding, covered areas, that did not require flood insurance. This was unexpected.

We already have $771 million that FEMA is going to utilize for temporary grants, but we do not have the remaining dollars that we need to cover what FEMA does not know that it is going to have to pay out. We have 32,000 homes plus and we have the need of the monies now. To take out $389 million does not help us.

I hope this amendment passes and we can waive the point of order. In the alternative, I thank the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Pennsylvania (Mr. MURTHA) for their recommittal and I hope we support that motion at that time.

Mr. YOUNG of Florida. Mr. Chairman, what is the time remaining on each side?

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 5 minutes remaining, and the gentleman from Texas (Mr. BENTSEN) has 3 minutes remaining.

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

Mr. BENTSEN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think the chairman of the committee is sincere, and I think the chairman of the subcommittee is sincere that they are going to fund this. I have no doubt that ultimately we are going to probably appropriate several billion dollars in disaster assistance to Texas, and Louisiana, probably Pennsylvania, not to mention the other disasters that are going to occur.

The gentleman mentions we only have 3 months left in the fiscal year, although these are the big three months when we have the hurricanes, the forest fires and the like.

The reason why there is a problem with the rescission at all in the FEMA account is because it is being used as a plug figure to make this supplemental fit under the budget caps for purposes of the Budget Act. And I understand, the committee has to do that. I sit on the Committee on the Budget. But to say on the one hand that we are being fiscally responsible by putting this rescission in, and then saying, sort of with a wink and a nod, but we are going to fix it later does not jibe mathematically. It may work for purposes of the Budget Act, but it would not match general accounting principles one iota.

My concern is that the disaster in Texas and in my home county of Harris County is so severe and the amount of money that is going out the door is so rapid that by taking this $400 million out, if it were ever to become law, and quite frankly I do not think the other body is going to go along with it, because one of my Senators from Texas over there is actually trying to add $.5 billion to $1 billion, and I think at the end we are going to have no rescission but I think it is a bad start here, at the end of the day. If we were to do this, I think we would hamstring FEMA, because I do not think they really know how bad this is.

The three main hospitals in Harris County, Texas are effectively shut down. The Level I trauma center is over capacity. The Army had to bring in a Level I trauma center for the fourth largest city in the United States, the third most populous county in the United States, because they do not have the sufficiency in their existing health care facilities, where they have the largest medical center in the world, to deal with it.

I appreciate what the committee is trying to do to meet the Budget Act, to fund the other things that need to be funded, but on this one the committee is just wrong. They are just wrong, and I know they did not intend it when they started out but we can correct it. The chairman could be gracious and not raise his point of order, though I think he is probably going to raise his point of order, but if we do not do that, what we can do is, when the gentleman from Wisconsin (Mr. OBEY) offers his motion to recommit, we can send this bill back to the committee forthwith and have it come straight back to the House with this rescission corrected and move on with our bid.

I predict if we do that, we will get the administration's okay, because they do not agree with this rescission. President Bush does not agree with this rescission. I do not think FEMA likes this rescission, and I do not think our colleagues across the Capitol like this rescission. So we can move forward to make sure FEMA has the resourses to deal with the disaster of Allison.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for that enlightening comment.

Mr. Chairman, I yield myself the balance of my time.

Since we have debated this issue five or six times here this afternoon and this evening, I just want to make the point again that Congress, since in the times that I have been here, has never refused to meet its responsibility when it came to natural disasters, not only in the United States but in many parts of the world, and we will continue to do so.

If the gentleman were to be correct that we are wrong, and I do not think we are, but if he were to be correct, Congress would react quickly to meet any problems that might occur from a natural disaster.

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

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. This Congress may have met its responsibilities to FEMA in the past, but right now it is playing let us pretend with this rescission.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 19, 2001. That was House Report 107–104. This amendment would strike a rescission and, therefore, provide in effect a new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of the act.

And so, Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman advances his point of order. Does the gentleman from Texas (Mr. BENTSEN) wish to be heard on the point of order?

Mr. BENTSEN. Briefly, Mr. Chairman, because of the time agreement that we honored.

As the chairman read the point of order, I think it underscores the point, because he says were this to be allowed, the rescission would result in new budget authority. But, in fact, what the rescission does is it strikes budget authority that was created by the 106th Congress. It really is not new budget authority, but it underscores the nuance of the Budget Act and the fact that additional spending in this supplemental had to be offset both through emergency declaration and then through the rescission of FEMA, which I believe, I truly believe, will hamstring FEMA.

But I appreciate the chairman's sincerity and I will abide by the point of order.

The CHAIRMAN. The Chair is prepared to rule. The Chair is authoritatively guided by an estimate of the Committee on the Budget under section 312 of the Budget Act that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from Texas would, by striking a rescission contained in the bill, increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

The last proviso under the heading, ''Human space flight'', in Public Law 106–74, is deleted. Of the unobligated balances made available pursuant to the preceding sentence, $15,000,000 shall be used only for research to be carried out on the International Space Station.

GENERAL PROVISION—THIS CHAPTER

SEC. 2901. (a) The unobligated balances as of September 30, 2001, of funds appropriated in the first seven undesignated paragraphs under the heading ''Community development fund'', in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–377), are rescinded.

(b) Subsection (a) shall be effective on September 30, 2001.

(c) The amount rescinded pursuant to subsection (a) is appropriated for the purposes named in the first seven undesignated paragraphs under the heading ''Community development fund'', of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–377), to remain available until September 30, 2003.

AMENDMENT OFFERED BY MR. BAIRD

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

The Clerk read as follows:

Amendment offered by Mr. BAIRD:

Page 45, after line 25, insert the following new section:

SEC. 2902. For payments by the Secretary of Energy to States to provide reimbursements to local educational agencies, and schools funded by the Bureau of Indian Affairs, for the purpose of assisting schools severely impacted by rising energy prices, of which $55,000,000 shall be derived by transfer from the amount provided in this Act for ''Research, Development, Test and Evaluation, Air Force'', $21,000,000 shall be derived by transfer from the amount provided in this Act for ''Financial Management Service—

Salaries and Expenses'', and $24,500,000 shall be derived by transfer from the amount provided in this Act for ''Operation and Maintenance, Air Force'', $100,500,000, to remain available until expended: *Provided*, That a local educational agency or Bureau funded school shall be eligible for assistance under this paragraph only if (1) it has reduced power consumption on a per capita basis at least 10 percent from the previous academic year, and (2) it has power rates that have increased at least 20 percent over the previous academic year: *Provided further*, That any reimbursement to a local educational agency or Bureau funded school under this paragraph shall be of sufficient size to offset up to 50 percent of the increase in annual energy costs to each participating school.

Mr. BAIRD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order against this amendment, but I will not exercise the point of order until the gentleman has had his 5 minutes to explain his amendment.

Mr. BAIRD. Mr. Chairman, I thank the chair of the Committee on Appropriations for his courtesy.

Mr. Chairman, the purpose of a supplemental appropriation is to help out when our planning from last year did not adequately anticipate the needs of this current fiscal year.

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This is a situation we face on the West Coast and elsewhere in the country as we contemplate the tremendous rise in energy prices. In my district alone we are facing million dollar increases for some school districts. The Vancouver School District and Evergreen School District anticipate almost a $1.5 million increase for their energy.

Other school districts are facing similar problems, not because of error or a factor they could control, but largely because of failed government policies.

Mr. Chairman, what I offer today is a $100 million appropriation to provide Federal support for schools which have done several things. First, they must lower their energy consumption by 10 percent on an average per capita basis from the previous year.

Secondly, they must see a power increase of 20 percent over the previous year, so it must be a substantial increase, something they could not normally be expected to absorb. And let me state that schools do not have funding flexibility from year to year. They are based on levies or appropriations from the legislature.

In addition, this bill does not give a full Federal handout to the schools. They must carry half the load, and then the Federal Government would help out.

This is a reasonable and fair bill. We recognize and respect the $6.5 million cap, and we have proposed three cuts. One, the aforementioned $30 million spent on the IRS letter. Secondly, a reduction in funds for repair and maintenance of business jets essentially for top brass in the military. That money was not actually requested by the Department of Defense, but was introduced by the House. In addition, a cut in the unrequested money for the air-based laser program.

We believe if the choice is between letting our children have decent books, warm classrooms, and adequate light, this Committee and Congress should make the proper choice.

Mr. Chairman, I yield to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in strong support of this amendment. Not only is the energy crisis in the Western United States impacting business and consumers, it is already eroding the meager budgets of our schools. The Oregon school administrators recently conducted a survey of school districts around the State to get a better understanding of what is happening.

Mr. Chairman, the results of this survey are staggering. The average cost of electricity has increased by 29.3 percent. My colleagues have to understand, this is going to go up. There is going to be another increase in October. In fact, some of our school districts are facing 100 to 200 percent increase in their utility costs; again with another increase due in October. This is unacceptable.

Mr. Chairman, we already have school districts that are barely making it on their budgets, and this is a horrendous cost to them. One of my schools, in fact the largest school, has budgeted another $850,000 for utility costs. This is money that could be spent on hiring 24 new teachers so they can decrease class size. It could be used to purchase text books or modernize our classrooms or even use it to perform professional development of teachers. School administrators from California to Massachusetts are having to make tough choices. Do we keep teachers on the payroll or pay the electric bill and keep the lights on.

Schools are having to make these tough decisions in the midst of an energy crisis. I am sorry that we can not do this for our schools if we do not accept this amendment. This is a situation none of us foresaw, and that is what an emergency budget is for.

This amendment speaks to what our priorities are in this Congress. I do not relish having to explain to my constituents that we could not do this for our schools.

Mr. BAIRD. Mr. Chairman, these costs were unanticipated. The Federal Government has a responsibility to help these schools that had no way of paying for these in advance. The reductions elsewhere in the bill we believe are reasonable and sound, and we believe this would go a long way towards helping schools.

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

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill; therefore, it violates clause 2 of rule XXI. The rule states in pertinent part: ''An amendment to a general appropriations bill shall not be in order if changing existing law.'' The amendment gives affirmative direction in effect, and I insist on my point of order.

The CHAIRMAN. The chairman advances his point of order. Does the gentleman from Washington wish to be heard on the point of order?

Mr. BAIRD. Mr. Chairman, I do.

Mr. Chairman, there are existing programs within the Department of Energy assistance to schools. While we believe this is somewhat different from the exact nature of those programs existing now, we believe it is within the same spirit. The premise here is this: the Department of Energy has within its purview the opportunity to provide money for local schools to help them meet energy costs. We see this more as an extension of that program rather than a new authorization.

Let me reiterate, we have schools that are facing a million dollar shortfall in their energy budget, and that is unacceptable. This Congress has an opportunity to help those schools out. We believe we should do so. We believe the cuts that are offered within this amendment are reasonable and fair. While we respect the budget caps, we believe we should put our children first. If we really want to say, leave no child behind, we should also say leave no child in the dark or in the cold, and make sure that they have adequate teachers. This bill will help ensure that occurs.

Mr. Chairman, should we not approve this amendment today, I would hope my colleagues would consider joining us if we need to seek further authorization in future legislation. I fully intend to introduce legislation to that effect.

The CHAIRMAN. The Chair is prepared to rule, and finds that this amendment includes language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the gentleman from Ohio (Mr. REGULA), the chairman of the Subcommittee on Labor, Health, Human Services and Education regarding funding for the Pell Grant maximum.

I am happy to see that the bill fixes a technical problem with title I funding with ESEA and the Department of Education, but I am disappointed that we were not able to do the same with the Pell Grant maximum funding. In the final fiscal year 2001 appropriations

bill, the Pell Grant maximum was set at $3,750, a $450 increase over fiscal year 2000, an increase that will help millions of low-income students go to college.

However, because of unexpected growth in the number of eligible students, the fiscal year 2001 Pell Grant appropriation was $117 million less than the amount actually needed to support the $3,750 maximum.

Mr. Chairman, I had intended to offer an amendment to fix this problem, but was hesitant to do so without an offset. Furthermore, we had discussed this issue. It is my hope, and I think the gentleman's as well, that we may work together to remedy this situation as soon as possible.

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

Mr. HOYER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for his concern which is shared on this side of the aisle. The Pell Grant program is the bedrock of student aid programs. I am pleased to say that this Congress has increased the Pell Grant program to the highest level in history by providing an increase of 60 percent in the maximum grant from $2,340 in fiscal year 1995 to $3,750 in fiscal year 2001.

Offsets are necessary to keep the overall bill within limits, but should additional funds become available through the supplemental process, we would certainly consider providing extra funds to the Pell Grant program.

Mr. HOYER. I thank the gentleman for his comments. I appreciate his representation, and I look forward to working with him on this issue.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

GENERAL PROVISION—THIS ACT

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3002. Within 5 days of the enactment of this Act, the Secretary of State is directed to report to the Committee on Appropriations on the projected uses of the unobligated balances of funds available under the heading ''Agency for International Development, International Disaster Assistance'', including plans for allocating additional resources to respond to the damage caused by the earthquakes that occurred in El Salvador in January and February of 2001.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

SEC. . No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly know as the ''Buy American Act'').

Mr. TRAFICANT. Mr. Chairman, Congress has approved building a memorial to our dedicated troops which served our Nation in World War II. One of the contracts awarded was to a subsidiary of a German company which has Nazi roots. They built Nazi war planes; and they have some procurement problems to boot.

Mr. Chairman, I think the amendment is fitting.

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

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania (Mr. MURTHA), the distinguished ranking member of the Committee on Appropriations.

Mr. MURTHA. Mr. Chairman, we have no problem on this side with the amendment.

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

Mr. TRAFICANT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we are prepared to accept this amendment.

Mr. TRAFICANT. Mr. Chairman, I urge an aye vote; and I yield back the balance of my time.

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

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''2001 Supplemental Appropriations Act''.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 171, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 1 by the gentleman from Oregon (Mr. DEFAZIO); amendment by the gentleman from Wisconsin (Mr. OBEY); amendment in part B by the gentleman from Pennsylvania (Mr. TOOMEY).

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

AMENDMENT NO. 1 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 50, noes 376, not voting 6, as follows:

[Roll No. 172]

AYES—50

Baird
Baldwin
Barrett
Blumenauer
Bonior
Brown (OH)
Conyers
Davis (IL)
DeFazio
DeGette
Doggett
Duncan
Filner
Frank
Gutierrez
Hinchey
Holt
Honda
Hooley
Jackson (IL)
Kind (WI)
Kucinich
Lee
Lipinski
Luther
Maloney (NY)
Markey
McDermott
McGovern
McKinney
Miller, George
Nadler
Oberstar
Paul
Payne
Rivers
Rohrabacher
Sanders
Schakowsky
Shays
Slaughter
Solis
Stark
Tierney
Towns
Udall (CO)
Velazquez
Watt (NC)
Woolsey
Wu

NOES—376

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
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
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
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
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Cox
Flake
Houghton
Jefferson
Kaptur
Rush

□ 2104

Messrs. HAYES, RODRIGUEZ, CROWLEY, SCARBOROUGH, LEACH, SPRATT, WATTS of Oklahoma, GREEN of Texas, COOKSEY, STUPAK, and Ms. McCARTHY of Missouri changed their vote from ''aye'' to ''no.''

Mr. BARRETT of Wisconsin and Mr. CONYERS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 212, noes 216, not voting 4, as follows:

[Roll No. 173]

AYES—212

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—216

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Cox
Houghton
Kaptur
Rush

□ 2115

Messrs. HERGER, COBLE, GILCHREST, HYDE, COLLINS, and Mrs. WILSON changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT OFFERED BY MR. TOOMEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in part B offered by the gentleman from Pennsylvania (Mr. TOOMEY) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 65, noes 362, not voting 5, as follows:

[Roll No. 174]

AYES—65

Akin
Baker
Bartlett
Barton
Blunt
Burr
Cannon
Cantor
Castle

Chabot
Crane
Cubin
Culberson
Davis, Jo Ann
DeLay
DeMint
Doolittle
Duncan
Dunn
Flake
Goode
Goodlatte
Green (WI)
Hall (TX)
Hayworth
Herger
Hoekstra
Horn
Hostettler
Hulshof
Istook
John
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kingston
Largent
Miller (FL)
Myrick
Nussle
Otter
Paul
Pence
Pitts
Pombo
Portman
Ramstad
Royce
Ryun (KS)
Scarborough
Schaffer
Sessions
Shadegg
Shays
Smith (MI)
Stearns
Tancredo
Tauzin
Thornberry
Tiahrt
Toomey
Vitter
Watts (OK)
Wu

NOES—362

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
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
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spence
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Cox
Houghton
Kaptur
Rush
Souder

□ 2126

Messrs. RYAN of Wisconsin, WELLER, KERNS, and BRADY of Texas changed their vote from ''aye'' to ''no.''

Messrs. KENNEDY of Minnesota, ROYCE, TIAHRT and GOODLATTE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

Mr. FRANK. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRANK. Mr. Chairman, if I heard correctly, no motion to table a motion to reconsider was made after the Obey amendment. Now, I am a great believer in giving people third chances, not just second chances, and, with all of the switching, I thought we could offer one last chance for redemption.

Would it be in order to move to reconsider the vote on the Obey amendment, for Members who did not get their switches in time?

The CHAIRMAN. In the Committee of the Whole, there is no motion to reconsider.

Mr. FRANK. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRANK. Mr. Chairman, I hate to leave so many Members on the other side dangling over the pit of uncertainty. Would it be in order to make such a motion in the full House?

The CHAIRMAN. A separate vote is possible in the House only on an amendment that has been reported by the Committee of the Whole.

Mr. FRANK. In other words, the Members are off the hook, Mr. Chairman.

The CHAIRMAN. That is not a parliamentary inquiry.

There being no other amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HANSEN) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 171, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

□ 2130

The SPEAKER pro tempore (Mr. HANSEN). The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY of Wisconsin moves to recommit the bill, H.R. 2216, to the Committee on Appropriations with instructions to report the bill back to the House promptly with amendments to strike the rescission of $389,200,000 from the Federal Emergency Management Agency's Disaster Relief Fund while complying with all applicable budget constraints.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes in support of his motion to recommit.

Mr. OBEY. Mr. Speaker, I have two letters in my hand. One letter from Senator KAY BAILEY HUTCHISON which reads as follows: ''I ask for your assistance in supporting any efforts on the House Floor to eliminate the provision in the supplemental appropriations bill that rescinds FEMA's disaster relief funds.''

I also have in my hand a Statement of Administration Policy from the Bush administration. It says, ''The administration strongly opposes the proposed rescission of $389 million in disaster relief funds for FEMA.'' Enough said.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, first let me compliment the gentleman from Nebraska (Mr. BEREUTER) for a tremendous performance as chairman of the Committee of the Whole. Speaking for the gentleman from Wisconsin (Mr. OBEY), and it is a pleasure. It has been stated many times, says the gentleman from Wisconsin, that this supplemental appropriation bill is deficient in a number of ways. For this reason, he is moving to recommit the bill with instructions to strike the rescission of $389 million to the Federal Emergency Management Agency disaster relief fund.

We have heard from a number of eloquent speakers about the devastation that has occurred as a result of Tropical Storm Allison and the need for disaster assistance. Speaking again for the gentleman from Wisconsin (Mr. OBEY), while there are currently monies in the disaster relief fund, these funds will not be sufficient to cover all previous ongoing or projected disaster requirements.

The Director of the Office of Management and Budget sent a letter prior to the full committee markup on this bill stating he was puzzled by this rescission. The director of FEMA has sent a letter to the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) expressing his concern about this cut.

Finally, yesterday the administration sent up its official position on the supplemental appropriations bill. It stated, ''The administration strongly opposes the proposed rescission of $389 million in disaster relief funds for the Federal Emergency Management Agency.''

The rescission should eliminate much of the normal FEMA funding needed by the agency to provide quick and effective assistance to disaster-stricken communities and victims. Given the disaster relief need due to the impact of Tropical Storm Allison as well as other disasters, this is not the time to be cutting FEMA. Instead of taking a reduction in disaster relief or making a mindless decision to take on across-the-board cuts to all Federal agencies as an offset, this motion would send the bill back to the Committee on Appropriations where thoughtful deliberations could take place as how best to proceed.

Mr. OBEY. Mr. Speaker, this money will be needed. We might as well admit it now. This amendment does not kill the bill, it simply tells the committee to come back with other actions consistent with House rules to save full funding for FEMA.

The SPEAKER pro tempore. Is the gentleman from Florida (Mr. YOUNG) opposed to the motion of the gentleman from Wisconsin?

Mr. YOUNG of Florida. Definitely and enthusiastically, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. YOUNG of Florida. Mr. Speaker, I yield to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, our community in Houston has been devastated by Tropical Storm Allison. As disheartening as that is, the only thing more disheartening is to hear the demagoguery about it on this floor today. My colleagues in Congress who are using scare tactics to needlessly heap even more misery on to the families and businesses harmed by Allison ought to be ashamed of themselves.

I too have a letter. It is from FEMA, not from politicians, and it says, ''FEMA's disaster account has sufficient funding to ensure disaster aid to those victims of Tropical Storm Allison flooding. FEMA assures those in Texas, Louisiana, and Florida fighting to recover now that FEMA stands ready and is able to help them.''

The fact of the matter is that over the next 3 months, we cannot spend the $1.5 billion FEMA has. The fact of the matter is that our accounts will be about a billion and a half dollars for that, like Tropical Storm Floyd has done and, the fact of the matter is, even if it is a little more, in the last 5 years, Congress has allocated $17 billion to help communities recover.

Mr. YOUNG of Florida. Mr. Speaker, I rise in opposition to this motion to recommit. Number one, the way the motion is written, it would send this bill back to the committee. The process would start all over again, and that process takes a long time to get back to the floor. In the meantime, the Army and the Navy and the Air Force and the Marine Corps and the United States Coast Guard are doing without money that they really need for operations today, that they need for fuel costs that have been increasing so dramatically, that they need to pay medical expenses that are $1.5 billion in arrears already. We do not want to see this problem being created with our military services. This would kill the bill. We do not want to kill this bill. We spent all day long here getting it ready to pass. I sure do not want to have to do it again.

Let us vote down this motion to recommit, come back here tomorrow, and let us do the Interior Appropriations and get out for the weekend so that we can all go home and see our constituents.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Under clause 9 of rule XX, the vote on passage will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 209, noes 218, not voting 5, as follows:

[Roll No. 175]

AYES—209

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—218

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett

Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Cox
Houghton
Kaptur
Royce
Rush

□ 2155

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 341, nays 87, not voting 4, as follows:

[Roll No. 176]

YEAS—341

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cramer
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Holt
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (NM)
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—87

Baldwin
Barrett
Bentsen
Blumenauer
Bonior
Brown (OH)
Capuano
Carson (IN)
Chabot
Conyers
Coyne
Crane
Crowley
DeFazio
DeGette
Delahunt
Deutsch
Dingell
Doggett
Duncan
Ehlers
Eshoo
Filner
Flake
Frank
Green (TX)
Hall (OH)
Hastings (FL)
Hinchey
Hoekstra
Honda
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kennedy (RI)
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lee
Lofgren
Luther
Manzullo
Markey
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Miller, George
Mink
Nadler
Neal
Obey
Olver
Owens
Paul
Payne
Pelosi
Petri
Ramstad
Rivers
Rothman
Royce
Sanders
Schaffer
Schakowsky
Sensenbrenner
Shadegg
Shays
Slaughter
Smith (MI)
Solis
Stark
Stupak
Tancredo
Terry
Udall (CO)
Upton
Waters
Watson (CA)
Watt (NC)
Weiner
Woolsey
Wu

NOT VOTING—4

Cox
Houghton
Kaptur
Rush

□ 2203

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2217, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2202

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–106) on the resolution (H. Res. 174) providing for consideration of the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore (Mr. HANSEN) laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, DC, June 20, 2001.

The Speaker
The Capitol, Washington, D.C.

DEAR MR. SPEAKER: I hereby resign my seat on the Veterans' Affairs Committee effective immediately.

Best regards,

J. D. HAYWORTH,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON RESOURCES

Mr. HASTINGS of Washington. Mr. Speaker, I offer a resolution (H. Res.

175) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 175

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

Committee on Resources: Mr. HAYWORTH.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FLAKE). 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.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

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

Mr. NUSSLE. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act and Sec. 221(c) of H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocations for the House Committee on Appropriations.

As reported to the House, H.R. 2216, the bill making supplemental appropriations for fiscal year 2001, increases emergency-designated appropriations for fiscal year 2001 by $84,000,000 in budget authority and $59,000,000 in outlays. Those emergency-designated appropriations also increase fiscal year 2002 outlays by $184,000,000. Under the provisions of both the Budget Act and the budget resolution, I must adjust the 302(a) allocations and budgetary aggregates upon the reporting of a bill containing emergency appropriations.

Accordingly, I increase the fiscal year 2001 302(a) allocation to the House Appropriations Committee contained in House Report 107–104 by $84,000,000 in new budget authority and $59,000,000 in new outlays. This changes the fiscal year 2001 302(a) allocation to that Committee to $642,063,000,000 in budget authority and $647,147,000,000 in outlays. I also increase the fiscal year 2002 302(a) allocation to the House Appropriations Committee contained in House Report 107–100 by $184,000,000 in outlays. This increases the outlay allocation to that Committee for fiscal year 2002 to $682,960,000,000.

The increase in the allocations also requires an increase in the budgetary aggregates. For fiscal year 2001, the adjusted levels are $1,653,765,000,000 for budget authority and $1,600,588,000,000 for outlays. For fiscal year 2002, the outlay aggregate is $1,590,658,000,000.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Dan Kowalski at 67270.

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

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

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

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

AMERICA'S ENERGY POLICY

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

Mr. EHLERS. Mr. Speaker, this evening, several of us want to address an extremely important topic, and that topic is energy. Energy is normally not a high-priority issue for most members of the public, and, in fact, for many Members of this Congress.

Nevertheless, it is one of the most important issues that we deal with, and that becomes apparent every time we have a shortage of energy. Prices rise and then we have a major economic impact.

Mr. Speaker, in fact, energy is so important that the last three recessions that this country has experienced have followed immediately upon shortages of energy and an increase in energy prices, and there is some concern that that might happen if we do not correct the current energy shortage.

There are many aspects to discuss regarding energy, and tonight we will be joined by the gentlewoman from West Virginia (Mrs. CAPITO) and the gentlewoman from New Mexico (Mrs. WILSON).

Mr. Speaker, I yield to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I want to thank the gentleman from Michigan (Mr. EHLERS) for yielding to me.

Mr. Speaker, tonight we are going to talk about the energy problem across America, and we are going to talk about some solutions and some ways that I think we can look to the future to try to solve some of the problems.

Mr. Speaker, the energy crisis in California has been devastating communities across the western United States, and its effects are being felt across many industries. Our Nation has been blessed with an abundance of natural resources from which our energy can be produced.

Mr. Speaker, I feel that this unfortunate situation in California is one that need not be repeated, and we must work to ensure this.

At a time when we have the technology to produce energy in a much cleaner, more efficient way, we should be devising the long-term solutions to help prevent situations like the one in California from occurring again.

We are seeing the prices of services rise as the funds to pay for these services are depleting. Today, it costs more to operate businesses, drive our cars; and in West Virginia, the cost of cooling and heating our homes is rising.

Unfortunately, the demand for more energy is not decreasing, and companies are being forced to close, vital members of our Nation's workforce are losing their jobs.

With California's economy representing 13 percent of the total U.S. Gross Domestic Product, it cannot survive under these conditions; and unfortunately, a poorly thought out deregulation plan has severely damaged the world's sixth largest economy.

Mr. Speaker, in my home State of West Virginia, we have an abundance of coal and natural gas; but many of these resources have lain asleep, untapped, due partly in effect of the overly restrictive regulations that have prevented the extraction, the production and transportation of these sources of energy.

Today, many of these resources could serve as a lifeboat to our friends in the West if only we had recognized these sources' potential contributions and had been wise stewards of them.

But a decade of ignoring our domestic sources of energy and stifling energy production has unfortunately left some classrooms in the dark, some businesses offline, and some local infrastructures paralyzed. But this is not a hopeless situation, and that is why we are talking about it tonight.

This country can chart a new course for the history books, one that includes a natural energy policy that utilizes our domestic resources and promotes speedy, efficient, and environmentally-sound production of energy. We can do this at the same time by instituting meaningful means of conservation of our precious energy resources.

I look forward to working with the rest of Congress in developing the smart plan for our future, and I thank the gentleman from Michigan for engaging in this conversation.

Mr. Speaker, I look forward to the role that West Virginia will play in the development of a comprehensive energy plan for our Nation. I think West Virginia's abundant resources can be used effectively, can be burned environmentally in a cleaner fashion; and

it can give us, I think, a good baseline of the energy production that we desperately need in this country. I look forward to working with the gentleman to try to solve this problem.

Mr. EHLERS. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. CAPITO) for her comments; and obviously, she is referring principally to the sources of coal in West Virginia I assume, and one of the big problems, of course, is clean coal technology.

We have to recognize, although coal has some drawbacks, it also is the largest supply of fossil fuels we have in this country by far; and in fact, that is true worldwide as well.

If we do not do the research and develop clean methods of burning coal or using it in other ways, we are going to be behind the 8-ball fairly soon, because the supplies of oil and natural gas are much shorter; and, furthermore, natural gas is useful for so many other purposes, particularly as a feedstock in the petrochemical industry; and coal is, by far, the better source of energy than natural gas.

Mr. Speaker, I appreciate the comments of the gentlewoman and thank her for taking the time to join us in this Special Order.

Mr. Speaker, I yield to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I thank the gentleman from Michigan, and I was very pleased to be asked by the gentleman from Michigan to join him tonight to talk about America's energy policy and where we need to go and what should be the priorities of this Congress.

I was very pleased that the Federal Energy Regulatory Commission earlier this week put out a new order to a new rule about the way they regulate companies that had a price mitigation strategy in it. And for the West I think it will provide some immediate relief in California and also other western States without putting on price caps which have been called for by some in the House and, before this order came out, some in the Senate.

I think that that order will also help move this Congress away from a discussion of short-term Band-Aid solutions in California, to the long-term issues and solutions and strategies that we need to address our energy future.

Mr. Speaker, I would like to take some time this evening to talk about the current energy crunch and our solutions for the long term for a very broad and balanced approach to energy policy.

Mr. Speaker, the electric bills that all of us have been receiving in the mail for electricity and also for natural gas have been hurting everyone. We need that electricity and that gas to heat our homes, to cook our food; and it is especially hurting folks on low incomes.

I was very pleased also that this House passed additional assistance for the Low-Income Home Energy Assistance Program and cooling needs for those on low incomes. Most of us do not think about energy until it becomes a problem.

We have not had a natural energy policy in this country for over a decade and arguably for 2 decades. We are more dependent on foreign oil today than we were at the height of the energy crisis in the 1970s.

Fifty-five percent of our oil is imported primarily from the Middle East, making us dependent on foreign governments, many of whom are not our friends.

California expanded its consumption of electricity over the last decade by some 10,000 megawatts of power while it only built 800 megawatts of power plants. Now, I do not understand megawatts very well, but think about it this way: if your kids become teenagers and they start drinking 10,000 gallons more milk a year, which is probably about right, and you only bought 800 more gallons to put in the fridge, you would have a problem.

□ 2215

California created for itself a problem. They did not plan. They ignored the growth of California's economy and its population, and Californians are paying a very heavy price.

America needs reliable, affordable, clean energy to support our expanding economy, our growing population, and our rising standard of living. When we flick the switch, the light should go on. When we go to work, we should have the energy to produce the goods and services for our growing economy. When we fill up at the gas station, the price should be reasonable, and it should not be set by a foreign dictator. And when we come home, we should be able to enjoy clean water, clean air, and clean land with our families.

The energy crunch we face today is one made yesterday, and it will not be solved today or even tomorrow. We are not going to be able to fix this in a day. And while there are some things that we can and should do to give ourselves some immediate short-term relief, it is more important to get the long-term policies right so that we never get into this situation again. I do not believe that Band-Aids are answers, and some of the quick fixes that we have heard bandied about in Washington do more harm than good. It is long past time to have a balanced, long-term approach to make sure that we have a safe and stable supply of energy for the long term.

Now, I come from New Mexico. New Mexico is an energy producing State. We produce oil and natural gas, we have some of the country's largest reserves of uranium, and we have coal fields. Last year oil and gas alone produced about $2.6 billion worth of products to light our homes and run our industries. Living in New Mexico, and I know there are some folks in this body that would disagree with me, but I come from the most beautiful State in the Nation. I believe that we can meet America's energy needs in a way that preserves the beauty of the home that I love and the homes that all of my colleagues love.

We have made tremendous progress in the last decade on cleaning up the air and cleaning the water and finding ways of exploring for energy that do less damage to the environment. There is no turning back, and nobody wants to. The good news is that from what I have seen, serving on the Committee on Energy and Commerce, over the last half year of holding hearings and testimony and doing inquiries and gathering evidence, I do not think we have to turn back. I think we can have a balanced energy policy where we have the safe, clean, healthy environment we want and we also have the energy we need for our country. But if we are going to do that, we need to act and we need to act now. If we do not act, we need look no further than California to see the consequences for our futures: rolling blackouts, skyrocketing prices, $2 or even $3 a gallon for gasoline.

So where do we go and what do we do? How can we address this energy need in a way that is comprehensive, that does not look to Band-Aids for solutions? I think that legislation that the House should pass before the August break will have several pieces that are important. We will have conservation, we will have measures to increase the supply of energy, we must address problems with the infrastructure in this country, and we need government reform. We will also pay some special attention to the problem of gasoline prices, and I would like to talk about these things a little bit tonight.

Conservation has to be a pillar of our energy strategy, there is no doubt about that, and I do not think we have any differences in our House about that. Conservation allows us to use less energy to live the lives that we want, to live and do the things that we want to do. Refrigerators today, and I had to buy a new one recently, thank goodness my husband was home to take care of that, the one that we bought just recently uses about a third less energy than one built in 1972. Cars get more miles to the gallon today than they did back in the 1970s, and we are on the verge of breakthroughs in technology that might even double gas mileage without reducing the power and range on our cars.

Contrary to what we sometimes hear, Republicans do want to reduce the use of energy and the waste of precious resources. After all, we are conservative by our very nature. We do not like to waste things. I do not like to waste the half-eaten burrito in my refrigerator that my kids left from Taco Bell, let alone something as precious as our energy. We have home builders, like Artistic Homes in Albuquerque, that are making their businesses strong by making homes more energy efficient. Artistic Homes is unique because it is a first-time buyer home builder. They build homes at the low end of the scale

and they are part of the Department of Energy's Building America program, a program that the President strongly supported in his energy plan.

I think we should look here in the Congress at changing the Federal Mortgage Home Loan programs to make it easier for first-time buyers to get an energy efficient home. If they get an energy efficient home, it not only reduces the use of energy, it reduces the monthly utility bills, and that is good for consumers as well as being good for the environment.

We have new possibilities with renewable fuels, like ethanol that is made from corn, cogeneration of electricity and heat, advances in solar power, that all hold potential for reducing our energy use and they have to be part of our national energy policy. But we cannot conserve our way out of this energy crunch any more than I can feed my family with half-eaten burritos. We also cannot drill our way out of this energy crunch. We have to have a balanced approach that addresses both conservation and increasing energy supply.

We have to diverse and increase energy supply while protecting the environment, and that is the second prong, the second strategy we will pursue here in the House. The first is conservation; the second is increased supply. As my colleague from Michigan mentioned, coal generates a little over 50 percent of our electricity in this country. Nuclear is about 20 percent. But the only plants now on the drawing board are for natural gas, and we may create a shortage of natural gas and start having to rely on imported natural gas. I think it would be a real mistake to rely only on one source of electricity generation. We need to have nuclear, hydro, clean coal, natural gas, distributed generation and renewable energy as components of our supply.

I would like to emphasize the need for nuclear energy. For 20 years, nuclear energy has been in the too hard column, almost impossible to get a nuclear plant approved in America, and yet nuclear power is cleaner than other sources of fuel. It is also safer. And the safety record has improved even further over the last 10 years. Research on new designs can change the economics of nuclear power generation.

The energy bills that we are going to work on here in the House I hope will streamline the licensing of hydropower. Most people do not know it in this country, but it takes up to 10 years to get a dam licensed with a turbine, even if the dam is already built and all you are doing is putting a turbine on water that is flowing down the spillway. That does not make any sense when there is a shortage of power in the West and we could have more hydropower without even building any more new dams. I think we will find a way to better balance and allow exploration on public lands and balance the needs of conservation environmental protection and production of new sources. So we need conservation.

We need to produce more energy and get it to the market, but to get it to the market we have got to fix our infrastructure. Now, California's problem was not just that they did not build power plants, but they did not build power lines to get the power to the people who needed it.

We also have a shortage of refineries in this country. We have not built a refinery in over 20 years. Our refineries are working at 95, 97 percent of capacity. Any safety problem or fire at a refinery immediately creates a shortage of supply. We have only one port in our country that can accept liquefied natural gas, so that we are very dependent on that port. And in an age of sophisticated remote sensing, many of our pipelines are still inspected by people who walk the line and look for discoloration in the soil.

We have to modernize and expand the infrastructure, including safe pipelines, adequate transmission and refining capacity, and enough redundancy so that we can reduce the consequences of single point failure. So we will pass conservation measures, we will pass increased production, we will pass bills to make infrastructure stronger in this country, but we also need government reform.

The Federal Government does not integrate well its energy policy, environmental and economic and foreign policy-making so that we can avert energy problems. I am sure it is probably no surprise to anyone in this body that the Federal Government is not exactly one large well-oiled machine that gets everything done efficiently. Right now the Environmental Protection Agency or the State Department or Transportation or Agriculture or Interior can make policy decisions that affect our Nation's energy supply without ever having to think about our energy supply. They can make those decisions based solely on their department's view of what the right thing to do is; their constituency. They do not have to worry about what it does to the price of gas in Belen, New Mexico or how much it costs to heat our homes.

Now in a crunch time, like today, those agencies are forced to consider energy as part of their policy-making; suspend some rules, accelerate some procedures. But when public attention subsides, goes back to business as usual, and bureaucrats do not have to think about energy, I think that we have to integrate Federal policy when it comes to energy so that we can prevent this situation from ever happening again.

We have a national security policy-making apparatus that seems to work. We have had it in place since 1948. We cannot have the Defense Department doing one thing and the State Department doing something else and the intelligence agencies doing something completely different. They must work together toward a common national security end. It is long past time that we do the same for energy and that we have a policy-making process that takes into account America's energy security.

□ 2230

So those are the strategies that will define how this House and how the Republican majority in this House will address the challenges of energy for this country.

We will focus on conservation. We will take measures to increase supply. We will address our crumbling infrastructure, and we will engage in government reform. We will also pay some special attention to gas prices.

Mr. Speaker, I filled up over the weekend in Albuquerque, and it cost me $1.57.9 for a gallon of gas, and that was lower than the last time I filled up which was after a price spike. In May, the Federal Trade Commission completed an investigation into gas prices last summer, and found there was no price gouging, but there were some other problems. For instance, we have 20 different formulas for what gasoline should be and State and local government can set different standards at different times of the year.

When Milwaukee's formula is different from Chicago's, and they change their formula in different weeks of the year with different requirements on whether the gas station has to drain its tanks first and so on, you can easily see where there are local shortages of supply of some kinds of gasoline. In any free market, a shortage of supply means an increase in price.

Mr. Speaker, one of the helpful things that we can do at the Federal level to keep gas prices down is to establish regional formulas for gasoline. It does not mean that we are going to change the result of the standard and the desire for clean air, but just to say that instead of 20 formulas, let us go to some regional formulas and get our formulas aligned so we do not create problems for ourselves and for consumers.

I also mention that we have a problem with refining in this country and that we have not built a new refinery. As I understand it, refining has about a 4 percent profit, and they have a lot of hassle and risk with safety and permitting problems. We need to explore ways, changes to Federal rules or tax policy so we can see an increase in refining capacity so we are not so tight on refining all of the time.

Third, with respect to gas, a third of the oil that we import is for our cars. Making our cars more efficient with more miles to the gallon, alternative fuels and research into hybrid vehicles like combined electric and gasoline motors will reduce the demand in the price of gasoline and reduce our dependence on foreign oil.

We also need to look abroad. We know that much of the known reserves of oil are in the Middle East, but there are also some potential sources of oil in the states of the former Soviet Union. We are going to have to work with those states, looking at the Caspian and in Central and South America

and offshore so we can look at developing alternative sources of supplies. It is when the cartel holds all of the cards that we are at the whim of the world's dictators.

I appreciate the gentleman from Michigan's inviting me here. I think the comprehensive energy legislation that we plan to pass in the House this summer is based on some sound thought. It will include conservation, increased production and strengthen our crumbling infrastructure, and it will include government reform.

I think with this comprehensive energy legislation, this broad-based, long-term approach to the challenges we face in America we can have energy security. We can have a safer, cleaner, healthier place to live and meet the growing needs of our prosperous Nation.

Mr. Speaker, I thank the gentleman from Michigan for sharing his time with me.

Mr. EHLERS. Mr. Speaker, it is a delight to yield the gentlewoman the time. I appreciate her very well-said comments.

Picking up on a few items that the gentlewoman mentioned, she mentioned that price caps would not be a good answer. I would like to emphasize that. If we impose a cap on the price of energy, we are simply encouraging people to buy more energy and waste it because the price is so low they can afford to waste it. That furthermore discourages the production of more energy because if the price is capped, a company cannot make money producing more energy. So price caps are doubly a bad idea. They discourage production and encourage waste and make the problem worse.

I also appreciate the gentlewoman's comments about efficiency, and the comment about the refrigerator reminds me of an incident. I remember when my wife and I first married and we lived in apartments, and then we moved into an unfurnished house and had to buy a refrigerator. We shopped around and looked at many models and narrowed it down to two different models, one for $250 and one which cost $500. Remember this was roughly 1962.

So then I did an analysis of the energy use of the two refrigerators, and I said we have to buy the $500 one. That seems strange, why should you buy the $500 one when you can get an identical one for $250. The difference was efficiency of operation. I calculated if we kept the refrigerator 12 years, we would more than pay for the extra $250 we bought and anything beyond that would be an added benefit. In fact, we kept the refrigerator over 23 years. So we essentially got it free compared to the other one given the purchase price and the energy use of the other one.

That is a calculation that not too many Americans are able to make because not all Americans are physicists, as I am, but it was easy to do and that illustrates the importance of labeling energy efficiency. And I think it would be important to have labels which indicate what the pay-back period is for buying a particular model.

Another item which the gentlewoman mentioned is the issue of foreign oil.

I remember the so-called energy crisis of 1973 when we had long gasoline lines, cars lined up for blocks waiting to get gasoline. I remember those days very, very well. At that time we were horrified when the Nation realized that roughly 35 to 40 percent of our oil consumption was imported from abroad, and that these foreign companies were able to Shanghai us literally by saying we are going to cut production in order to raise our prices, and we ran out of oil.

We thought that was terrible. We went into energy conservation mode. We did a lot of good things. We did greater production of energy and so forth. But we have short memories. It was not too many years when we forgot that, and now we are at a situation where we are importing a minimum of 55 percent of our oil from other countries, and it continues to climb.

Furthermore, it is no longer an option really to increase our production the way we did in 1973 because we have used so much of our own resources. At this point only 2 or 3 percent of the known reserves of the world are in our country, and the rest is all foreign oil. So we cannot simply rush out and increase our production because we have used most of the cheap oil in this country. It would be a great cost to produce a good share of our oil from within this country, barring other technical developments. Therefore, we will continue to be at the mercy of foreign oil unless we develop alternative sources of energy, unless we improve the efficiency of using our energy.

Mr. Speaker, I want to thank the gentlewoman for her comments and emphasize those few points because I think they are really extremely important.

Getting back to what I said at the very beginning of this hour, energy is far more important than most people think it is. Part of that I believe is that energy is intangible to us. We cannot see it. We cannot touch it. We cannot feel it. We cannot taste it. The only tangible evidence is the price at the gas pump or the utility bill at the end of the month. That is when we get concerned.

But if energy were only purple, if only we could see energy and we could see what happens in our house where energy would be oozing through the walls and the walls of the house would look purplish, and we could see it streaming out around the windows that are not sealed and we would have this copious amount of purple coming at us. Or we would see the small car with a small amount of purple, and the SUV would go by with a purple cloud so bad we could not even see the vehicle.

If we could see the intrinsic qualities of energy and see when it was being wasted, I think we would change our habits considerably. Unfortunately, we do not have that advantage, so we have to try to educate ourselves about energy and try to make the best possible uses of energy.

There are a lot of ways that we save energy, in terms of buildings, insulation, reducing infiltration of outside air. Improved lighting has a surprising large effect. Light bulbs are only a hundred watts, that is not very much, but in 1974 when I decided to change the lighting in our house and I put fluorescent lights and fluorescent bulbs in every fixture that was used frequently, and I was surprised by the energy saved.

When I sealed the house with insulation, we saved over a third in our energy bills for our house, our natural gas bills. So there is a lot that can be done.

In industry, improving efficiency of electric motors. New electric motors are much more efficient. Also, by using appropriate controls adjusted to the load, we can improve our efficiency and use of electrical energy.

We can also, with automobiles, consider making better use of the diesel engine. I owned two diesel vehicles in the 1980s, and I found them wonderful. The most wonderful part was driving 800 miles between gasoline stops. They are very efficient and operate well.

There are fuel cells on the horizon, and this relates to the whole hydrogen economy. If we can manage to produce hydrogen cheaply enough and transport it, and we develop fuel cells, that will be an advantage.

Hybrid automobiles are also a good answer. So there are many things that we can do to improve energy efficiency and use less energy.

We also have to worry about the pollution effects of energy use as well, and we have tried very hard in this country to clean up our air. We have succeeded to a great extent. We have far less pollution from automobiles than we did in my youth. And a few years back when my daughter was a missionary in Costa Rico with her husband, we were amazed by the pollution there. It made me appreciate more what we have done in this country.

Even so, we still have problem with nitrogen oxides of various sorts getting into the air. And as long as we have sulfur in the fuel, we are going to continue to have problems with sulfur dioxide getting into the air, which of course when it combines with water vapor makes sulfuric acid and leads to what is commonly called acid rain.

Those are pollutants we must clean up and will eventually clean up, either through other means of propulsion, such as fuel cells, or some other way.

In addition to that, we have copious production of carbon dioxide, a greenhouse gas. In addition to that, because we are using a lot of natural gas and we continue to drill wells, there is leakage of methane which is 100 times more of a greenhouse gas than carbon

dioxide. That is leading to potential major changes in our global climate.

Mr. Speaker, I do not like to talk about global warming because the real issue is global climate change. That means much more than just warming. It means dramatic changes in rainfall. Some areas that have much rainfall now might become deserts, deserts might become fertile areas, depending on changing patterns. And it also has an effect on violent weather.

These are issues we have to consider. With our copious use of fossil fuels, these are going to become major effects.

I think we have only begun to see the effects of improved means of producing energy. We are so used to our current model we think that is the only way. But I predict because of the difficulties in California, we are going to see a boom in what is called micropower, where small power units are purchased, perhaps sometimes in homes, more frequently perhaps in businesses, especially in manufacturing plants.

□ 2245

The Silicon Valley, which is famous for the work they have done in semiconductor chips, has had some disastrous occurrences of power outages in California. Just shutting the power off for 1 minute at a major plant like that costs them $1 million. If the electricity is off much longer than that, of course, the cost increases. So I suspect many of them will turn to smaller power units, which are kept right in the factory and are totally dependable. If they ever do fail, generally the power lines would still be operating and you could use them as a backup.

We have to also develop many different alternative forms of energy. I could name many that are available. I expect that within a few years, with increases of electricity prices, we will be putting solar shingles on houses, photovoltaic shingles that will provide electricity, perhaps initially crude electricity that would be good only for heating the water and providing heat for the home, perhaps air conditioning; but eventually with proper electronics, it can be sophisticated power and supply all the energy needs of the house.

Everyone, of course, says, What happens when the sun goes away? Well, then you need energy storage devices. Batteries are one form of that; but if you want to, you can get a little more sophisticated. You could electrolyze water into hydrogen and oxygen; when you need energy, you combine them again in a fuel cell, and that would provide electricity for the house, so you could be totally independent of the power grid. These are all things that might be considered in the future.

I always like to, when looking at our energy sources, characterize them in terms of personal finances, because I think you can look at it that way. When we consider our personal finances, first of all we have income from a job, a profession, whatever we have. In addition to that, many of us have savings accounts, where we keep some money for emergencies. And some are fortunate enough to have an inheritance. We have exactly the same situation with energy. We have income, the solar energy which streams onto our planet. The amount that streams on the earth is so immense that the amount contained in all the fossil fuels of the earth is less than a couple of weeks of solar radiation. The problem is that it is so diffuse, it is hard to use. But nevertheless we can develop means of using that. That is our only income, of energy, solar energy. That is the only energy coming into our planet.

In addition to that, we have a savings account. That is the fossil fuels, the oil, natural gas, coal. Those are stored fossil fuels, stored solar energy. They were created from solar energy that came into the earth for a very long time. It formed in plants. The plants then eventually decayed and formed the organic by-products that give us oil, natural gas, and coal. So we have a savings account. That is the fossil fuel that is in the earth.

And then we have what you might call an inheritance. Geothermal energy, for example, the heat that is in the earth and has been there since its creation gradually radiating into space, but there is an immense amount there yet. The core of our planet is molten iron, obviously very warm. So geothermal energy, we can consider an inheritance. We acquired it when we were placed on this planet. Another inheritance is nuclear energy, because that also was present at the creation of the earth, continues to release heat constantly, in fact contributes much of the heat of geothermal. So nuclear energy we can also consider an inheritance.

I think the rule of thumb that we have in our life, as far as our finances are concerned, that we try to live within our income, when necessary we will dip into our savings or our inheritance, is also a good rule to follow in energy use. I think it would be absolutely criminal if we were in a generation or two to burn up all the fossil fuels on this planet without thinking about what our children and grandchildren are going to do.

Now, I do think it is permissible to use a good share of the fossil fuels if we use that energy to develop new sources of energy, to make better use of nuclear energy, of geothermal energy and other sources that we might develop or invent. That is fine, because we are leaving our children and our grandchildren another way of using energy. But we have to always keep that in mind and be very careful of the use of the resources we have.

Two very important factors to remember about energy: number one, energy is a unique resource. It is our only nonrecyclable resource on this planet. Once you use it, it is gone. It is not like iron, copper, other materials that can be recycled over and over. Once you use energy, it is gone. Energy is our only nonrecyclable resource. The other major factor is energy is our most basic natural resource because without it you cannot use any of the other resources. You cannot use iron if you do not have energy because to use iron, you have to first dig the ore out of the ground, that takes energy; you have to transport it to a mill, that takes energy; you have to smelt it, that takes energy; you have to roll it, that takes energy; then transport it to a factory which takes energy; and then fabricate it, which takes energy. And then use more energy to transport the finished product to the consumer. Every step of the way requires energy. If you do not have sufficient energy, you cannot use any of the other resources on the earth.

I think we have spent a lot of time talking about some of the basic nature of energy here and some of the problems we have to face. But I think it is very important to keep all of these factors in mind as we attempt to solve the energy shortages we have. I think the energy resource problem we have is not one that we can solve with a magic stroke of legislation or we can solve through new development; but it is something that is going to involve millions of individual efforts by millions, and in fact billions, of people on this planet to make it come true. The government cannot conserve energy for everyone. We all have to do it. We have to use energy resources wisely. It is not just up to the government. It is up to the people of this planet to do it.

I yield to the gentlewoman from New Mexico for additional comments.

Mrs. WILSON. I thank the gentleman for yielding. I really wanted to emphasize something the gentleman from Michigan said early on in his remarks about price caps. There was some discussion about it here on the floor today. It is amazing to me that even after the Federal Energy Regulatory Commission made its decision on Monday to go after a market-based solution, they call it a price mitigation solution, it takes into account changes in the market day to day, that there are still folks who want to say, Well, prices are too high, so let's have the government set what the price is. That did not work in the 1970s. It has not worked for any kind of commodity. And it would really make things so much worse, would make the pain much longer and much more intense than it is today.

The reasons for that are really pretty simple. First, if something does not cost as much as it really costs, then people are not as careful about not wasting it. I know that is true of me. When you are paying $1.57.9 for a gallon of gas, you start planning the way you are going to do your errands on Saturday so you do one trip instead of two. You tell the kids to turn the lights off. You get smart about the way you use energy and think about things and whether we really need to turn the

air conditioner on as much as we do or whether we turn it off when we are going to leave for the weekend.

The second thing that it does is, the real problem in California is they just did not build enough power plants. They grew their economy, they grew the population considerably and figured that they would import the power from other places. If you put on price caps and you create huge uncertainty in the industry, nobody is going to go in and say, Yeah, I'm going to take my savings; I'm going to invest in a new power plant, if you do not know whether you are going to be able to recover your investment. So it does not solve the real problem, which is supply. A price cap does not produce one more kilowatt of electricity.

Then the other thing I think it would cause is the reality now that California is dependent on importing electricity from much of the West, including the State of New Mexico. If you put on price caps, you will not be able to buy some power, because people will not sell it to you if they have to sell it to you at a loss. We could make this so much worse. I do not understand why there are still some in the Congress who think the right answer is for us to legislate the price of power. It would be a disaster for California, for the West.

I am glad the Federal Energy Regulatory Commission took the steps that it did, and in fact I was one of the 17 Members of this House that signed a letter asking them to pursue this strategy, a market-based strategy of price mitigation. But really we need to shift and focus on the long-term policies that we need. I do believe that we need a balanced and long-term policy. It has got to include conservation, both conservation by individuals but also the government in systemic efforts that we need. If I go to Baillio's, which is our appliance store, if I do not have a choice of an energy-efficient refrigerator, then I really cannot conserve in that way. There are some things that government must do to make sure that conservation works and that it is not just my decision to turn on or off my lights, but a decision and an encouragement to invest in efficient lighting systems by industries or, for example, the Building America program I mentioned.

The interesting thing about the Building America program and the way that it has changed the building of homes is it is not just adding another layer of insulation in the attic, which we have done that, too. It is the changing the design of the home, starting from the ground up, on making it energy efficient. The savings are just incredible. That is really important for first-time buyers who are looking at how much can they cover on their mortgage, how much house can they get for their money. If the cost of maintaining that house is maybe 10 or 15 or $20 lower, that can go to a mortgage payment rather than to the electric bill. So building from the ground up is very important.

Those are things that we can encourage and do through government. We have got to increase supply, no question about that, in order to reduce our dependence on foreign oil. The gentleman mentioned it, and I think it is worth repeating, 55 percent of America's oil comes from outside the United States. The fastest growing supplier of oil to America, and the number six supplier to America, is Iraq.

Most folks do not know that Saddam Hussein probably has more impact on American gas prices than any of us would wish to admit. I noticed an article in the paper on Monday, they are reconsidering sanctions on Iraq. And not a surprise, every time they do that at the United Nations, Iraq decides that it is going to turn off its spigot and tell the rest of the world that they have us by the short hairs. I do not want to be by the short hairs with Saddam Hussein, which means we need to reduce our foreign dependence on single sources of supply so that when one individual dictator says, Well, I'm turning off the spigot, we have other sources, we are not over a barrel, that our energy policy is not just going on bended knee to other governments and begging for oil. That is not a policy. That is a plea. We should not put ourselves in that situation.

So we have got to have conservation, we have got to have exploration, we have got to build our infrastructure and take care of some of the infrastructure problems that we have, and we need real government reform. I think that that is the recipe for a stable, long-term policy for energy independence in this country. I appreciate the gentleman's efforts to bring this session to the House.

Mr. EHLERS. That was an excellent summary of what we have been trying to convey this evening. I thank the gentlewoman from New Mexico for her comments.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2216, and that the chairman of the Committee on Appropriations also may insert tabular data and other extraneous material.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 877 AND H.R. 1198

Mr. TOWNS (during the special order of Mr. EHLERS). Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 877 and H.R. 1198.

The SPEAKER pro tempore (Mr. FLAKE). Is there objection to the request of the gentleman from New York?

There was no objection.

TRIBUTE TO SENATOR ROBERT C. BYRD, WEST VIRGINIAN OF THE CENTURY

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

Mr. RAHALL. Mr. Speaker, I rise today to acknowledge West Virginia Day, at least for the 1 hour left in today, and the West Virginian of the Century, U.S. Senator ROBERT C. BYRD, whose accomplishments will last forever. 138 years ago, on June 20, 1863, West Virginia became the 35th State in the Union. Over those 138 years, our State has been blessed with many great statesmen and women, but last month at the State capitol in Charleston, Senator ROBERT C. BYRD was appropriately honored as West Virginian of the Century by a proclamation from our West Virginia Governor, Bob Wise, and resolutions from the West Virginia House of Delegates and the West Virginia Senate.

Mr. Speaker, I include for the RECORD the remarks of Senator BYRD on that occasion.

REMARKS BY SENATOR ROBERT C. BYRD, ''WEST VIRGINIAN OF THE 20TH CENTURY,'' MAY 31, 2001

West Virginia, how I love you!
Every streamlet, shrub and stone,
Even the clouds that flit above you
Always seem to be my own.

Your steep hillsides clad in grandeur,
Always rugged, bold and free,
Sing with ever swelling chorus:
Montani, Semper, Liberi!

Always free! The little streamlets,
As they glide and race along,
Join their music to the anthem
And the zephyrs swell the song.

Always free! The mountain torrent
In its haste to reach the sea,
Shouts its challenge to the hillsides
And the echo answers ''FREE!''

Always free! Repeats the river
In a deeper, fuller tone
And the West wind in the treetops
Adds a chorus all its own.

Always Free! The crashing thunder,
Madly flung from hill to hill,
In a wild reverberation
Makes our hearts with rapture fill.

Always free! The Bob White whistles
And the whippoorwill replies,
Always free! The robin twitters
As the sunset gilds the skies.

Perched upon the tallest timber,
Far above the sheltered lea,
There the eagle screams defiance
To a hostile world: ''I'm free!''

And two million happy people,
Hearts attuned in holy glee,
Add the hallelujah chorus:
''Mountaineers are always free!''

Mr. Speaker, Mr. President, Governor Wise, my fellow West Virginians, ladies and gentlemen:

Now in my 84th year, I look back over the ups and downs of a long and full and active life. I see a vastly changed world from what it was when I walked the dirt roads of Wolf Creek Hollow in Mercer County and studied in a two-room schoolhouse. The nation has grown from 102 million when I was born in

1917 to the burgeoning population of 275 million people today. At the beginning of my life, the nation was still in its horse-and-buggy days. Now we are in the age of instant communications, the Internet, jet-propelled planes, inter-planetary exploration, medical miracles, and the highest standard of living that the world has ever known.

We live in a country whose greatness seems to have been foreordained by her fortunate geography and rich natural resources, her agreeable and temperate climate, and by the hardy and industrious race of men and women who hewed her forests, cultivated her fields, bridged her rivers, built her cities, and created the American Dream that has excited the envy and won the admiration of mankind around the globe. How blessed we are to have inherited this pearl of great price! And how thankful we should be to the provident hand of that Omnipotent Being, who has favored our undertakings from the pre-dawn infancy of the colonial experience to the present-day meridian of the American Republic!

I am grateful for the Divine hand that delivered me, in my infancy to my home in West Virginia. I am grateful for wear-worn shoes; for the callouses of honest labor; and for the challenges of an unforgiving terrain. I am thankful for wrong turns that led to the right paths; for good people who inspired me to strive for great things; and for the rich experiences that taught me the difference between knowledge and wisdom.

I am grateful to the people of West Virginia for placing their trust in this adopted son of a poor coal miner, a mere ''scrap boy'' who used to go door to door gathering bits of food to fatten up the hogs raised by my foster father in a pen by the railroad tracks.

I am grateful to the people for giving me the opportunity to serve our state and our nation; to stand in the midst of history, among men and women who have changed the course of destiny, at the pinnacle of power in the greatest legislative body ever to grace the Earth.

And I am grateful to the people for their many kindnesses to Erma, my wife of 64 years, to whom I owe so much. She has been God's greatest gift to me.

West Virginians have given so much to me. Without your faith in me, I do not know where I would be today, but one thing I do know: I would not be here.

Never having forgotten my roots, I continue to be aware that my highest duty is to West Virginia and to the people of our state, who have honored me with public office for more than a half century.

My own less-than-modest beginning and the poverty of my state during my boyhood years have never faded from my view, and it has been my constant desire to improve the lives of the people who sent me to Washington. In many ways, I think that I have succeeded, but there is still work to do.

I am blessed to have had at my side a wife who, for 64 years, has been the central pillar of my home and my career. Erma and I grew from childhood to adulthood during the years of the Great Depression and in the coal mining towns of Southern West Virginia. The bottom rungs in our Ladder of Life were missing, but with God's help and by His grace, we have weathered storms of adversity and come through times of sorrow as well as joy to the present moment.

Not least of all, I owe much of my phenomenal success in serving the people of my state and my country to the many extraordinary men and women who have worked on my staff throughout my long career in the U.S. House of Representatives and the U.S. Senate.

As we have now crossed the threshold into a new century, I take this opportunity to urge my fellow West Virginians to build their future on the development of the human mind and the rock of the human spirit. I hope that more and more West Virginians will understand the imperative of education and the value of our schools, and that we will restore education to its rightful position as the primary key that opens doors onto the classic American dream of fulfillment in life as individuals and as a society. I hope that increased numbers of parents will become involved in monitoring their children's learning progress, in encouraging better performance at all levels of their children's schoolwork, and in applauding the achievements of good teachers.

I also hope that increased numbers of children will discover and rediscover the joys of reading, that more and more students will find unfathomed challenges in mathematics and the sciences and in history, and that a new generation of well-educated, keenly interested, and highly dedicated and industrious students will emerge from our schools to assure our State's preeminence in every field of learning, business, industry, and endeavor known to man, and many fields yet unknown but waiting for some blade-sharp West Virginia intellects to invent and open doors to them.

I hope that West Virginians will continue to preserve and honor the old values that guided and sustained our fathers and mothers and more distant ancestors in their daily lives and in the life of our state from its earliest beginnings.

The Biblical proverb admonishes us, ''Remove not the ancient landmark which thy fathers have set.''

My foster parents on their knees influenced my life from my early beginnings. I am sure that many of you can say the same thing.

Man is a spiritual creature. But if that spirituality is ignored—if man's soul is allowed to starve—the result is spiritual death. And no task of national renewal will be possible unless that effort is also a task of spiritual renewal.

George Washington in his farewell address, made the point succinctly:

. . . And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

Scientists have long sought the so-called ''missing link.'' The real missing link in our national cultural life is God.

From the depths of my heart, I thank Governor Bob Wise, House Speaker Bob Kiss, Senate President Earl Ray Tomblin, the members of both the House and the Senate, but most of all, I thank the people of West Virginia for the many years in which they have reposed their confidence and their faith in me. I have done my best.

May God always bless the State of West Virginia.

Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
To where it bent in the undergrowth;

Then took the other, as just as fair,
And having perhaps the better claim,
Because it was grassy and wanted wear;
Though as for that, the passing there
Had worn them really about the same.

And both that morning equally lay
In leaves no step had trodden black.
Oh, I kept the first for another day!
Yet, knowing how way leads on to way,
I doubted if I should ever come back.

I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I,
I took the one less traveled by,
And that has made all the difference.

Mr. Speaker, I urge you and my colleagues in the House to join me in congratulating Senator BYRD as ''West Virginian of the Century,'' and in thanking him for his tireless work on behalf of the great State of West Virginia and its millions of residents.

Mr. Speaker, I urge you and my colleagues in the House to join me in congratulating Senator BYRD as West Virginian of the Century and in thanking him for his tireless work on behalf of the great State of West Virginia and its millions of residents.

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 Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:

Ms. NORTON, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. RAHALL, for 5 minutes, today.

The following Member (at the request of Mrs. CAPITO) to revise and extend his remarks and include extraneous material:

Mr. NUSSLE, for 5 minutes, today.

SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 657. An Act to authorize funding for the National 4–H Program Centennial Initiative; to the Committee on Agriculture.

S. Con. Res. 35. Concurrent resolution expressing the sense of Congress that Lebanon, Syria, and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon; to the Committee on International Relations.

S. Con. Res. 42. Concurrent resolution condemning the Taleban for their discriminatory policies and for other purposes; to the Committee on International Relations.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 p.m.), the House adjourned until tomorrow, Thursday, June 21, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2589. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate for Pay-As-You-Go Calculations; to the Committee on the Budget.

2590. 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.

2591. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2592. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on the activities of the Inspector General covering the period from October 1, 2000, to March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2593. A letter from the Acting Chairman, National Credit Union Administration, 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.

2594. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Maryland Regulatory Program [MD–046–FOR] received June 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2595. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule—Civil Penalties [Docket No. OST 2000–8058] (RIN: 2105–AC92) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2596. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule—Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs; Threshold Requirements and Other Technical Revisions [Docket No. OST–2000–7640] (RIN: 2105–AC89) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2597. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30251; Amdt. No. 429] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2598. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule—Credit Assistance for Surface Transportation Projects [OST Docket No. OST–2000–7401] (RIN: 2105–AC87) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2599. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30249; Amdt. No. 2052] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2600. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Annisquam River, Blynman Canal, MA [CGD01–01–076] (RIN: 2115–AE47) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2601. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30250; Amdt. No. 2053] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2602. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Gulf of Mexico, Sarasota, Florida [CGD07–01–042] (RIN: 2115–AE46) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2603. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Salisbury, MD [Airspace Docket No. 01–AEA–10] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2604. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Harbour Town Fireworks Display, Calibogue Sound, Hilton Head, SC [CGD07–01–040] (RIN: 2115–AE46) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2605. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Sarasota Bay, Sarasota, Florida [CGD07–01–043] (RIN: 2115–AE46) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2606. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Phillipsburg, KS [Airspace Docket No. 01–ACE–2] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2607. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Skull Creek, Hilton Head, SC [CGD07–01–046] (RIN: 2115–AE46) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2608. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Jackson Hole, WY [Airspace Docket No. 00–ANM–24] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2609. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Grosse Pointe Farms, Lake St. Clair, MI [CGD09–01–042] (RIN: 2115–AA97) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2610. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bay City, TX [Airspace Docket No. 2001–ASW–05] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2611. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Ottawa River, Toledo, Ohio [CGD09–01–036] (RIN: 2115–AA97) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2612. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace; South Albany, NY [Airspace Docket No. 00–AEA–16FR] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2613. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Advanced Qualification Program; Correction [Docket No. FAA–2000–7497; Amendment No. 61–107, 63–30, 65–41, 108–18, 121–280 and 135–79] (RIN: 2120–AH01) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2614. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Fireworks Display, Kill Van Kull, Staten Island, NY [CGD01–01–078] (RIN: 2115–AA97) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2615. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Minimum Cost Requirement Permitting the Transfer of Excess Assets of a Defined Benefit Pension Plan to a Retiree Health Account [TD 8948] (RIN: 1545–AY43) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2616. A letter from the Under Secretary, Department of Defense, transmitting a letter updating the status of the President's report pursuant to Section 1402 of the National Defense Authorization Act (NDAA) for FY 2000 which is due on an annual basis through the year 2007; jointly to the Committees on International Relations, Armed Services, and Intelligence (Permanent Select).

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. HASTINGS of Washington: Committee on Rules. House Resolution 174. Resolution providing for consideration of the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–106). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISRAEL (for himself and Mr. OSBORNE):

H.R. 2246. A bill to prohibit the targeted marketing to minors of adult-rated media as an unfair or deceptive practice, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ABERCROMBIE (for himself and Mr. GIBBONS):

H.R. 2247. A bill to amend title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve; to the Committee on Veterans' Affairs.

By Ms. BALDWIN (for herself, Mr. MCHUGH, Mr. KIND, Mr. OBEY, Mr. PETRI, Mrs. EMERSON, Mr. GUTKNECHT, Mr. OWENS, Mr. LARSON of Connecticut, Mr. SMITH of Michigan, Mr. HILLIARD, Mr. SENSENBRENNER, Mr. OBERSTAR, Mrs. THURMAN, Mr. SANDERS, Mr. KLECZKA, and Mr. BARRETT):

H.R. 2248. A bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program, and for other purposes; to the Committee on Agriculture.

By Mr. BLUNT (for himself, Mr. RUSH, Mr. HASTERT, Mr. SHIMKUS, Mr. TERRY, Mr. LEWIS of Kentucky, Mr. ROGERS of Michigan, Mr. COSTELLO, Mr. OSBORNE, Mr. BEREUTER, Mr. LIPINSKI, Mrs. EMERSON, Mr. LATHAM, Mr. BOSWELL, Mr. JOHNSON of Illinois, Mr. LAHOOD, Mr. HULSHOF, Mr. KIRK, Mr. BARCIA, Mr. PETERSON of Minnesota, and Mrs. NORTHUP):

H.R. 2249. A bill to amend section 211 of the Clean Air Act to require a more uniform formula for gasoline and diesel fuel so that gasoline and diesel fuel manufactured for one region of the country may be transported to and sold in other regions of the country, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COOKSEY (for himself, Mr. ARMEY, Mr. EHRLICH, Mr. FLETCHER, Mr. ENGLISH, Ms. GRANGER, Mr. JENKINS, Mr. BRYANT, Mr. TRAFICANT, Mr. TAUZIN, Mr. JONES of North Carolina, Mrs. MYRICK, Mr. DOOLITTLE, Mr. SESSIONS, Mr. SHADEGG, Mrs. KELLY, Mr. GOODE, Mr. CANNON, Mr. PETERSON of Pennsylvania, Mr. LINDER, Mrs. CUBIN, Mrs. EMERSON, Mr. GIBBONS, Mr. RILEY, and Mr. BAKER):

H.R. 2250. A bill to amend the Internal Revenue Code of 1986 to allow more equitable and direct tax relief for health insurance and medical care expenses, to give Americans more options for obtaining quality health care, and to expand insurance coverage to the uninsured; to the Committee on Ways and Means.

By Ms. BROWN of Florida (for herself and Mr. CRENSHAW):

H.R. 2251. A bill to direct the Administrator of General Services to convey a certain United States Courthouse in Jacksonville, Florida, to the city of Jacksonville, Florida; to the Committee on Transportation and Infrastructure.

By Mr. BURTON of Indiana (for himself, Mr. GILMAN, Mr. SHAYS, Mr. MCHUGH, Mr. HORN, Mr. MICA, Mr. TOM DAVIS of Virginia, Mr. SOUDER, Mr. SCARBOROUGH, Mr. LATOURETTE, Mr. BARR of Georgia, Mr. OSE, Mr. PUTNAM, Mr. SCHROCK, Mr. GOSS, Mr. SENSENBRENNER, Mr. SPENCE, Mr. HALL of Texas, Mr. DEAL of Georgia, Mr. RADANOVICH, Mr. COX, Mr. HUTCHINSON, Mr. DUNCAN, Mr. LEWIS of Kentucky, Mrs. MYRICK, Mr. SESSIONS, Mr. VITTER, Mr. GUTKNECHT, Mr. DOOLITTLE, Mr. WALDEN of Oregon, Mr. WELDON of Florida, Mr. BASS, Mr. ISAKSON, Mr. WELDON of Pennsylvania, Mr. TERRY, and Mr. OTTER):

H.R. 2252. A bill to amend the Federal Election Campaign Act of 1971 to increase the penalties imposed for making or accepting contributions in the name of another and to prohibit foreign nationals from making any campaign-related disbursements, and for other purposes; to the Committee on House Administration.

By Mr. CAMP (for himself, Mr. WELLER, Mr. CANNON, Mr. HAYWORTH, Mrs. BONO, and Mr. REHBERG):

H.R. 2253. A bill to amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. RANGEL, Mr. GREEN of Wisconsin, Mr. STRICKLAND, and Mrs. THURMAN):

H.R. 2254. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of unemployment compensation; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself and Mr. THOMPSON of California):

H.R. 2255. A bill to amend title 10, United States Code, to provide for the appointment of a Chief of the Veterinary Corps of the Army in the grade of brigadier general, and for other purposes; to the Committee on Armed Services.

By Mr. KOLBE:

H.R. 2256. A bill to amend the Public Health Service Act to establish a 5-year pilot program under which health care providers are reimbursed by the Secretary of Health and Human Services for the costs associated with providing emergency medical care to aliens who are not lawfully present in the United States and are not detained by any law enforcement authority, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE:

H.R. 2257. A bill to suspend temporarily the duty on certain machines designed for children's education; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mrs. MORELLA, Ms. ROS-LEHTINEN, and Ms. PELOSI):

H.R. 2258. A bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for the eligibility of certain aliens suffering from domestic abuse for SSI, food stamps, TANF, Medicaid, SSBG, and certain other public benefit programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. WELLER, Mr. RANGEL, Mr. STARK, Mrs. THURMAN, Mr. LIPINSKI, Mr. PAYNE, Mr. OWENS, Ms. MCKINNEY, Mr. BALDACCI, Mr. JACKSON of Illinois, Mr. KIND, Mr. LANTOS, Mr. GORDON, Mr. MCGOVERN, and Mr. TERRY):

H.R. 2259. A bill to amend the Internal Revenue Code of 1986 to expand the enhanced deduction for corporate donations of computer technology to senior centers and community centers; to the Committee on Ways and Means.

By Mr. MCCRERY:

H.R. 2260. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Ways and Means.

By Ms. MCKINNEY (for herself, Mr. LEWIS of Georgia, Mr. BISHOP, Mr. BARR of Georgia, Mr. KINGSTON, Mr. DEAL of Georgia, Mr. COLLINS, Mr. ISAKSON, Mr. LINDER, Mr. CHAMBLISS, and Mr. NORWOOD):

H.R. 2261. A bill to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the ''Earl T. Shinhoster Post Office''; to the Committee on Government Reform.

By Ms. MILLENDER-MCDONALD (for herself, Mrs. MINK of Hawaii, Mr. FALEOMAVAEGA, and Mr. COOKSEY):

H.R. 2262. A bill to direct the Secretary of Education to conduct a study of the rate at which Native Americans and students who reside in American Samoa, the Northern Mariana Islands, and Guam drop out of secondary schools in the United States, and for other purposes; to the Committee on Education and the Workforce.

By Mr. TANNER (for himself, Mr. BOSWELL, Mr. MOORE, Mr. STENHOLM, Mr. LUCAS of Kentucky, Mr. BACA, Mr. HILL, Mr. MATHESON, Mr. TAYLOR of Mississippi, Mr. JOHN, Mr. TURNER, Mr. SHOWS, Mr. SCHIFF, and Mr. SANDLIN):

H.J. Res. 53. A joint resolution proposing a amendment to the Constitution of the United States requiring a two-thirds vote to pass legislation that would result in a deficit in the budget of the United States for any fiscal period; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Mr. DAVIS of Florida, and Mr. MORAN of Virginia):

H. Con. Res. 167. Concurrent resolution recognizing the International Olympic Committee for its work to bring about understanding of individuals and different cultures, for its focus on protecting the civil rights of its participants, for its rules of intolerance against discriminatory acts, and for its goal of promoting world peace through sports; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. LANTOS, Mr. GILMAN, Mr. BERMAN, Mr. CHABOT, Mr. ENGEL, Mr. LEACH, Ms. MCKINNEY, Mr. BURTON of Indiana, Mr. ACKERMAN, Mr. DELAHUNT, Mr. CROWLEY, and Ms. LEE):

H. Con. Res. 168. Concurrent resolution expressing the sense of Congress in support of victims of torture; to the Committee on International Relations.

By Mr. DAVIS of Illinois (for himself, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. GONZALEZ, Mr. MCNULTY, Ms. KAPTUR, Mr. FILNER, Mr. HINCHEY, Mr. CAPUANO, Ms. MCKINNEY, Mr. TOWNS, Mr. WYNN, Mr. ENGEL, Mr. JACKSON of Illinois, Mr. NADLER, Mr. PAYNE, Mr. BISHOP, Mr. MCINTYRE, Mrs. MINK of Hawaii, Mr. CLYBURN, Mrs. CLAYTON, Mr. SHIMKUS, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. LAMPSON, Ms. BROWN of Florida, Mr. HONDA, Mrs. NAPOLITANO, Mr. SERRANO, Mr. RODRIGUEZ, Mr. CLEMENT, Mr. PASCRELL, Mr. STARK, Ms. WATERS, Mrs. MEEK of Florida, Ms. SANCHEZ, Mr. REYES, Mr. ROSS, Mr. PASTOR, Mr. FATTAH, Mr. FALEOMAVAEGA, Mr. BARRETT, Mr. HINOJOSA, Mr. CLAY, Ms. SLAUGHTER, Mr. MEEKS of New York, Mr. BLAGOJEVICH, Mr. KILDEE, Mrs. LOWEY, Mr. MCGOVERN, Mr. CUMMINGS, Mr. OWENS, Ms. SCHAKOWSKY, Ms. BALDWIN, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCCARTHY of Missouri, Mr. GREEN of Texas, Mr. FRANK, Mr. WATT of North Carolina, Mr. SNYDER, Mr. SCOTT, Mr. BONIOR, Mrs. THURMAN, Mr. BACA, Ms. PELOSI,

Mr. GUTIERREZ, Ms. SOLIS, Mr. FROST, Mr. HILLIARD, Mrs. MORELLA, Mrs. ROUKEMA, Ms. KILPATRICK, Ms. WOOLSEY, Mr. UNDERWOOD, Ms. LEE, Mr. PALLONE, Mr. LANGEVIN, Mr. ABERCROMBIE, and Mr. TRAFICANT):

H. Con. Res. 169. Concurrent resolution directing the Architect of the Capitol to enter into a contract for the design and construction of a monument to commemorate the contributions of minority women to women's suffrage and to the participation of women in public life, and for other purposes; to the Committee on House Administration.

By Mr. GREEN of Wisconsin (for himself, Mr. BLUNT, Mr. HALL of Ohio, Mr. WATTS of Oklahoma, Mr. SOUDER, Mr. HAYES, Mr. TANCREDO, Mr. DOOLITTLE, Mr. PENCE, Mr. LARGENT, Mr. JONES of North Carolina, Mr. GOODE, Mr. DEMINT, Mr. SCHAFFER, Mr. HOEKSTRA, Mr. SHADEGG, Mr. TOOMEY, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, Mr. SAM JOHNSON of Texas, Mr. SMITH of Michigan, Mr. VITTER, Mr. HILLEARY, and Mr. SUNUNU):

H. Con. Res. 170. Concurrent resolution encouraging corporations to contribute to faith-based organizations; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey:

H. Con. Res. 171. Concurrent resolution expressing the sense of Congress regarding graduated driver's license programs; to the Committee on Transportation and Infrastructure.

By Mr. ISSA (for himself, Mr. WELLER, Mr. SMITH of Michigan, Mr. EHRLICH, Mr. DOOLEY of California, Mr. RUSH, Mr. SIMPSON, Mrs. CLAYTON, Mr. BLAGOJEVICH, Mr. SCHIFF, Mr. TOOMEY, Mr. RILEY, Mr. CUNNINGHAM, Mr. OXLEY, Mr. HUNTER, Mr. JONES of North Carolina, and Mr. OSE):

H. Res. 173. A resolution expressing the sense of the House of Representatives regarding the benefits of biotechnology; to the Committee on Science.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. PETERSON of Pennsylvania, Mr. SESSIONS, Mr. SCHROCK, and Mr. GRUCCI.
H.R. 15: Mr. BURTON of Indiana.
H.R. 20: Mr. SMITH of New Jersey and Mr. ENGLISH.
H.R. 31: Mr. PETERSON of Pennsylvania.
H.R. 64: Mr. UDALL of Colorado.
H.R. 91: Mr. CLEMENT.
H.R. 154: Mr. RAHALL.
H.R. 164: Mr. BEREUTER.
H.R. 168: Mr. FROST.
H.R. 175: Mr. NETHERCUTT and Mr. HOSTETTLER.
H.R. 238: Ms. HARMAN.
H.R. 257: Mr. GOODE, Mr. TERRY, and Mr. KELLER.
H.R. 260: Ms. HART.
H.R. 280: Mr. CRAMER.
H.R. 283: Ms. HARMAN.
H.R. 287: Mrs. JONES of Ohio.
H.R. 303: Mr. HOSTETTLER.
H.R. 326: Mr. FLETCHER.
H.R. 361: Ms. LEE.
H.R. 365: Ms. HARMAN.
H.R. 478: Mr. FORD.
H.R. 599: Mr. CLEMENT.
H.R. 600: Mr. HOEFFEL and Mr. WALDEN of Oregon.
H.R. 602: Mr. COOKSEY, Mr. HEFLEY, and Mr. OSBORNE.
H.R. 612: Mr. KENNEDY of Minnesota.
H.R. 635: Mr. TRAFICANT and Mr. STUPAK.
H.R. 648: Mr. HILLEARY.
H.R. 664: Mr. LARSEN of Washington, Mr. ISAKSON, Mr. ACKERMAN, Mr. SPRATT, Mr. BRYANT, and Mr. CLYBURN.
H.R. 701: Mr. PETRI, Mrs. DAVIS of California, Mr. KUCINICH, Mr. CARDIN, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. GILMAN, Mr. JOHNSON of Illinois, Ms. ESHOO, Mr. DIAZ-BALART, Mr. KIND, Mr. HORN, Mrs. MORELLA, Mr. HOUGHTON, Mr. THOMPSON of Mississippi, Mr. SHAW, Ms. BERKLEY, Mr. GREENWOOD, Mr. FLETCHER, Mr. OWENS, Mr. LANTOS, Mr. OBERSTAR, Mr. BLUMENAUER, Mr. EVERETT, Ms. HARMAN, Mr. DOOLEY of California, and Mr. WHITFIELD.
H.R. 746: Mr. GRAHAM.
H.R. 760: Mr. RAMSTAD.
H.R. 794: Mr. BACHUS.
H.R. 839: Ms. HARMAN.
H.R. 843: Mrs. MALONEY of New York.
H.R. 918: Mr. TERRY, Mr. COOKSEY, Mr. BLAGOJEVICH, Mr. SIMMONS, Ms. ROS-LEHTINEN, Mr. BONIOR, Ms. HOOLEY of Oregon, Mr. WELDON of Florida, Ms. ROYBAL-ALLARD, and Mr. FLETCHER.
H.R. 943: Ms. ESHOO and Mr. SCHIFF.
H.R. 945: Mr. PRICE of North Carolina.
H.R. 948: Mr. GEORGE MILLER of California, Mr. MOORE, Mr. SERRANO, Mrs. CAPPS, Mr. DEFAZIO, Mr. WAXMAN, Mr. ACKERMAN, Mr. KUCINICH, Mrs. CAPITO, and Mr. PASCRELL.
H.R. 959: Mrs. CAPITO.
H.R. 1011: Mr. MOLLOHAN and Mr. JENKINS.
H.R. 1021: Mr. HOLT.
H.R. 1090: Mr. BARCIA, Mrs. JONES of Ohio, and Ms. LEE.
H.R. 1111: Mrs. DAVIS of California and Mr. LUTHER.
H.R. 1129: Ms. WOOLSEY and Ms. CARSON of Indiana.
H.R. 1130: Ms. WOOLSEY.
H.R. 1134: Mr. SPRATT.
H.R. 1143: Ms. MCCARTHY of Missouri, Mrs. MINK of Hawaii, Mr. PRICE of North Carolina, Mr. BOYD, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mr. PASTOR, and Mr. RANGEL.
H.R. 1167: Ms. WATERS, Mr. FRANK, Mr. GONZALEZ, Ms. ESHOO, Ms. BALDWIN, Ms. JACKSON-LEE of Texas, Mr. WOLF, Mr. STARK, Mr. MATHESON, Mr. LARGENT, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. BAIRD, Mr. YOUNG of Alaska, and Mr. PAYNE.
H.R. 1168: Ms. WATERS, Ms. MCCOLLUM, Mr. GONZALEZ, Ms. ESHOO, Ms. RIVERS, Ms. JACKSON-LEE of Texas, Mr. WU, Mr. STARK, Mr. MATHESON, Mr. LARGENT, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. YOUNG of Alaska, Mr. PAYNE, and Mr. LUCAS of Kentucky.
H.R. 1170: Mr. MCNULTY.
H.R. 1186: Mr. BLUMENAUER and Mr. FARR of California.
H.R. 1200: Ms. NORTON.
H.R. 1204: Ms. HARMAN.
H.R. 1262: Mr. BALDACCI and Mr. HINCHEY.
H.R. 1266: Mr. PASCRELL.
H.R. 1302: Mr. PAUL.
H.R. 1303: Mrs. JOHNSON of Connecticut.
H.R. 1310: Mr. SCHIFF and Mr. HOLT.
H.R. 1338: Mr. FROST.
H.R. 1339: Mr. JOHN.
H.R. 1343: Mr. ORTIZ.
H.R. 1344: Mrs. MINK of Hawaii.
H.R. 1357: Mr. ISAKSON.
H.R. 1382: Mr. BLUMENAUER.
H.R. 1401: Mr. MCGOVERN, Mr. UDALL of Colorado, and Mr. GORDON.
H.R. 1406: Mr. HINCHEY.
H.R. 1411: Mr. SMITH of Texas.
H.R. 1462: Mr. SIMPSON.
H.R. 1465: Mr. PAYNE, and Mr. ROTHMAN.
H.R. 1468: Ms. DELAURO.
H.R. 1482: Mr. JACKSON of Illinois.
H.R. 1511: Mr. SIMMONS, Mr. RAHALL, Mr. BACA, Mr. FILNER, and Mr. WOLF.
H.R. 1536: Mr. PALLONE, Mr. BAIRD, and Mr. BORSKI.
H.R. 1545: Ms. LOFGREN.
H.R. 1556: Mrs. MCCARTHY of New York, and Mr. CLEMENT.
H.R. 1568: Mr. FARR of California, Mr. DICKS, and Mr. TIERNEY.
H.R. 1591: Ms. WOOLSEY and Mr. EVANS.
H.R. 1592: Mr. DUNCAN.
H.R. 1604: Mrs. JONES of Ohio.
H.R. 1610: Mr. FLETCHER and Mr. BRYANT.
H.R. 1628: Mr. HINOJOSA.
H.R. 1629: Mr. GORDON, Mr. HOUGHTON, Mr. WAMP, Mr. GONZALEZ, Ms. SANCHEZ, Mr. MENENDEZ, Mrs. TAUSCHER, Mr. MCGOVERN, Mr. CROWLEY, Mr. PASCRELL, Mr. DOYLE, Ms. MCCARTHY of Missouri, and Mr. FARR of California.
H.R. 1645: Mr. UDALL of Colorado and Mr. FILNER.
H.R. 1651: Mr. WALSH.
H.R. 1657: Mr. GANSKE.
H.R. 1679: Mr. SAM JOHNSON of Texas, Ms. HART, Mr. OTTER, Mrs. BIGGERT, and Mr. ROSS.
H.R. 1694: Mr. FLAKE.
H.R. 1711: Mr. WALDEN of Oregon and Mr. BAIRD.
H.R. 1734: Ms. ESHOO, Mr. KUCINICH, and Mr. PALLONE.
H.R. 1759: Mr. DICKS, Mr. BISHOP, and Mr. BLUNT.
H.R. 1760: Mr. LATOURETTE and Mr. WAXMAN.
H.R. 1769: Ms. MCKINNEY, Ms. LOFGREN, and Mr. SCHIFF.
H.R. 1771: Mr. MCGOVERN.
H.R. 1773: Mrs. CLAYTON and Mr. FROST.
H.R. 1774: Mr. BURTON of Indiana, Mr. JONES of North Carolina, Ms. GRANGER, and Mrs. CAPITO.
H.R. 1812: Mr. WAXMAN.
H.R. 1820: Mr. ENGLISH.
H.R. 1856: Mr. BISHOP, Mr. FROST, and Ms. MCKINNEY.
H.R. 1859: Mr. STRICKLAND.
H.R. 1895: Mr. GRAVES.
H.R. 1910: Mr. DIAZ-BALART.
H.R. 1911: Ms. LEE.
H.R. 1923: Ms. HART.
H.R. 1927: Mr. PLATTS and Ms. RIVERS.
H.R. 1944: Mr. GARY G. MILLER of California.
H.R. 1948: Mr. MCGOVERN.
H.R. 1957: Ms. KAPTUR.
H.R. 1962: Mr. SHOWS.
H.R. 1975: Mr. SIMPSON, Mr. STUPAK, Ms. HART, Mr. HAYWORTH, Mr. ROGERS of Michigan, and Mr. SMITH of Washington.
H.R. 1987: Mr. NORWOOD, Mr. KINGSTON, Mr. GORDON, Mr. STARK, Mr. GREEN of Texas, Mr. PASTOR, Mr. CLEMENT, Mr. HILLEARY, Mr. MCNULTY, Mr. RAMSTAD, Ms. ROS-LEHTINEN, Mr. DELAHUNT, Mr. BONILLA, and Mr. HAYWORTH.
H.R. 1988: Mr. REGULA, Mr. QUINN, Mr. EVANS, Mr. MASCARA, and Mr. LATOURETTE.
H.R. 2023: Mr. BRYANT, Mr. GREEN of Texas, Mr. TURNER, Mr. JOHN, Mr. CALVERT, Mr. NEY, Mr. SAXTON, and Mr. EHRLICH.
H.R. 2037: Mr. LEWIS of California, Mr. PUTNAM, Mr. MASCARA, Mr. FLETCHER, Mr. BERRY, Mr. COSTELLO, Mr. HULSHOF, Mr. WAMP, Mr. MOLLOHAN, Mrs. TAUSCHER, Mr. MCKEON, Mr. TANCREDO, Mrs. CAPITO, Mr. GANSKE, and Mr. HOBSON.
H.R. 2059: Mr. HOEFFEL, Mr. MORAN of Virginia, Mr. BERMAN, Ms. PELOSI, Mr. MCGOVERN, Mr. JEFFERSON, and Mr. DICKS.
H.R. 2095: Ms. CARSON of Indiana, Mr. FLAKE, and Mr. HASTINGS of Florida.
H.R. 2096: Mr. GRAHAM, Mr. PLATTS, and Mr. GOODLATTE.
H.R. 2100: Mr. MEEKS of New York.
H.R. 2104: Mr. PAYNE, Mr. FROST, Mr. DAVIS of Illinois, Mr. RUSH, Mr. CUMMINGS, Mr. RANGEL, Ms. WATSON, Mr. JEFFERSON, Mr. WYNN, Ms. NORTON, Mrs. JONES of Ohio, Mr. OWENS, Ms. KILPATRICK, Mr. BISHOP, Mrs. MEEK of Florida, Mr. THOMPSON of Mississippi, and Mr. LEWIS of Georgia.

H.R. 2114: Mr. WAMP.
H.R. 2118: Mr. MCNULTY.
H.R. 2125: Mrs. JO ANN DAVIS of Virginia and Mr. FILNER.
H.R. 2131: Mr. GALLEGLY.
H.R. 2133: Mr. LEWIS of Georgia, Mr. BURTON of Indiana, Ms. MCKINNEY, Mr. ENGLISH, and Mr. JACKSON of Illinois.
H.R. 2134: Mr. FRANK, Mr. CLAY, and Mr. EVANS.
H.R. 2128: Mr. BERRY.
H.R. 2145: Mr. WHITFIELD, Mr. WALSH, Mr. FROST, Mr. JACKSON of Illinois, Ms. MCKINNEY, Mr. BISHOP, Mr. CLAY, Mrs. CLAYTON, Mr. HILLIARD, Ms. LEE, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. OWENS, Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Mr. FATTAH, Mr. CROWLEY, Mr. WEINER, Mr. PAYNE, Mr. JEFFERSON, Mr. CUMMINGS, Mr. RUSH, Mr. PALLONE, Mr. PASCRELL, Ms. JACKSON-LEE of Texas, and Mr. TOWNS.
H.R. 2147: Mr. SIMMONS and Mrs. JOHNSON of Connecticut.
H.R. 2149: Mrs. NORTHUP, Mr. SUNUNU, Mr. DEMINT, Mr. CANNON, Mr. LARGENT, Mr. EHRLICH, Mr. HANSEN, and Mr. RYUN of Kansas.
H.R. 2157: Mr. BERRY, Mr. REHBERG, Mr. HERGER, Mr. GILCHREST, Mr. HUTCHINSON, and Mr. BLUNT.
H.R. 2211: Mr. FRANK.
H.R. 2228: Mr. KLECZKA and Mr. BARRETT.
H.R. 2231: Mr. COBLE.
H.J. Res. 20: Mr. BURTON of Indiana.
H.J. Res. 36: Mr. HERGER and Mr. LEWIS of California.
H.J. Res. 40: Mrs. MCCARTHY of New York, Mr. HOLDEN, Mr. PRICE of North Carolina, Mr. THOMPSON of California, and Mr. PHELPS.
H. Con. Res. 60: Mrs. THURMAN, Mr. FARR of California, Mr. PASCRELL, and Mr. PRICE of North Carolina.
H. Con. Res. 97: Mrs. NAPOLITANO, Mrs. KELLY, and Mr. BAIRD.
H. Con. Res. 102: Mr. OBERSTAR, Ms. HOOLEY of Oregon, Ms. PELOSI, Mr. ROTHMAN, Mr. HINCHEY, and Mr. PALLONE.
H. Con. Res. 104: Mr. WALSH.
H. Con. Res. 116: Mr. PORTMAN and Ms. KAPTUR.
H. Con. Res. 160: Mr. HEFLEY.
H. Res. 132: Mr. BONIOR, Mr. HINCHEY, Mr. WELDON of Pennsylvania, and Mrs. MALONEY of New York.
H. Res. 152: Mrs. MEEK of Florida and Mr. GRAHAM.
H. Res. 154: Mr. MCGOVERN, Mr. MCNULTY, Mr. PETERSON of Minnesota, Mr. STRICKLAND, Mr. GREEN of Wisconsin, Mr. PHELPS, Mr. GILMAN, Mr. BORSKI, Mr. DEFAZIO, Mr. BACA, Mrs. MEEK of Florida, Mr. HOLDEN, Mr. COYNE, Mr. CUMMINGS, Mr. CLAY, Mr. EVANS, and Mr. CLYBURN.
H. Res. 159: Ms. HARMAN.
H. Res. 160: Mr. KUCINICH, Mr. TANCREDO, and Mr. HOLT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 877: Mr. TOWNS.
H.R. 1198: Mr. TOWNS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2216

OFFERED BY: MR. BAIRD

AMENDMENT NO. 4: Page 45, after line 25, insert the following:

CHAPTER 10

DEPARTMENT OF ENERGY

EDUCATION ENERGY ASSISTANCE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For payments by the Secretary of Energy to States to provide reimbursements to local educational agencies, and schools funded by the Bureau of Indian Affairs, for the purpose of assisting schools severely impacted by rising energy prices, of which $55,000,000 shall be derived by transfer from the amount provided in this Act for ''Research, Development, Test and Evaluation, Air Force'', $21,000,000 shall be derived by transfer from the amount provided in this Act for ''Financial Management Service—Salaries and Expenses'', and $24,500,000 shall be derived by transfer from the amount provided in this Act for ''Operation and Maintenance, Air Force'', $100,500,000, to remain available until expended: *Provided,* That a local educational agency or Bureau funded school shall be eligible for assistance under this paragraph only if (1) it has reduced power consumption on a per capita basis at least 10 percent from the previous academic year, and (2) it has power rates that have increased at least 20 percent over the previous academic year: *Provided further,* That any reimbursement to a local educational agency or Bureau funded school under this paragraph shall be of sufficient size to offset up to 50 percent of the increase in annual energy costs to each participating school.

H.R. 2216

OFFERED BY: MR. BAIRD

AMENDMENT NO. 5: Page 37, line 21, after the dollar amount, insert the following: ''(reduced by $21,000,000)''.

H.R. 2216

OFFERED BY: MR. BENTSEN OF TEXAS

AMENDMENT NO. 6: In chapter 9 of title II, strike the item relating to ''FEDERAL EMERGENCY MANAGEMENT AGENCY—DISASTER RELIEF''.

H.R. 2216

OFFERED BY: MR. FILNER

AMENDMENT NO. 7: In title II, at the end of chapter 3, insert the following:

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Salaries and Expenses'', $1,000,000, for establishment of a maximum price for wholesale sales of electricity at rates that are unjust, unreasonable, or unduly discriminatory or preferential and to provide for the refund of prices paid in excess of such maximum price, to be derived by transfer from funds made available under title I: *Provided,* That the Director of the Office of Management and Budget shall determine the amount to be transferred from each account in title I: *Provided further,* That the Director shall not transfer any amounts from the funds made available under the headings ''Military Personnel'', ''Defense Health Program'', ''Family Housing, Army'', ''Family Housing, Navy and Marine Corps'', and ''Family Housing, Air Force''.

H.R. 2216

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 8: Page 37, line 14, after ''$92,000,000'' insert ''(reduced by $50,000,000)''.

Page 44, line 25, after ''$389,200,000'' insert ''(reduced by $50,000,000)''.

H.R. 2216

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 9: Page 37, line 10, after ''$30,000,000'' insert ''(reduced by $30,000,000)''.

Page 37, line 14, after ''$92,000,000'' insert ''(reduced by $30,000,000)''.

H.R. 2216

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 10: Page 24, after line 19, insert the following new chapter:

CHAPTER 3A

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''International Disaster Assistance'' for rehabilitation and reconstruction assistance for India, to be derived by transfer from the amount provided in chapter 1 of title I for ''Research, Development, Test and Evaluation, Air Force'', $100,000,000, to remain available until expended.

H.R. 2216

OFFERED BY: MR. OBEY

AMENDMENT NO. 11: At the end of chapter 8 of title II, insert the following new provision:

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''High Intensity Drug Trafficking Areas Program'', to be derived by transfer of amounts provided in this chapter for ''Internal Revenue Service—Processing, assistance, and management'', $30,500,000, as authorized by law (21 U.S.C. 1706).

H.R. 2216

OFFERED BY: MR. SKELTON

AMENDMENT NO. 12: At the end of chapter 1 of title I (page 13, after line 4), insert the following new section:

SEC. 1107. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), $2,736,100,000 is hereby appropriated to the Department of Defense, as follows:

''Military Personnel, Army'', $30,000,000;
''Military Personnel, Navy'', $10,000,000;
''Military Personnel, Air Force'', $332,500,000;
''Reserve Personnel, Army'', $30,000,000;
''Operation and Maintenance, Army'', $916,400,000;
''Operation and Maintenance, Navy'', $514,500,000;
''Operation and Maintenance, Marine Corps'', $295,700,000;
''Operation and Maintenance, Air Force'', $59,600,000;
''Operation and Maintenance, Defense-Wide'', $9,000,000;
''Operation and Maintenance, Army Reserve'', $30,000,000;
''Operation and Maintenance, Army National Guard'', $106,000,000;
''Aircraft Procurement, Army'', $50,000,000;
''Procurement of Weapons and Tracked Vehicles, Army'', $10,000,000.
''Procurement of Ammunition, Army'', $14,000,000;
''Other Procurement, Army'', $40,000,000;
''Aircraft Procurement, Navy'', $65,000,000;
''Aircraft Procurement, Air Force'', $108,100,000;
''Other Procurement, Air Force'', $33,300,000;
''Research, Development, Test and Evaluation, Air Force'', $33,000,000; and
''USS Cole'', $49,000,000:

Provided, That the entire amount made available in this section is designated by the

Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount under this section shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

H.R. 2217

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 1: Page 117, beginning on line 18, strike section 312 (relating to recreational fee demonstration program).

H.R. 2217

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 2: Page 118, line 3, strike ''2006'' and insert ''2003''.

Page 118, line 5, strike ''2009'' and insert ''2006''.

Page 118, strike lines 6 though 8 (and redesignate the subsequent subsections accordingly).

Page 118, strike line 18 and all that follows through page 119, line 5 (and redesignate the subsequent subsection accordingly).

H.R. 2217

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 3: Page 90, after line 4, insert the following:

EMERGENCY ENERGY INITIATIVE

For an additional amount for high priority energy research initiatives intended to bring to American consumers more efficient transportation and buildings, more plentiful and affordable electrical power, reduced reliance on foreign oil, and new technologies and approaches to deal with global warming, $200,000,000: *Provided*, That such amounts shall be allocated among research priority areas by the Secretary of Energy based on an energy research plan which shall be developed as expeditiously as possible and which shall be submitted to the Congress: *Provided further*, That all amounts made available shall be awarded competitively: *Provided further*, That the entire amount appropriated is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be made available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

H.R. 2217

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 4: Page 36, beginning at line 1, strike ''under a comparable royalty-in-value program'' and insert ''under the existing royalty-in-value program based on spot market prices''.

H.R. 2217

OFFERED BY: MR. RAHALL

AMENDMENT NO. 5: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

H.R. 2217

OFFERED BY: MR. SANDERS

AMENDMENT NO. 6: Page 7, line 11, insert ''(increased by $12,000,000)'' after ''$200,000,000''.

Page 87, line 13, insert ''(reduced by $52,000,000)'' after ''$579,000,000''.

Page 89, line 5, insert ''(increased by $36,000,000)'' after ''$940,805,000''.

Page 89, line 6, insert ''(increased by $24,000,000)'' after ''$311,000,000''.

Page 89, line 11, insert ''(increased by $24,000,000)'' after ''$249,000,000''.

H.R. 2217

OFFERED BY: MR. SANDERS

AMENDMENT NO. 7: Page 87, line 13, insert ''(reduced by $52,000,000)'' after ''$579,000,000''.

Page 89, line 5, insert ''(increased by $36,000,000)'' after ''$940,805,000''.

Page 89, line 6, insert ''(increased by $24,000,000)'' after ''$311,000,000''.

Page 89, line 11, insert ''(increased by $24,000,000)'' after ''$249,000,000''.

H.R. 2217

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 8: Page 87, after line 1, insert the following:

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $15,000,000 shall not become available until October 1, 2002: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

Page 109, line 21, after the dollar amount, insert the following: ''(increased by $3,000,000, which shall not become available until September 29, 2002)''.

Page 110, line 19, after the dollar amount, insert the following: ''(increased by $2,000,000, which shall not become available until September 29, 2002)''.

Page 110, line 24, after the dollar amount, insert the following: ''(increased by $10,000,000, which shall not become available until September 29, 2002)''.

H.R. 2217

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 9:

SEC. . No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the ''Buy American Act'').

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, JUNE 20, 2001 No. 86

Senate

The Senate met at 10 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of our Nation, Lord of our history and personal Friend to those who trust in You, we thank You that 14 days before the Declaration of Independence on this day, June 20, 1776, Abigail Adams, wife of John Adams, wrote these words to her husband, ''I feel no anxiety at the large armament designed against us. The remarkable interpositions of heaven in our favor cannot be too gratefully acknowledged. He who fed the Israelites in the wilderness, who clothes the lilies of the field and who feeds the young ravens when they cry, will not forsake a people engaged in so right a cause, if we remember His loving kindness.''

Father, help us to have a cause that is right and to remember Your loving kindness. The two go together. Help us to be sure of Your guidance for the problems we face today and to be equally sure of Your affirmation so that we can unashamedly ask for Your success in just causes You have led us to champion. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, 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. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 20, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, on behalf of Senator DASCHLE, the majority leader, I announce that today we are going to continue the consideration of the motion to proceed to the Patients' Bill of Rights. The debate on the motion will be divided in 30-minute increments, beginning right now, between the managers of the bill. The first speaker on our side will be Senator KENNEDY, the manager of the bill.

There will be a vote on the motion to proceed tomorrow morning at 9:30 a.m. to proceed to the Patients' Bill of Rights.

Madam President, Senator DASCHLE has asked that I again notify everyone that we are going to complete this legislation prior to the Fourth of July break. Everyone, including this Senator, has parades, and other things, during the Fourth of July festivities, but we should all make some calls home to make sure our staffs there indicate to those who are concerned that we may not be able to make it.

I was going home late last night, and I ran into one of the journalists. He said he had spoken to one of the Senators in the minority who thought this was just a bluff on Senator DASCHLE's part. Everyone should understand, Senator DASCHLE does not bluff. He has announced that we are going to finish this bill and that is the way it is. We all recognize there has been an effort to stall our going forward on this bill. It is not going to work. We are going to complete this bill prior to the Fourth of July recess.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Madam President, I thank the Senator for this arrangement. I think alternating half hours is the way to do it. I hope the Presiding Officers will adhere to that.

Further, I want to say that one of the reasons for waiting to proceed to the bill is that it is relatively new to many people. It is something we need to talk more about. Certainly, we will be prepared, as we go through the day, to be able to move on to the bill tomorrow.

Thank you.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BIPARTISAN PATIENT PROTECTION ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 1052, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to the bill (S. 1052) to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Massachusetts is recognized.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Mr. KENNEDY. Madam President, I just want to say at the outset of this debate that this is not a new legislative proposal. We have had very extensive debates on the provisions which are included in the Patients' Bill of Rights. We have had good debates on the provisions when we passed the Frist bill about 2 years ago. And we had additional kinds of debates when we took up the Norwood-Dingell bill a little over a year ago. These matters have been before the Senate. They are matters that have been discussed repeatedly in this Chamber by a number of us over a very considerable period of time.

We want to point out at the outset of this debate, that the kinds of alterations, adjustments and changes that were made over the weekend were basically technical in nature. I went through those yesterday with the Senator from North Carolina. Maybe later in the day, if it is necessary, I might go through them again. But again, they were basically clarifications in response to questions that were raised about different language interpretations of the bill. These were issues that have been raised by the White House, and those who were opposed to the legislation. I think the most recent changes help clarify the language in our bill.

As we have said all along, we are always interested in hearing ideas, suggestions and recommendations, as long as they are consistent with the fundamental purpose of the legislation. Our purpose is protecting patients, and also assuring accountability by HMOs and insurance companies that are making medical decisions and, too often, overruling doctors, nurses, and trained personnel.

So I know there are some concerns. But the way to deal with those kinds of concerns is to engage in debate on these issues. I think if you look at the Frist bill, you will find that it tracks, at least in titles, the Norwood-Dingell and the McCain-Edwards legislation. However, the Frist bill creates numerous loopholes, which I think fails to respond either to the President's desire to make sure that all Americans are covered. We will have a chance during the day to point out some of those differences between their bill and ours.

We are facing a situation where there are many of us, a majority in the Senate, who are in strong support of the McCain-Edwards legislation. On the other side there are those who don't want any legislation and a small group who prefer the Frist-Jeffords-Breaux provision. We will work our way through it. That is the way the Senate functions. We welcome the opportunity.

I note the presence of my friend and colleague, Senator EDWARDS. He and I plan to be here the whole day. We are in the Chamber ready to deal with either amendments or to try to clarify provisions for those Members who fail to understand them. We are also here to point out, in the case of Breaux-Frist, how we think the McCain-Edwards bill provides better protections for American families. We are glad to do that as well.

That is the framework. We are starting out on day 2. We are glad this bill is before the Senate, even though we will wait until tomorrow for the first amendments. I am heartened by the strong resolution of our leader, Senator DASCHLE, in committing us to the conclusion of this legislation prior to the Fourth of July recess.

Americans have waited too long. They have waited over 5 years for a strong, enforceable Patients' Bill of Rights. This issue has been studied and studied to death. It is time for action. The Senate's failure to take action results in too many of our citizens—too many children, too many women, too many seniors, too many families—being harmed today and experiencing additional kinds of pain and suffering.

It is within that framework that we will hopefully move ahead today.

It is time to pass the Patient Protection Act. Every doctor knows it. Every nurse knows it. Every patient knows it. The American people know it. And in their heart, every Senator knows it, too. Often today managed care is mismanaged care. It is long past time for Congress to act to end the abuses by the HMOs. Too often insurance company accountants are making the medical decisions instead of doctors and patients. It is long past time for Congress to assure that the medical care is based on a patient's vital signs, not an insurance company's bottom line.

The first proposal to do so was introduced in early 1997. We are now in the fifth year of consideration of this essential reform. Patients are still suffering, even dying, because of our inaction. Every day the Congress fails to act, an intolerable additional cost is imposed on patients and their families.

A survey by the School of Public Health at the University of California found that each and every day, 50,000 patients go through added pain and suffering because of the actions of their health plan, 35,000 patients have needed care that is delayed or denied, 35,000 patients have a referral delayed or denied, 31,000 patients are forced to change doctors, and 18,000 patients are forced to change medications. A survey of physicians by the Kaiser Family Foundation and the Harvard School of Public Health found similar results. Every day, tens of thousands of patients suffer serious declines in their health as a result of the action or inaction of their health plan.

Whether the issue is diagnostic tests, specialty care, emergency room care, access to clinical trials, availability of needed drugs, protection of doctors who give patients their best advice, or women's ability to obtain gynecological services, too often HMOs and managed care plans put profits ahead of patients.

The issue is clear: Does the Senate stand with powerful HMOs or with American families? Do we stand for protecting patients and their doctors or protecting insurance company profits?

There is only one reason this legislation did not pass years ago. It is because of the tens of millions of dollars the insurance companies and their allies have lavished on lobbying, campaign contributions, and misleading advertising. Now is the time to say that the health of every American family is a public trust, not a commodity for sale to the highest bidder.

The need for prompt action on patient protections is great because the dishonor roll of those victimized by HMO abuses is so long and growing.

A baby loses his hands and feet after a medical emergency because his parents believe they have to take him to a distant hospital emergency room covered by their HMO rather than the hospital closest to their home.

A Senate aide suffers a devastating stroke which might have been far milder if her HMO had not refused to send her to an emergency room. Even now, the HMO refuses to pay for her wheelchair.

A woman is forced to undergo a mastectomy as an outpatient instead of with a hospital stay as her doctor recommended. She is sent home in pain with tubes still dangling from her body.

A doctor is denied future referrals of patients by an HMO under a managed care plan because he has told a patient about an expensive treatment that could save her life.

The parents of a child suffering from cancer are told that lifesaving surgery should be performed by an unqualified doctor who happens to be on the plan's list, rather than by a specialist at the local cancer center equipped to perform the operation.

A woman with advanced cervical cancer is denied the opportunity to participate in a clinical trial that could save or prolong her life.

A child with cystic fibrosis is denied the opportunity for treatment at a center with the expertise to treat the disease.

A teenager with a seriously injured hand is told by his insurance company that they will pay for an amputation, but not the more expensive reconstructive surgery that could provide a normal life.

A woman with a relatively minor leg injury ends up losing her leg because her insurance company persistently delays and denies adequate care.

Our legislation corrects all of these problems and many more. It takes HMOs and insurance company accountants out of the practice of medicine and returns decision making to patients and doctors where it belongs. Our proposal guarantees patients the rights that every honorable insurance company already grants, and it provides an effective and timely means to enforce these rights. These protections are basic aspects of good health care

that every family believes they were promised when they purchased health insurance and paid their premiums.

Virtually all of the patient protections in this legislation are already available under Medicare. They have been recommended by the National Association of Insurance Commissioners and the President's Advisory Commission. They have also been proposed as voluntary standards by the managed care industry itself through its trade association. In fact, most of them are features of the patient protection legislation enacted under Governor George Bush in Texas.

Patients should have the right to see a specialist, if they have a condition serious enough to require specialty care.

No parent should be told that their child with cancer has to be treated by an HMO physician who lacks the expertise needed to treat the child effectively.

Patients should have the right to the prescription medicine their doctor says they need. They should not be told that they have to settle for the second best medication for their condition or suffer unnecessary side effects or pay more because the most up-to-date drug is not accepted by the HMO.

Patients should have the right to go to the nearest hospital when they have symptoms of serious illness.

They should have the right to continuing emergency care after their condition is initially stabilized. Medicare patients have these rights, and other Americans should have them, too.

Patients should have the right to participate in a clinical trial if it offers the best hope for a cure or improvement of a serious or fatal illness.

Mr. EDWARDS. Will the Senator yield for a question?

Mr. KENNEDY. I am glad to yield for a question.

Mr. EDWARDS. Would the Senator talk briefly about the number of Americans who are being affected by us not having already passed this legislation, and whatever delay may occur in the debate of this bill?

I know the Senator has been involved in this issue for many years now. He has heard all of the HMO horror stories, about what HMOs have done to people around the country. But some of the Americans listening to this debate may not be aware, as the Senator is, of how many people are affected on a daily basis, on a weekly basis, on an annual basis. As we go forward with the debate on this bill, could the Senator talk about that issue first, and then I have a couple of other questions I would love to ask.

Mr. KENNEDY. The Senator is quite right about the fact that every day we delay this legislation, thousands of Americans suffer.

The California study says that 50,000 Americans a day are suffering as a result of delay or treatment. They would not be suffering if this legislation were passed. And 35,000 families are being turned down by HMOs today for specialty care that they otherwise would have for their children, their parents or another loved one.

Close to 20,000 are taking alternative medicines and not taking the prescription drugs that their doctor says are needed but are not on the formulary of the HMO. The HMO only allows patients to take these alternative drugs. In many instances, patients take their alternative drugs and have two or three adverse reactions before they will come back to the drug that is actually prescribed by the doctors.

So every day that goes on, American families are suffering.

I might mention to the Senator the point made on this chart. This is from the Kaiser Family Foundation and the School of Public Health up at Harvard, July 1999. Doctors know that congressional delays mean patient suffering. This chart indicates the number of doctors each day seeing patients with a serious decline in health from plan abuse. These 14,000 cases represent the number of doctors who every day see denied coverage of recommended prescription drugs.

So 14,000 doctors have said they prescribed prescription drugs and they were denied, 10,000 doctors were denied the diagnostic tests that they believe were necessary in order to make an effective evaluation, 7,000 doctors claim they were denied the opportunity for specialty care, and 6,000 were denied overnight hospital stays. And 6,000 were denied referrals for mental health or substance abuse. The list goes on.

Those are two very important studies that make a very powerful case regarding how American patients are suffering. An additional study from the doctor's point of view came to a virtually identical conclusion—that patients are suffering every day as a result of HMO abuses.

Mr. EDWARDS. This information is so important to this discussion. Is the Senator saying that as of the time of this study in 1999, 14,000 doctors a day are being overruled by HMOs when they recommend prescription drugs? In other words, a patient comes into the doctor, who has training, experience, and expertise, and the doctor recommends that a patient needs prescription medication, and 14,000 doctors a day are being overruled by the HMO? Is that what the Senator's understanding is?

Mr. KENNEDY. The Senator is absolutely correct. That is what is happening regarding prescription drugs, and that includes the tests that are necessary and the specialists that are necessary.

The point I want to mention here, as the Senator was inquiring, is the importance of patients' rights to participate in a clinical trial. I think this is one of the most important guarantees that should be a part of this legislation. Unfortunately, we had a full debate on this 2 years ago in the Senate, and the Senate rejected ensuring patients access to clinical trials.

What we agreed to was a 2-year study of whether clinical trials are effective. That was under the Frist bill that eventually passed this body.

I am wondering whether the Senator would agree with me that we are in the time of doubling appropriations for the NIH budget. We are in the century of the life sciences. We can't pick up a newspaper any single day and not see medical breakthroughs. It is one of the most exciting times in medical history, with the progress that has been made on the human genome, the sequencing of genes and the explosion of different knowledge that is out there. We are going to see the development of all of this knowledge now in the laboratories.

I ask whether the Senator would not agree with me that in order to get it from the laboratories to the bedside, it has to be tested. It has to have clinical trials. This is a time of enormous potential for reducing the kinds of pain and anxiety that disease and illness bring. We can even reduce the demand on resources over a period of time. We know, for example, that if we were to develop some kind of cure for Alzheimer's, half the nursing home beds in Massachusetts would be empty this afternoon. Half of them would be empty. And there is important progress. But it isn't going to get out there unless we have the clinical trials.

Finally, as the Senator understands, insurance companies have over a period of time continued—when a patient needed the clinical trial—the ordinary expenses that were attendant to it. The clinical trial would pick up the additional kinds of expenses. They didn't go to great additional expenses. But even that kind of responsibility is being rejected now by the HMOs. The number of clinical trials is going down and threatening not only the well-being and security of the people who are in those HMOs, but the well-being of the rest of the people in our society.

Mr. EDWARDS. Would the Senator address two questions, please.

First, the fact that the HMOs are denying and not covering patients needing and having access to clinical trials—would he first talk a little about, from his experience and from talking to constituents, what impact that has on the country moving forward in the field of medicine for all of the American people, so we can continue to be the world leader that we have been in the past in advancing medicine in the areas such as Alzheimer's?

Second, would the Senator talk briefly about the difference between the McCain-Edwards-Kennedy bill on access to clinical trials and the competing Frist bill?

Mr. KENNEDY. Well, I will. This is enormously important. Let's look at what clinical trials have meant in recent times. We have made the greatest progress in addressing the challenges that children face with cancer.

Listen to this. We have 70 percent of children with cancer treated through

clinical trials. This is the area where we have seen dramatic progress made. In the last 10 years, it has been miraculous. There is still a long way to go, but regarding children's cancer, we have made progress. Yet less than 3 percent of adults with cancer are enrolled in clinical trials. We have made some progress in the area of the adult cancers, but that number is in danger of decline.

Until recently, the health insurance companies routinely paid for the doctor and hospital costs associated with a clinical trial. In 1998, the CBO found that approximately 90 percent of health insurance companies reimbursed for their patient costs, but HMOs are quickly reversing that lifesaving policy. Many of the HMOs are refusing to allow their patients to participate, leaving them with few alternatives.

I want to give the Senator from North Carolina, Mr. EDWARDS, a quick anecdote. One of the important cancer centers is the Lombardi Center, named after one of the great football coaches, Vince Lombardi. Most people in the Washington area are familiar with that center.

Our committee had a hearing at which the director of that center was present. He told us they had to hire more and more people to deal with the insurance companies to persuade the insurance companies to let women who had breast cancer and other cancers participate in these lifesaving trials.

That was their big new expense; not trying to treat more people, not expanding the facility, not bringing the benefits of their research and breakthroughs to other people, but to hire more people to tangle with the insurance companies. They had to do this because, for the most part, women were being turned down, even though the possibilities for their recovery were significant.

As the Senator knows, under his bill, the McCain-Edwards bill, they still have to meet certain requirements. There has to be the likelihood of progress within the clinical trials. There are protocols that have been established by the FDA and NIH. They have to qualify in these areas. There are requirements that have to be met.

We must protect vulnerable populations with these diseases, people who have the hope of being freed of the shackles of sickness. These protections are included in the Edwards-McCain bill. The Frist bill leaves the door ajar but not very much ajar. It allows HMOs to continue to resist applications for clinical trials, resistance that can last as long as 7 or 8 years.

As all of us understand, these are timely occasions. Individuals have to be enrolled in these clinical trials in a timely way to benefit.

When laying these two proposals side by side, one would have to say that under our proposal the guarantee is there, as it has been historically. And on the other side one would say that there are significant roadblocks and hazards that are being placed in the way of qualified patients to participate in the trials.

Madam President, I believe I have consumed most of my time.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is correct. The Senator has 2 minutes remaining.

Mr. KENNEDY. Madam President, I look forward to continuing this discussion during the course of the day. It is important during this day to point out exactly what is before the Senate.

There are those who favor no HMO bill, and there are those who favor an alternative. It is important Members understand exactly the protections that are in the Edwards and McCain legislation, which I think are the types of protections that are in the best interest of the patient and are the result of a great deal of review. These protections have the very strong support of the medical profession.

We will have that opportunity later in the day. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. FRIST. Madam President, we are alternating approximately every 30 minutes. It is an opportune time because we have present two of the principals of the bill that we will be debating over the next several weeks. They just addressed many of the points in their plan.

There have been two bipartisan—ours is tripartisan—Patients' Bill of Rights bills introduced in the Senate, and I think it will be useful to contrast the two bills as we go forward to educate our colleagues but also to educate people who may be watching this debate so they may understand what we are all trying to accomplish, and that is to produce a strong, enforceable Patients' Bill of Rights that will benefit patients by strengthening the doctor-patient relationship, restoring trust to our health care system and making sure patients really are protected. In many ways, the whole swing has gone too far towards managed care. That pendulum has to swing back. How far it should swing back is a balancing act.

Both of these bills attempt to do that and I, of course, believe the Frist-Breaux-Jeffords bill does it in a much more balanced way, in a way that ensures that patient protections are appropriate and ensures a strong appeals process and legal remedies if the appeals process is unsatisfactory.

I begin by outlining what our bill attempts to achieve. It goes back to the principles that the President of the United States, President Bush, introduced several months ago. I applaud his leadership and commitment to a strong, enforceable Patients' Bill of Rights.

The principles he outlined were, No. 1, patient protections should apply to all Americans. That is important because, if we have certain rights, we want them to apply broadly. However, the breakdown in the discussion is: Is it the Federal Government that specifically defines the wording that applies to all Americans or do we respect what Governors and State legislatures have already been doing to address issues such as prohibiting gag clauses, ensuring access to specialists and access to emergency room care, and ensuring access to something my colleagues were just talking about—clinical trials.

A lot of States have not addressed clinical trials. If they have not addressed it, what should our response be? Does the Federal Government come in and say: You have to address it the way we say or can they address it the way Tennessee might best address it?

The President also said patient protection should be comprehensive. Again, there has been a lot of debate in the last 24 hours on liability, employers, and a little bit on scope. There are patient protections in the Frist-Breaux-Jeffords bill and in the McCain-Edwards-Kennedy bill. The protections are similar and all the media are saying they are exactly alike. They are not exactly alike. There are some things in their bill not in our bill. Some areas of their bill go further than ours. Clinical trials is an example.

Clinical trials, as we all know, are critically important, and they are in both bills. However, the cost in their bill is higher than in our bill because they include thousands of clinical trials that we did not include. Again, we can debate whether that is appropriate or not as we go forward. I will go through those lists of protections shortly.

Third, the President said patients should have a rapid medical review process for denial of care. Both bills do that pretty well. Again, our bill has a more efficient process. The timelines are clearly defined.

The President's fourth principle is that the review process should ensure doctors are allowed to make medical decisions and patients receive care in a timely manner.

The fifth principle of the President is that Federal remedies should be expanded to hold health plans accountable. This is an issue of real debate. We believe that, since this is a new cause of action, it should be a Federal cause of action and should go principally through Federal courts.

However, the bill on the other side, the McCain-Edwards-Kennedy bill, looks at both State court and Federal court and allows patients to go back and forth between Federal and State courts. This raises a concern with the issue of forum shopping. Trial lawyers have an incentive to make money with this new Patient's Bill of Rights, and there is the fear that there will be shopping among the various courts.

The sixth principle of the President is that patient's rights legislation should encourage employers to offer health care. We talked about that yesterday. Everybody has to realize this bill is going to cost hundreds of billions

of dollars in addition to whatever will be paid for health care over the next 10 years. These rights have a cost, a price to pay. That price is hundreds of billions of dollars. Whoever is listening will be paying it. It may be shared, and we may divide it by 260 million citizens, but it will cost hundreds of billions of dollars. That is why we should not rush through the bill too quickly without adequate debate on each and every one of the issues. There is an urge to debate it, get it through, and pass it in a week or a week and a half. Remember, this will drive costs up markedly, no matter what bill passes, and the higher you drive the cost, the higher the premiums, the higher the number of uninsured in this country. We care about the uninsured and have to be careful about how high we drive those costs.

Those are the six principles put forth by the President of the United States.

Senator BREAUX, Senator JEFFORDS, and I have put together a bill that embodies these strong patient protections and fulfills each one of those principles put forth by the President.

No. 1, our bill, written in a nonpartisan way, is actually a tripartisan bill. It protects all Americans, while giving the appropriate deference to States. If a State has already addressed gag clauses in the way they think is appropriate, the Governor has signed off on it, the State legislature and elected representatives have agreed to it, we do not believe that we in the Congress need to mandate that they say almost the exact words that we dictate, which causes them to go back and redefine what they have done and bring back an issue they may have addressed.

No. 2, we guarantee comprehensive patient protections. We guarantee emergency room coverage. We guarantee in the Frist-Breaux-Jeffords bill access to specialty care. We guarantee direct access to OB/GYNs. Pediatricians can be the primary care physician. We prohibit a restrictive formula for prescription drugs. We ban gag clauses. We prohibit provider discrimination. We provide access to clinical trials coverage, and continuity of care—if your care for some reason is terminated and you are pregnant, or towards the end of life, these issues, it will be continued.

Mr. KENNEDY. Will the Senator yield?

Mr. FRIST. Because I have not had the opportunity to lay out the bill, let me lay it out. Senator BREAUX is on the floor. We will have time to debate this. I would love to do it, but this is the first time we have had the opportunity to lay out the bill, if that is all right.

No. 3, we require health plans to provide consumers with comprehensive information about their new rights. We provide all the new rights, but we need to make sure the consumer, the patient, receives them in a way that they can truly understand. That is accomplished in the Frist-Breaux-Jeffords bill.

No. 4, we ensure a rapid independent external review. If there is disagreement on the patient protections, you need to go both internally and externally and have an independent, unbiased physician make that final decision.

No. 5, doctors—not HMOs, not health plans—need to make medical decisions.

No. 6, we hold health plans accountable through expanded Federal liability. Both bills expand the liability to hold these HMOs accountable. Yes, we believe if HMOs create injury or harm, in essence, something unjust, you should be able to hold them accountable and liable, and you should be able to sue your HMO.

No. 7, we protect employers from costly, unnecessary litigation. We debated that yesterday and will continue to debate that. We will argue that the bill on the opposite side opens the door to frivolous lawsuits. Clearly, we do certain things to try to prevent unnecessary, frivolous, costly lawsuits but at the same time hold the health plans accountable and allow the health plans, not the employers, to be sued.

No. 8, we protect doctors from new lawsuits. The bill introduced Thursday, the McCain-Edwards-Kennedy bill, included some improvements from the version of the bill on the floor until that time. Clearly, as an agent of the plan, doctors could be sued. A lot of doctors did not realize that and will look at the new writings and the new bill they introduced Thursday.

No. 9, we make litigation the last resort. We go to the court as the last resort. They go to the courts much earlier, as a first resort.

No. 10, we protect the role of State courts in holding health plans accountable for quality and treatment decisions. We do not preempt State court. In Texas, if there is a lawsuit for a quality or treatment issue, it can still continue. It is very specifically written in our bill. It is for that new cause of action, a product of this legislation, that we take to Federal court.

I will turn to the other principles shortly. What are the differences between these two bills? What I just outlined and in the first column of this chart is the Frist-Breaux-Jeffords bill. In the second column is the McCain-Edwards-Kennedy bill. The first line is protections applying to all Americans. Both bills achieve that.

Deference to State laws: We achieve it; they do not. They basically say, here are the patient protections. You have to have these on the books or pass them essentially the way we wrote them.

Support State regulation of health insurance: Again, we defer to this 60-year history of health insurance primarily being the State's responsibility in terms of actual coverage.

Comprehensive protections such as emergency room specialists and clinical trials: There is a check in both columns. Both do it well.

Independent medical review: Both do it well.

Independent medical experts making medical decisions: Both do it pretty well.

Avoid slow and costly litigation. We address it. They do not.

Holds health plan accountable in Federal court: Yes, we go to Federal court. They go to Federal court for some contract issues but principally allow people to go to State court.

Protect employers from unnecessary, costly law lawsuits: We will have time to debate that, but we do that; they do not.

Reasonable limits on damages: We talked about that yesterday. They do not have those limits.

President Bush said he will pass our bill as written into law, and he will not pass their bill as written into law.

With that, I defer to the Senator from Louisiana to comment. Both Senator BREAUX and Senator JEFFORDS are present. I would love to hear from them over the next 15 minutes.

Mr. BREAUX. Madam President, I thank the distinguished Senator from Tennessee for his opening comments outlining what is the essence of the Frist-Breaux-Jeffords bill. I point out the obvious; it is the only tripartisan bill that has been introduced in this Chamber dealing with this issue. We have had bipartisan bills introduced, and I congratulate the author, but there is only one bill that has the support of independents, Democrats, and Republicans, as well, and that, of course, is the Frist-Breaux-Jeffords legislation.

I have come to respect all Members engaged in this debate because I think we all have the same goals, and in many cases we all have approached the solution to the problem in a very similar fashion—not identical but very close to being almost the same approach.

I was struck yesterday by a number of our colleagues who were talking about the Senator from New York, the senior Senator, Mr. SCHUMER, and I think the junior Senator from New York was engaged in talking about individual patients, children who have suffered damages because of denial of access to care that is medically necessary.

I thought the points they made were well taken. I don't have any disagreement with the points made. I have no disagreement that these cases should have someplace they can go to ensure the coverage for these individuals, children, elderly, and average citizens, which is needed and determined to be medically necessary. We have come a long way. I think this Congress in general is in agreement that patients should have federally guaranteed rights that are enforceable through a process of internal and external appeals, to get a quick decision that is good for the patient and good for society. If those appeals processes do not work, there should be access to the

courts to enforce these rights that all Americans should have under their health care plans. Indeed, if damage is done, there should be an opportunity for patients to recover damages.

We basically agreed on the rights the Federal Government should guarantee. Senator FRIST went over those rights. They are very similar in both plans. I think theirs probably covers a few more protections for what I would term the providers as opposed to protections for patients, which is what we essentially are talking about. But given that, we are very similar in the things we say should be guaranteed to Americans when they have health insurance. OB/GYN access for patients is guaranteed. Access to specialists is there. Breast cancer treatment plans must be covered. Clinical trials are available. There is continuity of care and emergency room access. There are no gag rules. There are point-of-service provisions. These are things we have in common in both plans.

Congress has agreed there should be certain patients' rights on which they can depend, that are enforceable, and if they are not provided, damages can be provided to compensate the injured parties. We both agree that one methodology of handling the enforcement of these rights is through an appeals process, through an internal and external appeals process.

One of the few things, interestingly, that works in the Medicare Program is, when a Medicare patient, a senior, is denied care, there is an internal and external appeals process that occurs very quickly. What we try to do is not give patients access to courts but access to health care. The fastest and best way to do it is through an appeals process internally, as we provide in this legislation, which requires the company that denies the care to review that decision. They have to do it in a very short timeframe, a matter of hours. If the patient still is denied care, there should be some kind of access to an external panel of independent professionals, medical professionals who will take care of looking at it independently of what the HMO did.

We have both agreed the external appeal should be independent. The question is, How do you do that? Both of them I think require—ours does—that HMOs are responsible for entering into a contract with independent professionals who are in fact going to look at these cases and handle the external appeals.

I do not know, if you require the HMO to enter into a contract, how they are not going to be involved in helping to select the independent reviewers. That is something I think that has to be done. If they are going to enter into a contract to pay for the people who are going to do the independent review, how can they not be involved in the selection? We can talk about that. I think we both agree the external review panel should be totally independent of the HMO. I think both sides say the HMO has to pay for them. Then how do you guarantee their independence?

We can work on that, but I think we are both in agreement that the external review people should have no connection to the HMO, although we both require the HMO pay for them. How we handle that I think is open, but I think we both agree they should be totally independent of the HMO, as much as humanly practicable that we can devise a plan that will in fact do that.

Another problem you will hear a lot of talk about, that I think will be subject to amendments, is both sides say we don't want the employer to be sued if the employer is not involved in medical decisionmaking. We agree with that. I think this side and the other side agree with that premise as well.

The problem with the approach of the other side, in the sense of how they protect employers, is finding an area that would be protected activities by the employer which would not cause them to be liable for any decisions. The concern many employers have is that doesn't prevent litigation against employers, where they would have to come in and prove they have not done anything that is wrong. I think employers were legitimately concerned about being sued for things and then they would have to come in and show they were not guilty.

Our approach is a little different. I think it is a better approach. It says employers can select a designated decisionmaker who will make the medical decisions, and if they do that, the employer cannot be sued. They don't have to come into court and defend themselves for something they never did in the first place because the designated decisionmaker, which in most cases would be the insurance company, is the entity which should be sued for making the wrong decision. I think our approach in that area is a better approach.

The final point: We both have a convoluted system with regard to where you file suit. In their bill you can file for some things in Federal court and some things in State court. And guess what. In ours you can sue for some things in State court and some in Federal court. We are amending ERISA. It is a Federal statute creating Federal rights. Anytime you litigate under existing ERISA rules, you litigate in Federal court. Therefore, if you expand rights under ERISA by amending it to include a designated set of Federal rights, the proper forum is the Federal court, not 50 different State forums.

I know my good friend from North Carolina suggested lawyers may have a problem finding a Federal court. That is a slight exaggeration. But there is no lawyer I know of who has any difficulty getting into Federal court. They do it on a regular basis very successfully, and I am glad they do.

So we have suggested if you are going to file litigation after the appeals process to enforce Federal rights that are passed by the Congress and signed into law by the President, it should be in Federal court. If you are going to sue on the existing State medical malpractice laws, the proper forum for that to be litigated is in the State courts. That is where it traditionally has been. It is a right that exists today in State court. If you are going to sue a company for medical malpractice, a doctor or hospital for medical malpractice, you will continue to do it in State courts as is the current situation.

I want to make sure we get something that can become law. If we enact a bill the President will not sign, we have not given the patients in this country one single benefit. We have given them perhaps a good political argument, but we have not created any legal rights for them to enforce when they need medical help and assurances their rights will be protected. Therefore, what I am trying to do in offering this, along with my two colleagues, is to try to create something that can actually become law.

I tell you, I would not lose sleep if the Kennedy-McCain-Edwards bill passed. My concern is not that. My concern is that it cannot become law. Therefore, as legislators, we want to enact something that can actually become law. We have offered a compromise which I think, No. 1, even from their perspective, could give at least 95 percent of what their legislation does in terms of protecting patients. But it gives 100 percent more of what theirs would do if theirs cannot be signed into law. That is just a bottom line as far as being pragmatic and as practical as I possibly can be, to say look, this is something that can become law. I think it can pass, and I think it will be signed into law if it reaches the President's desk. The opposite is true for their version which the President has said time and time again he will not sign.

We can argue whether that is a good decision on his part or not. I am sure they think it is the right decision; others would disagree with it strongly. I think we have offered something that can become law that does address the concerns that have been articulated in the Senate and in the other body for a long period of time. It is time to reach an agreement that can actually become the law of this land.

I yield any time I may have remaining.

Mr. FRIST. Madam President, I understand we have 7 minutes on our side.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. I yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I join my colleagues in explaining and hopefully alleviating the concerns of Members with respect to the question of malpractice and lawsuits.

I am probably the only one who was here back when ERISA was written. ERISA was dealing, not with these kind of parties but with pensions. But it was realized that employers need a common place to go to make sure, when they have their pension plan, there is just one jurisdiction that can take care of the complications and legal aspects. The decision there was to make it the Federal court to have exclusive jurisdiction.

We are still involved, in this case, with employers. Again, it is a different issue from pensions, but it is a very important one for employers. From World War II on, because of some special provisions for getting advantages to businesses being able to provide health insurance which would be nontaxable, it has been quite advantageous for employers to provide health care. We do not want to disturb that.

In order to not disturb that, we should follow what happened in the pension area, and that is to make sure there is uniformity of decisions across this country when we get involved with whether or not an employer would be found liable under the circumstances. We want to distinguish that from the malpractice suits with which we are involved most of the time.

I guess people get to thinking, as we talk here, that we are talking about the malpractice situation.

The malpractice suits because of doctors performing improper care, or nurses, or even the overall operation by not giving the proper medical care is one situation. That goes to State courts. If one is only talking reserving for the Federal courts as to whether or not there really was a decisionmaker who was properly put in place, or other operations totally outside of the delivery of health care, it is a very small and narrow area where you are limited to Federal courts. That is because you have to have uniformity. That is because, if an employer has a business all across this Nation, the employer doesn't have to worry about 50 different jurisdictions as far as where the law applies.

The same is true for pension plans. One Federal rule should apply in those very rare situations where there is a dispute over how much control there is and whether the business had control over the operation of the medical side.

I want to make sure it is clear. For the ordinary case where there is a problem of care, all of those will go to State courts. All we are talking about is this very limited area where the jurisdiction will be in the Federal court only.

I want to straighten that out because I think people are concerned about not being able to go through the court in their hometown where the doctor is practicing. That is absurd. I think it is important we understand that.

The best way to make sure we have good care is to make sure we have a clear idea of where these laws are going and how they are handled in the court system.

There is really little difference in our bills, if any. I don't understand what the arguments are with respect to the malpractice situation, as our plan and their plan are very similar in that regard.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Tennessee.

Mr. FRIST. Mr. President, I thank Senator BREAUX and Senator JEFFORDS for their outstanding participation in putting together the Frist-Breaux-Jeffords Bipartisan Patients' Bill of Rights of 2001. This is a bill that we have jointly worked on aggressively over the last several years. It is a bill that we regard as a balanced approach to this whole issue of patient protections—making sure that patients get the care when they need it, fixing the system itself, and making sure the protections of the rights are there, but also making sure it is done in a prospective way; and then, if the system fails, or if it breaks down, providing appropriate access to legal remedies that make the patient whole.

That is our approach. It is a balanced approach. I believe that is why it has been endorsed by the President of the United States. It meets the principles that he has set forth.

Many times, as it has been discussed, someone will ask: Well, did any other provider groups or physician groups support the Frist-Breaux-Jeffords bill? The answer is yes.

I list the following organizations so people will know that we have listened to the consumers and to the patients as well as the providers: American College of Surgeons; the Society of Thoracic Surgeons; American College of Cardiology; American Society of Anesthesiologists; American Society for Gastrointestinal Endoscopy; American Society of Clinical Pathologists; American Academy of Dermatology Association; American Association of Orthopaedic Surgeons; American Association of Neurological Surgeons; American Urological Association, Inc.; American Association Clinical Pathologists; American College of Emergency Physicians; American Society of Cataract and Refractive Surgery; and the American Physical Therapy Association.

I point that out only because people will say these are the groups that support each of our bills.

I think that is very important. These are the groups to which we have been able to explain our bill. They have endorsed our particular bill. What is most important, however, is the policy beneath the legislation and the rhetoric that we often hear in this chamber.

These groups have looked at our bill, and they agree that it is a balanced bill that keeps the interests of the patient first and foremost.

I, again, thank Senators JEFFORDS and BREAUX for their tremendous work and for the work of their staffs in putting together our bill as we go forth.

I yield the floor.

The PRESIDING OFFICER. The next block of time is controlled by the majority.

The Senator from North Carolina.

Mr. EDWARDS. Thank you, Mr. President.

Mr. President, I thank the Senator from Tennessee, and the Senators from Louisiana and Vermont for their remarks and for their work on this issue.

I did not hear all of the groups that the Senator from Tennessee just read, but the majority of those groups also support our bill.

The bottom line is there is a handful of groups that support both bills. Then there are over 600 consumer groups and medical groups, including the American Medical Association, that support our bill. There is a reason for that, which I will discuss in a few minutes.

From the start to the finish of these two bills that were analyzed side by side, there are significant differences throughout the bills. In every place there is a difference. In every single place their bill sides with the HMOs and our bill sides with the patient and doctors.

That is the reason all of these consumer groups, all of these health care groups, and the AMA support our bill and do not support their bill.

It is not an accident. These are people who have been fighting for patient protection and putting health care decisions in the hands of doctors and patients for many years. They believe deeply in this issue. They have looked at these two bills side by side. They understand that there is significant and important differences that aren't abstract. There are differences that affect the lives of thousands and thousands of families and patients all over the country.

Mr. KENNEDY. Mr. President, will the Senator yield on that point?

Mr. EDWARDS. Yes. I will.

Mr. KENNEDY. Mr. President, we were just talking about one such protection that I think is of concern to families all over this country; that is, the clinical trials.

As I understand it, just to repeat, our bill has the right to participate in clinical trials without discrimination. The patient may not be denied the right to participate in an approved clinical trial if they or their physician can show that they can be appropriate participants in that trial. We have the right to coverage for routine costs associated with clinical trials, and we have the right to participate in all federally funded or federally approved clinical trials.

The other side delays the immediate coverage for routine costs with clinical trials, and the bill has a lengthy negotiated rulemaking process to establish standards for the routine costs that may be covered—a process that may well result in an effective date for insurers as late as January 2007, which adds a 6-year delay.

The current Medicare benefit was carefully crafted and fully vetted

through the Federal rulemaking. In addition, the Institute of Medicine has also released a comprehensive study by experts in the field recommending Medicare coverage for routine costs.

Furthermore, managed care plans that offer the Medicare+Choice option are already required to adhere to the current definition of routine costs. Effectively, we have the clinical trial and the patients protected.

In theirs, they don't even follow the Medicare system, which in terms of cost as a result clinical trials, would be very much deferred. As I understand, theirs does not cover the FDA-approved clinical trials. I do not understand that either because it is in the FDA where the pharmaceutical companies are working through these breakthrough drugs which offer enormous kinds of promise.

So, as the Senator knows, it is important to look at the fine print on these issues in terms of the protections. I just think we have worked with our good friends—and they are good friends, Senator FRIST and Senator BREAUX and Senator JEFFORDS—and we want to try to find common ground to work on this because the differences between us are small compared to those who do not want any bill at all. We want to try to reduce those differences.

It is important to note that it isn't just on the issues of liability, of which the Senator from North Carolina spoke, but that he has concern, as do I, about the protections—whether they provide the range of protections he thinks the patients need.

Mr. EDWARDS. I thank the Senator his questions and comments. He is exactly right. There is a difference on the issue of clinical trials in the two bills. I think the Senator from Tennessee suggested the same in his remarks. But there are differences throughout the bill, starting with the issue of coverage and how you determine whether States opt out or do not opt out of the protections in the bill. There is a difference in the access to specialists outside the plan. There are differences between the two bills. There are differences, as the Senator just pointed out, in access to clinical trials, and as the Senator from Tennessee pointed out a few moments ago.

There are differences in the independent review process. We specifically say that neither the HMO nor the patient can have any control over the body that picks the reviewing panel or the reviewing panel.

Mr. BREAUX. Will the Senator yield for a question?

Mr. EDWARDS. I will, yes.

Mr. BREAUX. I am trying to understand the differences between our two bills on that particular point. We both say the external review panel should be independent. I think we say that the HMO has to contract with these external review people. I think you have been saying they have to have a contract with an HMO to do the same thing. So what is the difference?

Mr. EDWARDS. Reclaiming my time, the difference is, we have specific language in our bill that says neither the HMO nor the patient can have any relationship or any control over who is the group who picks the reviewing panel, No. 1, or the reviewing panel itself. Their bill is silent on that specific issue.

Mr. BREAUX. Will the Senator yield further?

Mr. EDWARDS. If I could continue, this may be an issue on which, working together, we may be able to resolve our differences. There has been some discussion——

Mr. BREAUX. Will the Senator yield for a question?

Mr. EDWARDS. If I could finish, then I will be happy to yield. There was a discussion yesterday in this Senate Chamber about the issue of employer liability. The Senator from Tennessee suggested, a few minutes ago, he thought the intent of both bills was to protect employers from liability. I agree with that. I know that is the intent of our bill. And I know, from my discussions with the Senator from Tennessee, that is the intent of his bill. We have gone about it in different ways.

We believe our bill in fact protects employers. We believe our bill is totally consistent with the President's principles, to which the Senator from Tennessee made reference earlier. The President, in his principles, specifically said employers should not be subject to lawsuits—I don't have the language in front of me, so I am paraphrasing—unless they actively engage in making medical decisions.

That is exactly what we intend our bill to do and we believe our bill does; that employers are protected from lawsuits unless they in fact make medical decisions.

Having said that, this is another issue on which I think we should continue our discussion because, particularly given the fact that both sides want to protect employers from liability and want to protect employers from lawsuits, if there is a better and more effective way to do that, which is also fair to patients, we should explore that. I think that is worthy of further discussion as we go forward.

Mr. BREAUX. Will the Senator yield for a question?

Mr. EDWARDS. Yes, I will yield.

Mr. BREAUX. Back on the point, I am glad we are having this discussion on trying to narrow the differences.

Back to the external review panel, we both agree, if it goes to an external review panel for a decision of whether something is medically necessary or not, that the people making that decision on this external review panel should be independent of the HMO. But my understanding of the Senator's bill is that the HMO would enter into a contract with these independent reviewers in order to have them review the decision.

My question is, Who selects with whom the HMO is going to contract? Is it that the HMO has to enter into a contract to pay the external review people, and they have to enter into a contract with somebody? Who picks the somebody?

Mr. EDWARDS. That is a fair question. Let me respond to the Senator's question, and then I want to go back to talking about the bill specifically.

What our intention is in our bill is to provide an objective third party who chooses who the group is, who contracts and actually selects the review panel, and then chooses the review panel.

The Senator will recall, in previous bills that have been talked about and debated in this Senate Chamber, that has been one of the mechanisms used so that you do not have the HMO actually involved in contracting either with the group that is choosing the review panel—I think it is important to talk about both because they are both involved—or the review panel itself.

As a practical matter, the HMO is not likely to be choosing the actual review panel because much more likely, in real life terms, as the Senator knows, they would contract with a group that would choose the review panel.

What we want, and is the whole intention of our bill—and we think this is a very significant difference between the bills—is we do not want the HMOs—other than the fact that the HMO, I think in both bills, is responsible for the cost—we do not want the HMOs being able to have control either over the group that chooses the review panel or over the review panel itself.

I think that is an important distinction between these two bills because the way this process works, both bills are structured—with the exception of this difference that the Senator from Louisiana and I have just discussed—exactly the same way to avoid cases going to court.

There has been a lot of rhetoric on the opposing side that our bill will stimulate and foster frivolous lawsuits. The truth of the matter is, our bill does exactly what their bill does to try to avoid cases going to court.

Experience has proven, both in California and in Texas, that when you use that structure, which is that an HMO denies treatment, an HMO denies coverage, the first step is to go to an internal review within the HMO. If that is unsuccessful, the second step is to go to a truly independent third party review. If that is unsuccessful, and if the patient in the interim has been injured as a result of the HMO's behavior, then the case can be taken to court—the two States where that process has been used—and I again will say the structure is the same in both bills, the difference being we prohibit the HMO's involvement in the selection of the independent review process.

Mr. BREAUX. Will the Senator yield for a question?

Mr. EDWARDS. If I can finish, I will be happy to yield. In the two places

where that system has been used before, which is in California and Texas, very few lawsuits have been filed. They are two of the biggest States in the country, some would argue two of the most litigious States in the country. They have a system similar to ours, and actually similar in structure to theirs. In both cases, what has happened is that the vast majority of the hundreds and hundreds of claims that have been filed—an HMO denies a claim, the claim then goes to internal-external review—the vast majority of those cases have been resolved by the appeals process.

That is what we mean when we say our bill is structured to avoid cases going to court. In fact, in most cases it is in the best interests of the patient to get the care and to get it as quickly as possible. That is the reason for the internal review process. That is the reason for the external review process. That is the process we used in our bill. It is the process they used in their bill.

Unfortunately, in some cases, if an HMO arbitrarily or intentionally denies care to a patient—and we have all heard the stories in this Chamber—when that occurs, in some cases a child or a family or a patient can be injured as a result.

If that occurs, then that child or family can take their case to court. That is what has been done in Texas. That is what has been done in California. What we have found is what common sense would tell us, which is that the system works.

Mr. BREAUX. Will the Senator yield?

Mr. EDWARDS. I will.

Mr. BREAUX. I am trying to nail down this point on the independent review. I am trying to do this one point at a time because we have so many points out there. It is my understanding both our bills have the HMO paying for the independent reviewers. Both of them enter into a contract with people who are going to have an independent review. Therefore, in a sense, in both bills the independent reviewer really works for the HMO in the sense that the HMO is going to enter into a contract for their services. The HMO will have to pay for those services. Both bills require that.

Mr. EDWARDS. That is correct.

Mr. BREAUX. The issue is, this should not be an insurmountable task for us to reach agreement on how we select the people who are going to do it. Somebody has to make the selection. I don't know that you have another creature out there who goes out into the world and says: Pick reviewer A versus reviewer B. Somebody has to pick who the independent reviewers are. In both bills the HMO pays for them. It is just a question on how they are selected. Our bill says they should be independent reviewers, and I think there are a lot of companies that do that type of work. The Senator from North Carolina probably knows it far better than I in his practice of law. But there are groups which are totally independent that offer their services to do this.

Isn't there a way that the two bills can reach agreement on how we select the independent reviewers? The HMOs in both bills are going to pay for the services. It is just a question of how we select them. I want them to be as independent as they possibly can.

Mr. EDWARDS. I appreciate the comments of the Senator from Louisiana. First of all, he made reference to a creature selecting who the review panel is going to be. We don't want that creature to be the HMO.

Looking specifically at the language of our bill, I am looking at page 54 of the bill, it reads:

> No such selection process under the procedures implemented by the appropriate Secretary may give either the patient or the plan or issuer any ability to determine or influence the selection of a qualified external review entity. . . .

I have a question for the Senator. My question is, This language specifically prohibits anybody involved in the process from determining or influencing the selection of a qualified external review entity; would the Senator agree to this language?

Mr. BREAUX. Let me answer that with a question.

Mr. EDWARDS. Will the Senator agree to this language?

Mr. BREAUX. Let me answer it with a question. Does that language prohibit the HMO from paying the salaries of the independent reviewers? Is that not influencing the independent reviewers? If the HMO, under your bill, pays for the services of the independent reviewers, is that not influence over their decision?

Mr. EDWARDS. I just read the Senator exactly what the language says.

Mr. BREAUX. I appreciate that. But it says you can't influence the independent reviewer. Under your bill, the HMOs are paying the salaries for the services of the reviewer. Is that not influence?

Mr. EDWARDS. My question to the Senator is, If you say you agree with us conceptually about this, and we have specifically said that no such selection process implemented by the appropriate Secretary may give either the patient or the plan or issuer any ability to determine or influence the selection of a qualified external review entity, would you agree to that language?

Mr. BREAUX. I agree with the principle, but who makes the selection? That is why I used the word ''creature.'' What entity picks the group the HMO has to contract with?

Mr. EDWARDS. The Secretary sets up a process by which the selection of the independent review panel is done and by which the selection of those people who are eligible for the independent review panel is done. The Secretary is responsible for doing that.

My point to the Senator is, his bill doesn't say this. By the way, neither the HMO nor the doctor nor the patient can play any role in that process. If the Senator agrees with us on that concept, would he agree with the language I just read to him?

Mr. BREAUX. I think we may be close to reaching agreement. If we can't solve this problem, we might as well shut down this place; we will never solve any problem. This is a small problem in comparison with other issues we are going to be faced with in conference.

Let me ask if the Senator suggests that HHS or the Federal Government has an approved list of independent arbitrators.

Mr. EDWARDS. It is actually the Labor Secretary.

Mr. BREAUX. The Labor Secretary would have an approved list of independent reviewers and they would publish that approved list and allow that there be an approved list of independent reviewers that the Secretary of Labor would designate as being independent review people or organizations that do that type work. And then somebody has to pick from among that list. They may have 20 different groups that do that on the list. Then somebody has to enter into a contract with one of those.

In both of our bills, it is the HMO that has to enter into the contract. Is it inappropriate to allow the HMO to pick from a selected approved list by the DOL?

Mr. EDWARDS. Reclaiming my time, first of all, I thank the Senator for this discussion. I hope we will be able to continue to talk about this. My concern is that we specifically say and designate that the Secretary of Labor shall set up a process by which these people are identified. That process is required by law to not allow any of the people involved in the process, which is only fair, to have any control or any influence over who ends up on the panel. We don't set up a specific process. We give the Secretary of Labor the responsibility for doing that.

My point, in response to the Senator's question—then I will go back to the other issues I need to talk about—is that we deal with this issue. He doesn't.

I think it is critically important—I am happy to continue working with the Senator—that when you have an independent review, when you have a second appeal after the HMO internally has denied the claim, that whoever is conducting that review and whoever is on that panel not have any connection with the patient, with the doctor, or, probably most importantly, with the HMO. That is the only way we are going to get a fair and impartial review panel.

Mr. BREAUX. Will the Senator yield for a final question?

Mr. EDWARDS. Yes, I will.

Mr. BREAUX. I am trying to resolve this point. It is not irresolvable. You suggest that the Department of Labor comes up with an approved list of independent external review people. It could be several groups or several individuals who would be in a selected

group of independent reviewers. When that is done, the next step is that somebody has to pick the one for this particular case that is at issue. It is either going to be the HMO that has to enter into the contract or the Department of Labor that is going to have to select the one that is going to be used in every one of these procedures.

It seems to me at that point, if the DOL has selected a group of impartial reviewers, that there is nothing wrong with having the HMO pick one of them to enter into a contract with because it is from an approved list and it has to come from that approved list. Is that bad?

Mr. EDWARDS. Reclaiming my time, responding specifically to the Senator's question, what we actually do—I hate to have to keep repeating this—we deal with this issue. You don't. What we do in this bill is we give the Secretary of Labor responsibility for setting up the process. We don't say to the Secretary of Labor: You identify this group of reviewers or these people who are eligible for the review panel. Instead, what we do is give the Secretary of Labor responsibility for setting up the process. But in setting up the process, the Secretary is required to not allow any of the people involved to be able to influence who is on the panel and who is involved.

I appreciate very much the Senator's questions. I hope we can continue to talk about this. It sounds to me as if he is genuinely concerned and interested in trying to resolve the issue. We appreciate that, but at this moment we don't have a specific solution to this issue, and we are happy to continue to talk about it. But we believe very strongly—it is the reason we address it in the bill—that the HMO and the people involved should have no role; instead, we should have an impartial process. Just like you want an impartial jury, you have an impartial review process.

Now, Mr. President, if I can go back to the overall issue of the bill, and then I want to talk about a particular patient. First, we do want to make it clear to the American people who are listening to this debate that there is a lot of media coverage that suggests that accountability, or taking HMOs to court, is the only major difference between the bills. There are major differences from start to finish—on coverage, on access to specialists outside the plan, on access to clinical trials, as the Senator from Massachusetts suggested a few minutes ago, and on a truly independent review so the decision of the HMO can be reversed, as the Senator from Louisiana and I discussed.

Finally, the issue of accountability. There are two goals in our legislation, and we believe they are met. One is to provide real and meaningful patient protection—to put the law on the side of patients and doctors so that the health care decisions are being made by the families affected by them and by the people who have the training and experience to make them—the health care providers—and not by some bureaucrat sitting behind a desk working for an insurance company.

Second is to treat HMOs as everyone else. The problem is that some people would suggest that we should help maintain the existing privileged status of HMOs. HMOs are virtually the only entity in America that cannot be held accountable. Their decisions can't be reversed; they can't be appealed; and they can't be taken to court. When they deny coverage, the families are stuck with what they did. We want to simply treat HMOs as every individual American, every small business, every large business; they should be treated the same.

If my colleagues think differently about that, and if they believe HMOs are privileged citizens and they ought to be able to maintain some of the privileged status they have today, they will have to make their case. I believe the American people believe that HMOs should be treated just like the rest of us.

I said earlier that these debates are not abstract and academic; they are real. They affect people's lives. I want to tell the story today about a young man named Gary Wemlinger and his wife Jerrie who live in my State, in Kernsville, NC. Gary, unfortunately, was diagnosed with kidney cancer some time ago. Specialists at Duke University Cancer Center have told Gary that surgery, radiation, and chemotherapy will not help him. In other words, his life cannot be saved by those treatments.

In this photograph are Gary and his wife and his five beautiful children. What they have told him is the only chance he has for recovery and to be able to spend more time with his family is to have a procedure called a stem cell transplant.

Now, what we know medically is that stem cell transplants have saved many lives across this country of patients with cancer. But because this is a fairly new treatment, and particularly for Gary's particular kind of cancer, the insurance company has said that it is experimental and, therefore, they won't pay for it. They have refused specifically to pay for it.

As you would expect, the people around Gary—his family, friends, neighbors, people in the community—have pitched in and they are working very hard to try to raise the money for Gary to have this stem cell transplant that he so desperately needs. They are having a very hard time coming up with the amount of money that it would cost. This is a perfect example of the effect that the McCain-Edwards-Kennedy bill can have.

Under our bill, when Gary needs this stem cell transplant—and his medical doctors at Duke University Cancer Center believe he does—the insurance company not only would be required to give him more serious consideration initially, but once the decision was made not to pay for the care, he would have the right to go to a truly independent medical review board to get that decision reversed. That medical review board, made up of doctors, would consider, among other things, the recommendations of the cancer specialist at Duke University Medical Center who would tell them that the only way Gary's life would be saved is through this stem cell transplant. Otherwise, these other traditional therapies—radiation, chemotherapy, and other surgeries—will not save his life.

This is a perfect example of a man and his family who would be dramatically affected if the law were on his side, on his family's side, instead of being on the side of the big HMOs.

We can talk about this a lot. There was a quote today in one of the newspaper stories—which we will make reference to later as the debate goes on—from the HMO lobbying group saying that they are prepared to spend whatever is necessary to stop the legislation from passing. They have already spent many millions of dollars and they will continue to spend millions of dollars, and they have been doing it for years. They want to keep their privileged status.

I will tell you who is not spending millions of dollars in this debate. Gary and his family are not spending millions of dollars. They have only us to count on—the people who are in this body and the people down the street on Pennsylvania Avenue. That is who they are counting on, the people they sent to represent them in Washington, DC. You won't see a television ad about this family. You won't see this family spending millions of dollars. Instead, you will see their friends and neighbors and members of their community trying desperately to raise the money that the HMO won't provide.

The point is there are clear lines in this debate. While we want very much to work with our colleagues to find a bill that can pass the Senate, pass the House, and will be signed by the President ultimately, we have to make a decision. We have to make a decision about whether we stand with the big HMOs or whether we stand with patients such as Gary and their families.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EDWARDS. Thank you, Mr. President.

Mr. FRIST. Mr. President, I understand that the next 30 minutes is under our control.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. I yield to the Senator from Pennsylvania—he understands the situation. The Senator from Wisconsin needs how much time?

Mr. FEINGOLD. About 6 minutes.

Mr. FRIST. Would the Senator yield to the Senator from Wisconsin?

Mr. SANTORUM. If the Senator will yield, I will withhold our half hour and have his time come out of the next half hour on the Democratic side.

Mr. FRIST. Mr. President, I ask unanimous consent that the time of the Senator from Wisconsin be taken from the next 30 minutes after the 30 minutes on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I certainly thank the Senator from Tennessee and the Senator from Pennsylvania for the courtesy in allowing me to speak at this point.

Mr. President, I rise today to speak about the importance of passing a meaningful Patients' Bill of Rights that will provide patients access to the health care that they need. A real Patients' Bill of Rights is absolutely vital to protecting the quality of health care for all Americans.

I would like to make my colleagues aware of what I have been hearing from Wisconsinites about the importance of protecting patients' rights. At my listening sessions across Wisconsin, I often hear about the grim reality that the American health care system is no longer controlled by those who best understand how to treat patients—our physicians.

Instead, managed care companies, primarily HMOs but also other health insurance providers, have become so involved in the business of health care that they control nearly every aspect of health care including where care is provided, and by whom. Of greatest concern to me is that these managed care organizations can decide whether that health care can be provided at all—they make the key medical decisions.

In other words, regardless of whether that care is determined to be medically necessary by the physician who is treating you, managed care administrators can override your doctor's medical decisions and refuse to cover the care that you need.

How does this happen? Well, managed care companies control costs by limiting supply—screening of the health care providers its enrollees are permitted to see, requiring patients to go through insurance company gatekeepers prior to seeing a specialist, tracking physician proactive patterns to ensure that doctors are complying with HMO's cost-control efforts.

Some HMOs go so far as to impose a gag-rule on doctors, prohibiting physicians in their system from discussing treatment options that the HMO administrators deem too expensive.

I want to highlight two aspects of this legislation that are important examples of the need to ensure access to vital medical treatment—access to live-saving prescription drugs and clinical trials.

Perhaps nowhere has there been more advancement in medical technology than in prescription drugs. They provide patients with cures to life-threatening diseases, and are vital to restoring a patient back to health.

Unfortunately, some HMOs limit the type and amount of medications to cut down on their cost. While I understand that these costs lead to savings in our health care system, we must ensure that patients can get the drugs if they truly need them.

I commend Senators MCCAIN, EDWARDS, and KENNEDY for reaching a middle ground in the tug of war between cost control and access. Congress must pass legislation that ensures that physicians and pharmacists participate in the decision making process of who has access to prescription drugs. Congress must not forget in this debate that this input is vital for those with allergies to a given medicine. We must remember that we are considering a lifesaving measure for those who have found ineffective the prescription drugs that the health plan authorizes.

Another vital provision of this legislation is that it protects the rights of patients who want to participate in lifesaving clinical trials. The McCain-Edwards-Kennedy bill would ensure that routine health care costs associated with participation in clinical trials would provide all patients with reasonable access that could potentially save their lives.

Health insurance and managed care plans must encourage good science and help define quality care by reimbursing routine patient care costs for those with life threatening diseases who wish to participate in approved clinical trials.

Right now only 3 percent of adult cancer patients are enrolled in clinical trials and lack of insurance reimbursement is often a major obstacle to their participation. We must remedy this problem, and under the McCain-Edwards-Kennedy bill, Congress can do just that.

These patient protections ought to be part of the deal when you enroll in health insurance. These are pretty basic concerns, Mr. President, concerns that I think may get lost in all the political rhetoric.

When we speak about protecting patients' rights, I want to be clear that we are talking about how to make sure that corporate cost-control concerns don't result in people being denied the care that they need.

What we need is some thoughtful, reasoned debate and deliberation of the proposals, not stonewalling and stalemates. I hope that we can work together to craft bipartisan legislation that makes the difference in the lives of patients across America.

Mr. President, I again thank the Senators from Tennessee and Pennsylvania for their courtesy, and I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I want to comment for 1 minute on a statement made earlier on clinical trials to clarify it for people who are following the debate. We are going to have the opportunity to debate hopefully each of these patient protections to refine and improve them. Both the Frist-Breaux-Jeffords and the Edwards bill have clinical trials addressed as a patient protection, as a right of a patient to have access to clinical trials if they are in employer-sponsored health care.

We do have to be very careful about coverage of clinical trials. What we started with was trying to figure out how many clinical trials are going on today.

Under the Frist-Breaux-Jeffords bill, we include coverage by the Veterans' Administration clinical trials, all the clinical trials in the National Institutes of Health, and Department of Defense clinical trials. The issue is on the FDA, and the FDA obviously does wonderful clinical trials.

One concern we need to address is how many clinical trials is the FDA doing. I was going to ask the Senator from North Carolina earlier how many clinical trials are there in the FDA. Since we are taking people's money to pay for it, we need to know how much it is going to cost.

It is unclear at this juncture, and we need to work together to see how many there are. In fact, we do not know today how many FDA clinical trials are being conducted as part of FDA protocol.

We know the Center for Drug Evaluation, at the end of calendar year 2000, had 11,838. The Center for Biologics Evaluation and Research has 2,869. The Center for Devices and Radiological Health has 1,084. We know there may be some 16,000 clinical trials. Until we understand how many clinical trials, because these clinical trials cost, there is an incremental cost to these clinical trials, before we pass a law and say let's cover everything, since we all know adding incremental costs ultimately translates down to the uninsured, we need to know what these costs are.

Until we get a better feel—and I have been working for a long time trying to find out. I know NIH has 4,200 clinical trials extramurally and intramurally; 1,800 are cancer-related trials. The Department of Defense—we are looking at the number of clinical trials. The VA has 162 clinical trials, 30 of which are with partners; and 729 extramural VA-funded clinical trials, for a total of about 891.

I do not know how many FDA clinical trials are out there or what the cost actually is. We need to look at that sometime in the debate.

I understand we have 30 minutes on our side, and I yield to the Senator from Pennsylvania for such time as needed.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Tennessee. I thank him in particular for his excellent work in this area. He is a great leader and obviously an authority, somebody who understands the issue better than any of us in this Chamber. I appreciate his willingness to be fully engaged and participate in crafting a

bill that will solve the problems of the health care system today and, frankly, a bill that will be signed by this President and enacted into law.

That is the balancing act which people need to come to this Chamber and pay attention to.

To start, No. 1, I am certainly for a Patients' Bill of Rights, and I have worked for the past couple of years as a member of the health care task force on our side of the aisle to craft a Patients' Bill of Rights. I feel very strongly there are protections that need to be placed into Federal law for those people who are covered by plans that are regulated by the Federal Government. They do not currently have patient protections.

When I first got into this now over 3 years ago, the state of play in health care was a little different than it is today. We had some issues that were hot-button issues. Maybe 4, 5 years ago, the issue of gag clauses was a big deal. I think everyone now pretty much agrees—even though there is language in the bills that outlaws them—they are gone; they are not around anymore. Most States, 5 years ago, had not really taken this issue up and gotten involved in the area of patient protections. Since that time, every State in the country has at least debated, and almost all of them have passed, some form of patient protection to cover regulated and sponsored plans of the State. We have a little different state of play with respect to the landscape of who is and who is not protected.

Clearly, now the only participants in health insurance in this country who are not protected with any patient protections are those who come under the ERISA plan, or federally sponsored plans. All the others have some sort of State regulation to take care of their concerns because they are State-regulated products; they are products approved and authorized by the State and State insurance commissioners, Governors, and on down.

When it comes to the Federal plans, we need to look at and I am strongly in favor of inserting some patient protections for these federally sponsored plans, called ERISA plans. It is over 100 million people. It is not a small amount of people. That is from where we need to start.

The second thing we need to look at is the differences where we began to take this up 3, 4, 5 years ago and where we are today. A few years ago we thought we had health inflation under control. We were looking at rates of growth in health care costs that were slightly above the rate of inflation. As a result of some of the dynamics in the private health care system, we were settling down, and it looked like we had reined in costs in health care. We were being rather ambitious about how we can provide patient protections and not worried about the impact of costs on the system.

That is a little different today. Today we are looking at double-digit increases in health care premiums. I was with an employer yesterday who told me his health insurance premiums over the past 2 years have gone up 42 percent. That, according to some other friends of mine with whom I have talked in Pennsylvania, is not unusual. Health care costs are skyrocketing again.

The question is, What do we do here that impacts this system? I always say with respect to anything we do in Washington, DC, first and foremost, is do no harm. We want to do good things. We want to make sure the state of play in America with respect to getting health insurance and good quality health insurance is always to enhance that ability, not detract from it.

One of the major concerns I have with the legislation before us today is what it will do to increasing costs of health insurance. At a time when we have 44 million uninsured, I believe that is the No. 1 problem in health insurance in America. We can talk about one bill covering 56 million people and one bill covering 170 million people and one covering 180 million people. None of them covers the 44 million people who do not have insurance.

If we want to look at what the real problem is in America, it is the 44 million people who do not have any health insurance. There is not one thing in this bill that helps any of those people.

The Congressional Budget Office and others looked at this and determined this legislation will take the 44 million people and turn it into over 45 million people. All it will do is add to their ranks. If misery loves company, this bill helps because it will add to the misery. It will take 44 million people and make them 45 million people with the increased costs in this bill. I would argue, given the employer liability provisions in this bill, that 45 million is just the beginning of the increase in uninsured. We may very well go from 44 million to 45 million if the employer provisions pass. I don't think these provisions will be signed into law because, thankfully, the President said he would veto the bill.

If for some reason the employer liability provision passes, it will open the avenue for lawyers to get in there and sue employers that provide insurance to their employees. No good deed goes unpunished, as they say, so we have employers who go out and provide insurance to their employees, and we would punish employers for doing that if we in the Senate allow them to be sued simply for providing insurance for their employees. To me, that is not just going to increase the uninsured, as some say who have studied the bill, from 44 million to 45 million, but from 45 to 88 or 120 or whatever the case may be. We will have massive uninsured. Employers will be crazy, if they are in the business of making, say, podiums, to allow themselves to be sued by lawyers because they provide health insurance to employees.

This is a very serious issue, the issue of access. I hope, and I believe, there will be amendments offered over the next week or two—however long we are on the bill—that will do something about access to insurance. If we walk out of this Chamber with our arms raised, saying we have helped patients, and we have done nothing but add to the ranks of the uninsured, it is a hollow victory; we have done nothing for the No. 1 problem in health care, not just to the 44 million who do not have insurance, but to all the people who do have insurance and have to pay higher insurance premiums to pay for the 44 million people who end up at the hospital because they don't have insurance and don't get the primary care that they should at the appropriate time.

Currently, we take care of hospitals that provide uncompensated care for those without insurance coverage. In my major cities—Philadelphia, Pittsburgh, Harrisburg—hospitals are financially strapped because of the high number of people who come through the door who don't have insurance and have to be taken care of, and are willingly taken care of by the nonprofit hospitals. Again, it is uncompensated. What do they do? They lose money. They cannot pass it all over to the insurance because the insurance will not pay for it. This is a huge problem. There is nothing in this bill that takes care of this problem except, as I said before, if misery loves company, we add more to the uninsured as a result of this bill. That is not solving the fundamental problem in health insurance.

When we offer amendments, I hope we can get bipartisan support for some tax provisions that will increase the number of insured in this country, that will deal with the No. 1 problem facing America in the area of health insurance. That is, frankly, the almost embarrassing situation of having that many people on the uninsured lists.

We have a lot of other issues with which I believe we need to deal. One of the things I am hopeful we will offer is an expansion of medical savings accounts. It is a pilot program right now. I would love to see that program expanded to give real choice to people in the private health insurance system, to give them the opportunity to manage their own health insurance needs, to be able to provide for themselves and their family, and do so in a way that they have maximum choice, maximum flexibility. That should be included. Giving people choices, giving people coverage, giving people flexibility—these should be the hallmarks of this discussion, not driving up costs and increasing the uninsured and having lawyers replace doctors as decisionmakers, No. 1; and, No. 2, these lawyers' fees siphon a tremendous amount of money out of the health care system.

There are scarce resources, and this bill is overloaded with rights to sue not just HMOs—we can debate that. I am willing to discuss what we can do as far as suing HMOs. However, I am not willing to discuss, to be very honest, allowing employers to be sued. What are the consequences of employer liability?

Any employer should think about it. Would you allow your business, for which you sweated hard and perhaps built as a family business, or a big corporation, would you allow your corporation to be liable to suit simply because you provided a health benefit to your employees that has nothing to do with your business? If you did, my guess is, if you were a big corporate CEO, you would be fired. No shareholder in their right mind would want their company, their investment, to be wiped out by a group of employees who were unhappy with the health care coverage the employer provided. That is not their business. Their business is making podiums or printing paper or generating electricity. It is not providing health care to their employees. So it is one thing to be sued for the products you make or the services you provide. That comes with the business. But you shouldn't be liable for suit for benefits you provide to your employees. If you are liable for suit, you simply must get out of the business of providing health insurance to your employees. The impact on the number of uninsured in this country will be profound.

I will shortly yield to the Senator from Arkansas, and I am interested to hear what he says. The No. 1 thing to understand in dealing with this issue is, first, do no harm. If we look at the greatest problem in the health care system, it is the number of uninsured in America. And the greatest harm this legislation will create is to explode that number. That is not a victory for patients. That is not putting patients first. That is putting lawyers first, putting litigation first. It is not putting mothers and fathers and children who need and want affordable health insurance first. It is not putting these people first who are saying they need these procedures. Taking insured people who have a problem with their HMO and turning them into uninsured people is not helping them. Taking someone who has a problem with their insurance company and turning them into someone who is no longer covered is not helping them. That is not putting patients first.

What we want to do is put patients first, make sure there are adequate protections in the law, but not create a system where we will simply destroy the private health insurance system in this country. That is what this bill does. We, hopefully, can fix it. We will have amendments to fix it. There is a lot in common with these bills, but we have to fix the things that are the most egregious, and hopefully over the next week or two we will be able to do that.

Mr. FRIST. How much time remains on our side?

The PRESIDING OFFICER. Thirteen minutes.

Mr. FRIST. I thank the Senator from Pennsylvania.

The Senator spelled out frivolous lawsuits, unnecessary costs, unnecessary mandates through micromanagement drive up the costs of premiums and it falls on the shoulders of the working poor who cannot afford the insurance. That is where the uninsured come in. I take it a step further: Frivolous lawsuits increase costs, loss of insurance, the uninsured—that translates to less care, a lower quality of care. It is not just the number of uninsured, it is the impact of being uninsured today. That is something on the floor we will have time to debate over the next several weeks.

I yield the remainder of our time to the Senator from Arkansas.

Mr. HUTCHINSON. I thank the Senator from Tennessee for his leadership on this issue, his expertise and knowledge. We are fortunate, indeed, to have someone with his knowledge of this issue as part of our institution.

I associate myself with the remarks of the Senator from Pennsylvania. He is absolutely right. I served on the conference committee on the Patients' Bill of Rights for more than a year. We wrestled with these issues. There was broad consensus that we need a Patients' Bill of Rights. I agree; we need to have a Patients' Bill of Rights. We need to have a set of legislatively codified protections for those who are in managed care systems in this country.

Where we had a problem was in the area of the lawsuits, the liability, the right to sue, and how broad should be that right to sue. While we have broad consensus in this body and in this country that there should be a Patients' Bill of Rights, there is also a growing understanding that if we do this wrong in the next few weeks, all we will do is move hundreds of thousands, if not indeed millions, of people out of the ranks of those who enjoy the protection of health insurance from their employer into the ranks of the uninsured. That is the risk we take and we better do this job right.

The Kennedy-McCain bill ignores what I believe is the most important patient protection of all and that is access to affordable health insurance. They do absolutely nothing to move those 44 million people, who today in this country do not have health insurance, into a situation in which they are covered. This bill does not address that at all.

While we may agree we need patient protections for those in HMOs, we need to be very careful that in enacting those patient protections we do not even exacerbate the problem of the uninsured in this country. The CBO, the Congressional Budget Office, has found the Kennedy-McCain bill would raise health insurance premiums by at least 4.2 percent and cause nearly $56 billion in lost wages over 10 years.

That 4.2 percent, somebody says that is not much; that is about inflation, isn't it? That is on top of the 10-percent to 13-percent increase in health insurance premiums this year, which is the third consecutive year of annual premium increases in that range. In fact, in the year 2000, premiums increased 12.4 percent; in 2001, premiums are projected to increase 12.7 percent; and in 2002, premiums are projected to increase 12.5 percent.

We are adding on top of that premium increase another 4.2 percent, as projected by the CBO. I think that is a very conservative estimate, 4.2, so we are making that problem even more severe. The Barents Group data shows for every 1-percent increase in health insurance premiums, 300,000 Americans will lose their health insurance. What that means is the Kennedy-McCain bill could cause as many as 1.3 million Americans to lose their health care, according to the CBO. If the CBO is wrong and they are understating it, as I believe they may well be, instead of 1.3 million Americans losing their health care, it could go considerably higher.

There are 44 million uninsured Americans in our country now. So the Kennedy-McCain bill does nothing to make health insurance more affordable. Instead, it pushes the number of uninsured to even higher levels, from 44 million to 45 million, 46 million, or more.

This is the question I pose to my colleagues: What good are patient protections when 45 million people cannot enjoy them? What good will this bill do for the 45 million who do not even have health insurance today? I will tell you, it does no good at all.

Claims that the Kennedy-McCain bill covers all Americans is the biggest hoax being perpetrated in this debate today. This bill does not cover all Americans. This bill does absolutely nothing for the millions of Americans who cannot afford health insurance. We will do a disservice to this country, a disservice to the health care system in this country if, while addressing patient protections, we do not also address access. I will be offering amendments to that end. I hope my colleagues will be as well.

Dealing with the issue of liability, Kennedy-McCain supporters keep telling the American public their bill protects employers from lawsuits and that it caps damages at $5 million. Let's be very candid; let's be very honest about this. This cap only applies to punitive damages in Federal court. What Kennedy-McCain proponents fail to mention is that employers can be sued for unlimited economic damages in Federal court, unlimited noneconomic damages in Federal court, unlimited punitive damages in State court, unlimited economic damages in State court, unlimited noneconomic damages in State court, and damages through unlimited class action lawsuits under both Federal and State laws. That is what, according to the CBO, is the second major component of the cost increases that are going to occur to health premiums across this country.

I further point out there is really no exhaustion of the appeals process required. Though the bill says there is,

the exceptions swallow up the rule. Kennedy-McCain requires a patient to file a request for external review within 100 days after the internal review. Nevertheless, Kennedy-McCain allows a patient—this is so important—to go right to court on the 181st day without even having gone through the appeals process by claiming that they just discovered an injury.

It makes sense, then, if you think the insurance company, the HMO, has made a wrong decision and they have been inappropriate in the decision they have made, that you have an expedited internal appeal of that decision. We all agree upon that. It is also logical and consistent, and I think there is a consensus that there should also be an option to go to an external appeal, to an independent medical expert reviewer to look at the case and make a determination as to who is right.

If we are really concerned about health care being provided for the patient, we should require that the internal and external appeal happen, happen quickly, and those appeals be exhausted before there is ever a right to sue. The goal should not be let's see if we can get to court to see who can get the dollars. The goal should be to ensure the patient is getting the health care they deserve. By allowing a patient to simply wait until 180 days have expired and then to simply allege they only now discovered the injury and to go directly to court without ever having gone through an internal appeal, without ever having gone through an external appeal, is to open the floodgates to lawsuits.

Look at the original bill on page 149. You will see that exception is clearly there. This loophole allows an employer to be taken to court 5 years, 10 years, 15 years after its health plan denied a claim for a benefit without ever having gone through an external, independent, medical review process.

What is the result? The result is that if Kennedy-McCain passes as it is now written, we will threaten the very employer-provided health insurance system that has served our country well. Maybe that is the goal. Maybe, instead of patient protections, the real goal in this legislation is to swell the ranks of the uninsured and then come back and say: Look at our huge problem. We have to address this again.

I hope that is not the goal of those who are pushing this lawsuit-geared so-called Patients' Bill of Rights. Employers will be sued even if they are upheld by the independent medical reviewer's determination under the Kennedy-McCain bill.

Kennedy-McCain is, in fact, a trial lawyer's dream. It is a trial lawyer's bill of rights. New lawsuits under Kennedy-McCain have absolutely nothing to do with ensuring that patients get quick access to needed care. According to the Urban Institute, medical malpractice claims take an average of 16 months to file, 25 months to resolve, and 5 years to receive payment. That is what we are inviting in this bill, not that patients are going to have rights and that patients are going to be assured that on an expedited basis they are going to be able to get the kind of medical treatment the insurance company has promised. This bill, as it is currently drafted, will ensure the courts are clogged with lawsuits and lawsuits for not months but years and years. That is not in the interest of improving health care in this country.

You would think, after months and years in court, a patient or the patient's family would finally be justly compensated for their injury or their loss, right? Wrong. In fact, the tort system returns less than 50 cents on the dollar to the very people it is designed to help and less than 25 cents for actual economic losses. So the real winners in this lawyers' bill of rights will, in fact, be the trial lawyers. The lawyers win and the process wins and the patients lose. That is why we need to improve this bill.

Madam President, how long do I have remaining?

The PRESIDING OFFICER (Ms. CANTWELL). The Senator has 1 minute 45 seconds.

Mr. HUTCHINSON. It is said over and over again that we have to pass a Patients' Bill of Rights because the American people are demanding it. I think if you ask the American people, if you ask most Members of Congress, are you for a Patients' Bill of Rights, they would overwhelmingly say yes. I would say yes. We all believe patients ought to have greater patient protections and they ought to be codified. They ought to be in law. But it does not tell the whole story.

A recent survey that was conducted in conjunction with the Harvard School of Public Health found this. When the question was asked of the American people, all voters, Republicans, Democrats and Independents, do you favor a Patients' Bill of Rights, 76 percent said yes. But when they were asked this question, what if you heard that this law would raise the cost of health plans and cause some companies to stop offering health care plans to their workers, would you still favor a Patients' Bill of Rights? Instead of 76 percent, 30 percent say they would favor it under that situation.

During the last few weeks, it has become increasingly clear to the American people that the Kennedy-McCain Patients' Bill of Rights, which opens the floodgates to lawsuits, would increase health care premiums and cause millions of people to lose their health care insurance, and they do not favor that kind of bill of rights.

I ask unanimous consent to have printed in the RECORD letters from two of my Arkansas constituents who are employers, telling about the threat this litigation-laden bill poses to their ability to offer health insurance to their constituents.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MCKEE FOODS CORP.,
Collegedale, TN, June 14, 2001.

Hon. TIM HUTCHINSON,
U.S. Senate, Senate Dirksen Building, Washington, DC.

DEAR SENATOR HUTCHINSON: The Senate will soon consider a proposal that will give Americans the right to sue their insurance provider in state and federal court for coverage decisions. As a business owner, this prospect has me worried McKee Foods has voluntarily sponsored its own health plan for more than 30 years. All of our employees and their families have the option to take part in our group coverage, including the 1,420 employees who work at our Gentry, Ark., manufacturing facility. In 2000, McKee Foods and its employees spent $25 million to provide health care benefits for all 6,100 of our employees and their families. The company directly paid for more than 75 percent of this amount.

Over the last two years our group insurance benefit costs are up about 26 percent and our prescription drug benefit cost has nearly doubled. The company has absorbed most of the cost increases, but employee premiums have also risen by 10 percent. It's important to note that none of the proposals presently under consideration have protection in place to protect the health care purchaser, whether individual or company, from the increased cost of coverage due to insurer liability. A health care bill containing additional costs will simply compound the problem of rising costs.

Our health plan, which is governed by ERISA, is self-insured, self-funded and self-administered. Maintaining an ERISA plan allows McKee Foods to provide uniform health care benefits to our employees in all contiguous 28 states. We've reviewed the various proposals put forth by both the Senate and the House of Representatives and have come to the conclusion that McKee Foods can be sued for voluntarily providing health care benefits. Each of the major bills under consideration contains language that defines the liability trigger as ''direct participation'' or ''discretionary authority'' over the decision. This standard directly implicates ERISA's fiduciary responsibility duty. For employers who offer a health plan governed by ERISA, liability is real.

I believe that legislation containing liability for companies will certainly lead to more uninsured Americans. I also believe that many employers want to offer health care benefits because this type of benefit helps us attract and retain high quality employees. Please remember that the voluntary employer-based health care system in our country provides coverage for more than 172 million Americans.

I'm asking you to support a health care bill that sets up a strong system for binding external review instead of lawsuits. Let's get patients the medical treatment they need, when they need it. Reaching a conclusion later in a court only benefits the attorneys.

Sincerly,

JACK MCKEE,
President and CEO.

Springdale, AZ.

DEAR ARKANSAS SENATORS LINCOLN AND HUTCHINSON: I am a small business owner in Springdale, AR. Our company employes 8 very fine people.

Our company has always made an effort to provide, at no expense to our employees, full family health insurance coverage.

A couple of months ago we were forced to begin sharing some of the cost of the health plan with the employees because of 40% plus increases. The monthly cost climbed to over $4000.00 a month for our relatively young group. I fear passing the S–238 bill will not

only cause greater increases but subject our company to possible legal actions because of our offering health insurance. We could be at the mercy of whoever decides to pay a claim or not—and open the door for the company to be liable.

I think the bill has a lot of danger in it. I urge both of our Arkansas Senators to do all in your power to defeat this bill. I urge you to vote against ''cloture'' thus limiting the truth to be brought out on the floor.

On behalf of myself, my partner and our employees, thank you in advance for logging this request.

JOHN W. HAYES.

P.S. Your voting records are the proof of your loyalty to the people of the Great State of Arkansas.

Mr. HUTCHINSON. Madam President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the next block of time shall be controlled by the majority party.

Mr. WELLSTONE. Madam President, I ask for 10 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, I say to my colleague from Arkansas that I think what will become clear to the American people over the next week—I certainly take very seriously the words of the majority leader that we will be here as long as it takes to pass this bill—is that this will be a test case of whether or not all Members of the Senate will be there for consumers, or whether or not the health insurance industry will be able to stop this legislation.

It is that clear.

There is an unprecedented lobbying effort going on right now and a tremendous amount of money is being spent with a full court press to block this legislation.

I have no doubt that we will have amendments on the floor over the next week or week and a half which will be an effort to gut this bill through amendments.

But I think that people in the country will have a very clear sense of whether or not we are on their side.

I say to each and every one of my colleagues that I am absolutely convinced from a lot of coffee shop discussions with people in Minnesota that people do not give a darn about the labels left, right, or center. They do not care about any of it. Politics for people is much more personal. Consumers and the people we represent are saying we want to have some protection.

Let me give you some examples. I will not use the real names of people to make this more anonymous. I will never forget a woman coming up to me and saying to me at a farm gathering in Minnesota: I want you to come over and meet my husband, Joe. Remember—you met him about 6 months earlier. The doctor said he only had 2 months to live. But my Joe is a fighter.

He had cancer.

I would like for you to come over and say hello.

He was not yet in a wheelchair. But later he was because he was weakened by this struggle with cancer. He has now passed away.

She said to me: I want you to meet Joe.

I went over, and we talked.

Then she said: Can we talk away from him?

We go away so he can't hear.

She said: It is a nightmare. Every day I am on the phone with the managed care company trying to find out what they will cover. Every day it is a struggle to get the coverage for my husband for the treatment he needs as he struggles with this illness.

No American family with a loved one who needs that care should have to be fighting it out with the insurance companies or managed care plans to get the care their loved one deserves.

That is what this piece of legislation is about that was introduced by Senators MCCAIN, KENNEDY, and EDWARDS with many of us supporting it. That is what this is about, pure and simple.

This is the most important consumer protection legislation we will vote on this year as Senators.

My colleague from Arkansas said: What about the 44 million people who have no insurance? I invite the Senator from Arkansas and other Senators to please join on a piece of legislation I have called Health Security for All Americans.

I am for universal coverage. I haven't heard a lot of my Republican colleagues talking about the importance of comprehensive health care reform, universal coverage, affordable and dignified human coverage for all. I hear them talking in opposition to this piece of legislation.

Why don't we first pass this consumer protection legislation? Then we will move on and we can talk about universal coverage.

I remember a gathering in Minnesota—there are so many stories like this. There was a meeting that I had convened where we had some of the managed care plans there to meet with some of the parents. I do a lot of work in the mental health area.

I can hardly wait to have hearings in the Health Committee and have a bill on the floor doing what Senator DOMENICI calls the Mental Health Equitable Treatment Act to end the discrimination of coverage for people struggling with mental illness.

At this gathering, a lot of the parents wanted to meet with the managed care companies. One mother said: My daughter is struggling with depression. We have asked you and asked you for coverage, and you said that it wasn't medically necessary for her to get the help she needed, to see the psychiatrist that she needed to see. My daughter took her life.

Look. I can't say that she took her life because she didn't get a chance to see this particular psychiatrist. But I can tell you this: There was an article in the Minnesota Star Tribune last Sunday about the costs the State of Minnesota had to pick up because the health plans did not provide the coverage for people that the doctors said needed to get mental health coverage.

What the patients and their families heard was: You need to see the psychiatrist. You need to be in the hospital for this many days. You need to have outpatient treatment. Instead, they were denied the coverage by their HMOs. Finally, the State just picked up the coverage.

It happens all the time.

A nurse in Minnesota told our state office about a woman who suffered with stomach pains; she saw her doctor who did some tests and then suggested further tests, that were more expensive for which she should get HMO's approval. The HMO denied the additional tests. Since the doctor recommended the tests, you would think that a patient might have some recourse to the HMO's denial of coverage. Instead, the woman endured a series of phone calls with HMO employees, being forwarded from one customer service representative to another, being put on hold for 35 minutes and ultimately being referred to a 50-page benefits manual with no change in the HMO's denial of these recommended tests. No one at the company ever instructed the patient how to file an appeal. She ultimately gave up and paid for the tests herself.

It goes on and on. There is too much gatekeeping, and too much bottom-line medicine. The bottom line has become the only line. There are too many people and their loved ones who can't get the care they need or the care for their children when they need a pediatrician or to get to the emergency room to have it covered when they need to be at the emergency room or to get their parents and their grandparents the coverage they need, to get the child the coverage she or he needs for mental health coverage.

It goes on and on. Too many people go without the care they deserve. Too many doctors and nurses are not able to provide the kind of humane and dignified care they thought they would be able to provide when they were in nursing school or medical school.

What do we do? We say that we are going to have basic patient protection coverage for every citizen no matter what State he or she lives in, no matter what company he or she works for. That is the first part.

What is the second thing that we say? We say if your plan denies you the coverage, then you have a right as a consumer to appeal the decision and go to an independent appeals board or through an independent appeals process—not an appeals process within the managed care company which is the competing proposal. That is crazy. People in the country know it.

And to assist people in dealing with their insurance companies and HMOs I will be offering an amendment with Senator REED of Rhode Island that will have an ombudsman program set up in every State that provides outreach and

assistance when they have trouble getting the care they need or filing the appeal they are entitled to. This would be an important addition to this legislation.

If you have headaches, severe headaches, and you go see your doctor, and you are told by your doctor that you need an MRI, and then the managed care plan says, no, it is not medically necessary, and then you, because you did not have that MRI, later find out you have a malignant brain tumor, and you die because of that—or this happens to someone in your family who dies because of that—you better believe that these companies can be taken to court. They should not have any special protection any different from any doctor or hospital or any other business.

If you are denied the coverage on the basis that it is not medically necessary, of course people can go to State court, which is where it should be. And then we abide by the laws of our States: the laws of Minnesota or the laws of Illinois or whatever state the patient lives in. It is simple.

This is all about whether or not we are finally going to pass legislation that provides consumers, provides patients, provides families, provides children the protection they deserve, the protection they need. That is what this legislation is all about.

I think I introduced a bill in 1994, and then I know Senator KENNEDY introduced a bill a couple years later, and many people have introduced bills; and we have been going through the debate now for 7 years. The time has come. It is real simple.

I conclude on this note: I really believe, more than anything else, the way people judge us is not if we are Democrat or Republican, not if we are liberal or conservative, not if we are right, left or center. None of those labels mean very much.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WELLSTONE. Madam President, I ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. The question is simple. Do you, the Senator from the State of Washington or the Senator from the State of Illinois or the Senator from the State of Minnesota know us? Do you care about us? Do you understand us? Are you on our side?

That is what this legislation is all about. This is an important time. Let's step up to the plate and vote to be on the side of families in our States, consumers in our States, and provide them with this protection.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, how much time remains on the Democratic side on this debate?

The PRESIDING OFFICER. Fourteen minutes nineteen seconds.

Mr. DURBIN. I thank the Chair.

Madam President, I rise in support of this bill that has been brought to this Senate Chamber by Senator KENNEDY, who was here just a moment ago; Senator JOHN EDWARDS, Democrat from North Carolina; and Senator JOHN MCCAIN, Republican from Arizona, who have made this a bipartisan effort.

I think if you listened to the history that Senator WELLSTONE of Minnesota just recounted, you know this issue has been before the Senate and the Congress for many years. We now have an opportunity, because of the change in the leadership in the Senate a few weeks ago, for this issue, which was buried in committee, to now be on the floor of the Senate—an issue with which 80 percent of the American people agree is finally before us for debate, for amendment, for a final vote.

I applaud our majority leader, Senator TOM DASCHLE. He has said to those who want to drag their feet and stop us from this debate and amendment, the party is over. We are going to stay in session in the Senate until we pass this bill.

You will hear moans and groans from my colleagues in the Senate who have taken the Fourth of July recess period and have made plans. Some were political plans, some were personal and family plans, but they had a lot of plans. I have to confess I did, too. But I believe the Senators elected to this body were not elected to march in parades on the Fourth of July. We were elected to march to the floor of the Senate to pass legislation that will make life better for families across America.

So if it means that we have to stay in session on the Fourth of July, and take a recess for a few minutes to look out the window at the fireworks on The Mall, so be it. Let's get our job done. Let's stay and do it. This issue is worth it.

This issue, this Patients' Bill of Rights, will establish, for the first time nationwide, a standard of protection for American families when they go to their doctor or a hospital for medical care.

How important is it? Let me tell you a story. In Joliet, IL, I sat down for lunch with a doctor. He said: Let me tell you what happened to me, Senator. A mother came into my office with her little boy. The boy was about 5 or 6 years old. He had been complaining to his mom about headaches. I asked his mother how long these headaches had gone on. She said for over 3 weeks.

The doctor said to the mother: Is it on one side of his head or the other or what?

She said: It is always on the same side of his head. He complains that it hurts on this side of his head.

The doctor said to me he instantly knew that the appropriate medical response was to take an MRI to determine whether or not that little boy had a brain tumor: 3 weeks, headaches, a little boy complaining, same side of his head. But before he said that to the mother, before he made that recommendation, he asked her a question: Do you have health insurance?

She said: Yes.

The doctor asked: What is the name of your company?

She gave him the name. He excused himself from the office, went into another office, called the insurance company, described exactly what happened, and said: I am ordering an MRI.

The insurance company said: No.

He said: What am I supposed to do?

The insurance company said: Send the mother home. See if he gets better.

The doctor walked back into the office and said to the mother: I'm sorry but at this point in time I think the best thing for you to do is to go home and call me in a week or two if he is still complaining about it.

That is just one little episode in Joliet, IL, involving a doctor, a woman, and her child. That mother left that office not knowing who had made the medical decision. It was not the doctor she came to see; it was a faceless clerk at an insurance company hundreds of miles away.

When doctors ask these clerks what qualifications they have to make a medical judgment, do you know what they find out? These insurance company clerks are not nurses; they are certainly not doctors; many times they have high school diplomas and a manual in front of them where they can look up: Oh, I see, 3 weeks of headaches, one side of your head, 5-year-old child. No, it takes 4 weeks. Send him home.

That is what this has come down to. That is what this debate is about. It isn't about all the technicalities and complexities that a lot of us bring to this Chamber. It is a question about whether doctors can practice medicine, whether mothers and fathers can walk into a doctor's office and rely on the health care professional to make the judgment. That is what it is all about.

The health insurance industry, the HMOs, are the ones that oppose this bill. They are the only ones that oppose this bill. Every health care group, every consumer protection group, supports the bipartisan bill being offered on the Democratic side—every single one. The only opposition comes from one group, the health insurance companies. Why? They make more money. It is more profitable. They do not want us eating into their profit margin to provide greater and better care for American families. It is just that simple.

The two bills before us are dramatically different. Here are some of the differences shown on this chart. When you take a look at the two bills, this, on the left of this chart, represents the Bipartisan Patient Protection Act, and this side represents the Frist-Breaux bill, which is supported by the health insurance industry.

Take a look at the differences between them as to what kind of protections are provided under the Patients' Bill of Rights.

Our bipartisan bill protects all patients with private insurance. The bill being offered on the Republican side and by the industry, sadly, leaves many people behind. It says: If you can make an effort at protecting patients, good enough. We say, no; it has to be real protection.

Protection for patient advocacy: 100 percent on our side; none on their side.

Prohibition of improper financial incentives: Do you know what that means? Do you know there are at HMOs some doctors who get paid more if they do not provide treatment for patients? At the end of the year, they total it up and say: Dr. So and So, let's see, because you didn't order as many MRIs as we thought you would, you get a bonus check at the end of the year.

Did you know it is a fact that that is going on? There are financial incentives for doctors not to prescribe drugs, not to use treatments, not to hospitalize people. And if they do not do it, they get compensation. Our bill prohibits that. The health insurance industry bill—surprise, surprise—thinks that is just fine.

The ability to hold plans accountable: Our bill makes it clear they are going to be held accountable. I will get into that in a moment.

Independent external appeals: When the health insurance company says, no, we won't cover what the doctor recommends—whether it is a prescription or a treatment—it does not give you a lot of comfort to know you can go hire a lawyer and go to court and 5 years later get a verdict. You need to have an appeals process right now. Some of these are life-and-death decisions.

We want to make sure the appeals process isn't stacked against you. We do not want the health insurance company to be the judge and the jury. The bill supported by the industry leaves the health insurance company to make the final judgement. We believe it should be an independent external appeal process, one that is timely.

Guaranteed access to specialists: Our bill has it; theirs takes a nod in that direction.

Access to clinical trials: Do you know what that is? Let's say you have a rare serious disease and there is a clinical trial underway.

The doctor says to you: There is one possibility, Mrs. Jones. It is a clinical trial. I would like to see if you qualify for it.

Mr. FRIST. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. FRIST. The Frist-Breaux-Jeffords bill you are referring to as ''the health industry bill,'' endorsement of their bill, can you name one insurance company or one HMO that has endorsed the Frist-Breaux-Jeffords bill?

Mr. DURBIN. The health insurance industry—and the Senator knows this—objects to, opposes the bipartisan bill which I support. They would gladly accept your alternative because it is much more preferable to them because it is more profitable to them. That is as obvious as this debate is. I think that is the difference between us.

We stand here supported by nurses and doctors and medical professionals, hospital associations across America. The health insurance companies are our No. 1 opposition. They support your legislation. They don't support ours.

Mr. FRIST. But is the Senator aware that there is not one HMO, to the best of the sponsors' knowledge, that has endorsed our bill, or insurance company, and is the Senator aware that over 362,000 physicians from 70 different organizations have endorsed the Frist-Breaux-Jeffords bill?

Mr. DURBIN. I am sure the Senator's figures are accurate. I wouldn't question them. But the Senator knows, if you are going to total up the medical profession, where they come down on which bill, you don't have a chance, my friend. They are all on this side of the aisle. They support the real patients' protection bill. Finding 300,000 doctors who agree with one thing or the other, congratulations.

I can tell you, when you look at the American Medical Association, the American Nurses Association, the American Hospital Association, they are all on this side of the aisle I think that is very clear.

As you go through here, access to doctor-prescribed drugs, if a doctor says this is the drug you should have, this is what you need to get well, the health insurance company takes a look at the list and says, sorry, that drug is not on our list; you can't prescribe it.

Wait a minute. If that is the drug that you need, that is what you need. That isn't a decision of an insurance company; that is a decision of a doctor. Doctors go to medical school. Insurance company clerks go to business school maybe. They shouldn't be making medical decisions.

The choice of provider, point of service, emergency room access—our bill provides that protection start to finish.

Let me ask, how much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes 10 seconds.

Mr. DURBIN. I would like to address, in the closing time, this whole question of liability. In America, if you go out and do something wrong, if you are negligent, guilty of wrongdoing, we have a system of accountability. If you drink too much at a party, get involved in an accident and get sued, you are held accountable, right? If your business does something that it isn't supposed to do, that is illegal or wrong, you are held accountable, correct? If someone comes to your home, slips and falls, they may sue you; you will be held accountable as to whether or not you are negligent. That is part of the system of accountability in a country of laws.

There are two groups that are above the law in America. The one group above the law is diplomats. You have heard about it: The people who come to Washington from a foreign country to work in an embassy get involved in a traffic accident, catch the first plane back to their home country, and we can't touch them. Why? Treaties. We have said, for diplomats, you are above the law. I don't like it. I have seen some terrible things happen. But that is a fact.

There is another group above the law—the health insurance companies. We talked earlier about doctors coming up with suggested treatments and health insurance companies saying no. Under the law today, the only liability the health insurance company has for making the wrong decision, not covering you when they are supposed to, is the cost of the treatment, not the result of failing to treat. What is the difference? The difference is the cost of the surgery as opposed to the fact that you might have a permanent disability because you didn't get the surgery.

So we say that health insurance companies are above the law in America. They are squealing like stuck pigs because they know that if this bill passes, they will be brought into court as every other business in America and held accountable.

I don't want to see a runup in court cases and litigation. That doesn't solve the problems of a person who needs medical care right now.

I can tell you this: Once those health insurance companies know that 12 average Americans can sit in a box and listen to a judge and the attorneys and stand in judgment over their actions, they will think twice before they make these terrible decisions that deny people the basic medical care doctors think they deserve.

There has also been the argument made: If you allow us to sue the health insurance companies, you will allow us to sue the employer who buys the health insurance plan. Not so. This is a phony argument. This bill very clearly says that an employer that buys the health insurance plan and doesn't make the medical decision, doesn't say yes to the prescription or no to the treatment, is not liable. The bill is explicit.

Let me read the section from the McCain-Edwards-Kennedy bill:

> [This provision] does not authorize any cause of action against an employer . . . or against an employee of such an employer . . . acting within the scope of employment . . . unless there was direct participation of the employer in the decision of the plan.

When could an employer be brought to court for health insurance problems? I will give you one case—I think it is obvious—a case where an employer collects the health insurance premiums from the employee and doesn't pay them to the health insurance company. The employee and his family think they are covered. They are not. They go to a hospital. They say: We belong to XYZ health insurance plan. They say: Your employer never sent in the money you contributed.

Should they be held liable? You bet. That is an employer guilty of wrongdoing. But if the health insurance plan

receives the money for the premiums and makes the wrong medical decision, the employer is not going to be held accountable.

That is a question that has been raised over and over by the other side, and it doesn't make any sense at all.

Do you know who can be sued in America? Incidentally, almost everybody is accountable in court under current law—the Red Cross, the Humane Society, the United Way, every other charitable foundation but not your HMO. And when you go to sue because of medical malpractice, you can sue your doctor, your nurse, your dentist, your hospital, but not the HMO that decided you weren't going to get the treatment. When it comes right down to it, every Fortune 500 company, every family-owned corporation, every small business is subject to lawsuit in America, subject to accountability, but not your HMO.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. We need to keep in mind, as we consider this bill, that accountability is part of the system of justice. HMOs should be held accountable.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the next 30 minutes are under the control of the minority party.

The Senator from Tennessee.

Mr. FRIST. Madam President, we continue discussion this afternoon on the Patients' Bill of Rights. Most of the morning we have spent discussing the differences between two bills, the only two comprehensive bills that have been introduced to the Senate. One is the Kennedy-Edwards-McCain bill introduced by the majority. The other is a bill introduced by me, the Frist-Breaux-Jeffords bill. Two Patients' Bills of Rights that address the issue of how to get patient protections to the patients in order to swing the pendulum away from having medical decisions made by HMOs and turn that decisionmaking back to the doctor and the patient and the nurse, that local level where we know health care decisions are best made.

Several differences have been pointed out. Many of those focus on the impact on the employer, whether or not the employer can be sued. Under the Frist-Breaux-Jeffords bill, it is clearly delineated to make sure that everyone knows whether it is the insurance company or the employer or the lawyer or the courts that accept that risk. Somebody does have to have that risk and that liability, and it has to be defined, which we do.

The problem in the McCain-Edwards-Kennedy bill is the liability is kind of shifted around a little bit. You can go after the HMOs if they have wronged or injured a patient. And they need to be held accountable; we agree with that. But the problem is, you can sue the HMO, you can sue other agents of the plan. That is really the key language in there. Who are the agents of the plan?

Last week a physician stood up and said: I am an agent of the plan. So they introduced a different bill last Thursday to say it can't be the treating physician. I asked about the referring physician. Can you now sue the referring physician as an agent of the plan?

Their bill also allows you to sue the employer. Remember, there are 170 million people today—just about everybody listening to me, whether it is through radio or television or on the floor—who receive their insurance through their employer, if not Medicare or Medicaid—170 million people.

Their employer is arranging for them to have that insurance. If you are an employer out there and all of a sudden you can be sued, what are you going to do? Say your margin is 2 or 3 percent, you are a small business, you are barely scraping by, and all of a sudden there is a lawsuit. Lawsuits can be billions of dollars under that plan. All of a sudden, yesterday you were not subjected to them and today you are.

When that is the case, what are you going to do? Your first reaction is going to be: How much is it going to cost me? What does it mean to me? Maybe I should not offer this insurance. Maybe I should give my employees some money and let them go into the market themselves in order to avoid that. In the short term, that might be OK. I don't think it is OK, but it might be OK.

Ultimately, a number of those employees—and it falls most heavily on the working poor. The premiums go up, and they will not be able to afford this insurance; they become a part of the uninsured. As the Senator from Pennsylvania said earlier, once you become part of the uninsured, with the increased cost and frivolous lawsuits, you can't afford your insurance anymore; your employer is afraid of being sued. The premiums go sky high.

As the Senator from Pennsylvania said, if you have no insurance, the likelihood of getting good health care in the United States is much less. Therefore, this bill has a huge impact on everybody listening to this debate today. Everybody is going to be affected. The health care costs for everybody are going to go up.

Under the McCain-Edwards-Kennedy bill, it is going to go up 45 percent more—the premiums—than it goes up under the Frist-Breaux-Jeffords bill. Yes, in our bill it goes up because we are giving new rights that haven't existed and those rights cost money. The money comes out of the pockets of everybody listening to me right now—everybody—170 million people. We are talking about employer-sponsored insurance for 170 million people. It is going to impact everybody listening.

So when we talk about the cost, it is easy for politicians to show pictures of families and talk about the individuals; but we have to talk about the costs because those pictures can be pretty and you can really personalize it and make it real, but at the end of the day, if you drive the cost of insurance out of the reach of that family, you are hurting that family, or that individual. Therefore, you are going to hear us come back again and again and talk about the uninsured, the working poor who are going to lose their insurance, about the cost of premiums which are going to go up significantly.

Everybody's premiums, right now, are already going up. Probably they will go up 15 percent this year. Whatever you are paying this year, it will go up another 15 percent regardless of what we do on the floor. We are saying that under this bill, which may pass 2 weeks from now, 3 weeks from now, a month from now—and I want to pass this bill—your premiums, instead of going up 15 percent, are going to go up 20 percent if the McCain bill passes.

Therefore, we are going to again and again say you need to justify that increase in cost for these new rights. We will argue that you should have better balance if you are going to drive these premiums up with frivolous lawsuits—get rid of the lawsuits and have the same patient protections and have a lower cost. That means a lower cost of premiums, and it means fewer people going into the ranks of the uninsured.

That is why balance is critically important in this debate as we go forward. That is why looking at the rhetoric without looking at what is in the bill underneath is unacceptable, because if what is written in that bill ultimately becomes law, that law results in—I am sure it is going to be translated into increased costs. How much depends on the interpretation of what is written in the bill.

Can employers be sued or not? I say again and again that they can be sued. We have heard from the other side of the aisle that under the Edwards-Kennedy-McCain bill, they cannot be sued. Yet, if you read the bill, it says they can be sued.

Well, I started talking to the employers about lawsuits. I had the pleasure of being with a number of middle-sized and small business people yesterday. They were very clear in their concerns that if we pass a bill that exposes them to not million-dollar lawsuits but billion-dollar lawsuits, under the bill on the other side of the aisle, the Democratic-sponsored bill, there will be open-ended lawsuits, unpredictable lawsuits, when they are barely scraping by, these small businesses. And they are saying now their company is going to be exposed to billions of dollars in lawsuits. And they might just have a couple of convenience stores. They can't keep offering that insurance to their employees.

The Republicans are also accused of talking dollars and cost. We do not do a very good job of translating it down to human faces, and that is something with which we have to do better. When we talk about employers, people say: You are just for big business. It is not

just big business. It is the small mom-and-pop operations, such as those convenience store operators.

Yesterday, I had an opportunity to meet with Sam Turner, an owner-operator of Calfee Company in Dalton, GA, with 139 convenience stores. His words were loud and clear. He is not going to be able to offer the insurance today if he is exposed to unlimited, unpredictable lawsuits as the owner of his convenience stores. Paul Braun from Braun Milk Hauling Company employs 40 to 50 people in a town of about 500. The same story. Lynn Martins, president and general manager of Seibel's Family Restaurant in Burtonsville, MD, a second-generation restaurateur, said, ''If you expose me to unlimited lawsuits, or if you increase my premiums another 4 or 5 percent, I simply can't afford to keep offering this health insurance for my employees.''

If it is not offered through your employer, yes, maybe your employee can go out to an individual market and get some health insurance. But for the most part, they won't do that. That is why we come back to this rule of thumb that is pretty accepted. It is accepted by everybody, in essence, that if you increase health insurance premiums by 1 percent—it doesn't sounds like much; it might be a hamburger once a month, or McDonald's—I have forgotten the examples, but if you increase it 1 percent, and when you are talking about 170 million people, what does that 1 percent in premium translate to? It means 300,000 people will lose their insurance. They have their insurance one day, and when we pass a bill that increases it 1 percent, 300,000 people won't have insurance the next day.

Who are those 300,000 people? Those 300,000 people are the ones who, when you increase it by 1 percent, are all of a sudden making the tradeoff between having food that night or having clothes for their kids. They are the working poor, the people who are barely scraping by, who, with the help of their employer, voluntarily comes forward—and, remember, this is all voluntary. This employer-sponsored insurance is voluntary, and therefore if you raise those prices too high, they are going to walk away from the table and leave their employees, unfortunately—in spite of good intentions—to go into the ranks of the uninsured.

How much time do we have on our side?

The PRESIDING OFFICER. Nineteen minutes, 25 seconds.

Mr. FRIST. I yield whatever time the Senator from Utah desires.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, I venture into this debate with a little hesitancy because I don't have the expertise that the Senator from Tennessee and others have in this field. But I want to confine my comments to my experience as an employer.

As those who have listened to me know, I come to the Senate from a business background and consider myself a businessman rather than a politician. I have the experience of being an employer dealing with health care. It is that experience I would like to share with the Senate today.

I will open by asking unanimous consent that a letter I received today be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. BENNETT. This letter is from Ron Christensen, who is the vice president of a construction company in a relatively small town in Utah, and the key points of the letter are those which have been made over and over again during this debate. That is, Mr. Christensen tells us that if the Kennedy-McCain bill passes, he will be forced to stop providing health care for his employees.

A lot of people listen to this threat, and they say businesses are hard-hearted, businesses are just looking for ways to punish their employees, that businessmen and businesswomen are always motivated by greed, and here is an opportunity for them to save money, they will take the opportunity to save money whenever they get the excuse.

Having run a business, I can assure you that is clearly not true. When you run a business, you compete for employees, and you do everything you can to get the best ones to come to work for you. You create salary packages and benefit packages that are better than those at the business down the street so that someone will come to work for you and be loyal to you and help you build your business. You don't view your employees as people to be exploited. You view your employees as a major asset. If you don't have that view, frankly, you won't be in business very long.

So why is this person, who feels this way about his employees and who in his letter describes an excellent health care plan that he offers to his employees, saying that if this bill passes, he will withdraw health benefits and thereby run the risk of losing employees who are so vital and important to his success?

The reason, of course, is fear of lawsuits. He says:

> If this legislation becomes law, the only way to protect my company from lawsuits will be to drop health care benefits altogether, and we will do this. I simply cannot afford to expose our company to the potential liability from health care lawsuits. Even if employers could be shielded from liability, more lawsuits against health care plans will result in higher premiums I pay for health care.

I know how true Mr. Christensen's statement is. It is one thing for an employer to say, I have a defined amount of money that I have to spend on health care plans; I am willing to pay that; indeed, I have to pay that if I am going to attract and hold good employees. It is another thing to say, I am putting the entire future of the enterprise at risk by exposing it to lawsuits. I cannot take that risk, so I will say, even though it is going to jeopardize my business by diminishing my ability to attract and hold quality employees, I have to do it because the alternative is so Draconian that I simply cannot escape it.

That is the real world. It is not the world we live in back here in Washington. That is not the kind of discussion we have here, but it is the real world, and we should understand that as we make our decisions.

I remember during a similar discussion over lawsuits with respect to falling stock prices that eventually resulted in the passage of securities legislation that put out of business some of the striped-suit law firms, that Ralph Nader appearing before the Senate Banking Committee kept pressing the point that lawsuits were always good. He said, Nobody ever settled a lawsuit out of court unless he had something to hide.

I remember that very clearly because Mr. Nader made that statement in response to me and some of the comments I was making.

I pointed out to him that while I was the CEO of the company I headed prior to coming to the Senate, I settled a lawsuit out of court, and I not only had nothing to hide, I felt strongly I was in the right. So why did I settle the lawsuit? Quite simply because I had to save the company.

The legal fees of prosecuting that lawsuit at that point in the company's history were sufficiently high as to jeopardize the survival of the firm. So I swallowed hard the issue of whether or not we were in the right and decided to save the company by settling the suit out of court without proving the point.

I have been there. I know how a lawsuit can threaten the survival of a firm.

How significant is this in terms of decreasing health care coverage for people? A study has been done that says for every 1-percent increase in premium rates, 300,000 Americans lose their health coverage. That is an interesting number when you realize the Kennedy-McCain bill would increase rates, according to the Congressional Budget Office, by 4.2 percent. Do the math: 300,000 lose their health coverage every time it goes up 1 percent. You multiply that by 4.2 and you get 1.26 million more uninsured.

I think that is a low figure, because if you take the evidence coming from the employer whose letter I cited and spread it out over the rest of the country, we find out that, in addition to those who will lose their coverage because the premium goes up, there are those who will lose their coverage regardless of where the premium is simply because of the fear of the lawsuits.

Some cynics have suggested that maybe that is the reason behind the push for the Kennedy-McCain bill.

They want people to lose their coverage so the pool of uninsured Americans will grow so large that there will then be demand for a Government health care plan, which is what Senator KENNEDY has told us he prefers all along.

I would not ascribe those kinds of motives to Senator KENNEDY. I think instead he is simply acting out of unfamiliarity with the way businesses are really run in America.

I want to make it clear that the comments being made by employers around the country that passage of the Kennedy-McCain bill will result in the loss of health care benefits for millions of Americans are not political hyperbole. They are simply statements of fact based on the experience of men and women who are building businesses, employing Americans, moving forward to keep the economy growing, but who are terrified, I think accurately and properly, of the prospect of a wild increase in the number of lawsuits that might come.

We are told some States have already done this and the lawsuits have not gone up; so, therefore, that proves we will not have lawsuits on a national basis. I am not sure we can make that determination and, once again, the State laws are not exactly comparable to this law, and they are not subject to the kind of examination that has been given this law by those who are looking at it through the glasses of realism.

The other thing we hear around here often is: Forget the lawsuit side, the doctors are for this bill, the American Medical Association has endorsed this bill. That is true; the American Medical Association has endorsed the Kennedy-McCain bill and is very active in their statements in favor of it. Normally, that would be something that would impress me, but I share with you, Madam President, and the other Members of the Senate, an experience I had in my office today.

I received a phone call from a doctor in Utah whom I have known for many years. He said, I am here at the meeting of the American Medical Association, and they are whipping us all up to call our Senators in support of the Kennedy-McCain bill. And so I am doing what I have been asked; I am calling my Senator with respect to the Kennedy-McCain bill so I can report back to the American Medical Association that I have done what I was told to do. As long as I have you on the phone, let me tell you what I really think. I am opposed to the Kennedy-McCain bill. I think it is a mistake. I much prefer the Frist-Breaux-Jeffords bill. I think it would work far better for the medical profession in Utah and the patients I deal with in Utah, and, Senator, I trust you to do the right thing.

The American Medical Association succeeded in their lobbying efforts to get a hometown doctor to call me, but they probably were not pleased with what the hometown doctor said. Based on his experience, based on his understanding of where things are, he recommends we defeat Kennedy-McCain and go in the direction of the Frist-Breaux-Jeffords bill.

The fact is, of course, we do not know in advance what will be all of the consequences of the legislation we pass. The one thing I have learned around here is that whatever other laws we pass, the one law we pass over and over is the law of unintended consequences. We do not know what the unintended consequences will be from either of these bills, but I have learned as a result of discovering the impact of the law of unintended consequences that the impression to go slow, the desire to be careful, the desire to move in incremental steps rather than a sweeping bold approach that we love to call for when we are running for reelection, is the right desire.

That is another reason why we should try the Frist-Breaux-Jeffords bill, which goes further than many of my colleagues on this side of the aisle would like to go toward a Patients' Bill of Rights. Let's see how it works before we take the next step, which could have catastrophic consequences.

I say catastrophic consequences because I am talking about the cancellation of health care for many Americans. I am talking about the rising disillusionment with the whole activity of what we do with respect to health care on the part of many Americans and then ultimately a demagogic call for the Government to take everything over, and we are back into the disaster, the train wreck we went through in the 103d Congress when President Clinton tried to implement that kind of solution. It tied up this body for months. It stopped everything. It produced maximum ill will all the way around. We stepped back from that. We took the approach I am talking about, which is to say let's do it a step at a time, let's do it with something we can get our arms around where the unintended consequences will be less radical and less sweeping. We passed the Kassebaum-Kennedy bill, which I was happy to cosponsor and support, and then we began to see some of the reforms that we could have had earlier if we had stayed away from the extremes proposed to us.

We see reforms in the Patients' Bill of Rights area, reforms that can work. We see things that will give us experience, that will hold down the severity of the unintended consequences, if we go in the direction of the Frist-Breaux-Jeffords bill, but I fear if we go in the other direction we will only see the consequence that is predicted in this letter that will follow my remarks, where employer after employer will say, Sorry, we can't expose ourselves to this liability. And in the name of trying to help health care, we may end up destroying it altogether. That is, in my view, a serious mistake.

EXHIBIT 1

CHRISTENSEN & GRIFFITH,
CONSTRUCTION COMPANY,
Tooele, UT, June 19, 2001.

Senator ROBERT BENNETT,
Dirksen Senate Office Building,
Washington DC,

DEAR SENATOR BENNETT: I suspect I am ''preaching to the choir'' by sending this letter to you, but I want you to know I am strongly opposed to the Patients' Bill of Rights bill sponsored by Sens. Kennedy and McCain under consideration by the Senate. There are better ways to correct the few problems that get so much attention.

My company prides itself on providing quality health care for our valued employees and their families. We provide a comprehensive plan which includes dental and have never had a complaint that could not be corrected. We are partially self insured and pay the total premium. No cost to the employee. Why mess with a good thing? The present system has kept costs in check and affordable. The politically motivated Kennedy-McCain bill will only drive up the cost of health insurance and encourage employers to pass more responsibility for health care to the employee.

Unfortunately, the Kennedy-McCain bill threatens my ability to provide health care for my employees. However well-intentioned, this bill would expose employers like me to lawsuits between employees and the health care plan my company provides. Despite claims that this bill has a lawsuit ''exemption'' for employers, this protection is murky, at best, and does not adequately protect employers from lawsuits. In fact my company could be sued for simply having selected a health care plan for employees.

If this legislation becomes law, the only way to protect my company from lawsuits will be to drop health care benefits altogether, and we will do this. I simply cannot afford to expose our company to the potential liability from health care lawsuits. Even if employers could be shielded from liability, more lawsuits against health care plans will result in higher premiums I pay for health care. A survey of construction companies last year found that 77% were faced with increased health insurance premiums, even without the potential added cost of this legislation. In order to stay in business more and more of the cost will have to be passed on to the employee. As an alternative, employees should be given access to a quick, independent external review process that would give patients the right to take their disputes to an independent panel for a quick decision.

Employers are not bad people exploiting their employees as the unions would have us believe. Were it not for employers with a profit motive our economic system would not work. Please oppose this Kennedy-McCain expansion of liability as you consider managed care reform legislation. Don't destroy a system that has served us well and made health care affordable. Thank you for your consideration of my views.

Yours Truly,

R.I. CHRISTENSEN,
Vice President.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, when this debate began yesterday on reform of the managed care system in America by establishing a Patients' Bill of Rights, it did so under very uncertain and unfortunate circumstances. There was objection to proceeding to the bill, causing delay and unnecessary

confusion with the American people as to whether we intended to deal with this problem. We can all be pleased the Republican minority now has withdrawn its objections. We can now, tomorrow, begin the serious work of actually debating a Patients' Bill of Rights.

This is a moment that has been 5 years in the making. Before the Senate is honest, compromised, and reasonable legislation to establish a Patients' Bill of Rights. It is a question that involves our most basic responsibilities to the American people to assure their health and welfare.

We all recognize how we arrived at this moment. The Senate may be late, but it is right in dealing with this question.

The extraordinary increase in the cost of health care in the 1970s and 1980s radically increased the ranks of the uninsured in America. By establishing a predetermined list of medical providers at established costs with recognized services, it was everybody's hope that these managed care plans could strike a balance between the rights of consumers and providers with reasonably agreed upon costs.

It was a sound concept, but practice has established that the power disproportionately came to rest with insurance companies and the doctors and that patients lost control over their professional rights or the needs of their families.

During these years that the Federal Government has been unable to deal with this crisis, the ranks of the uninsured have continued to rise to 45 million people despite managed care. The growth of health care costs rose less slowly but has continued to rise, and a feeling of paralysis began to grip the country as doctors no longer believed they could make medical decisions and families could no longer get access to the health care providers that had been a part of the American tradition of family medical practice.

While the Federal Government was paralyzed, interestingly, States began to fashion their own responses. In 1997, my own State of New Jersey enacted the Health Care Quality Act—in some respects a model for what the Federal Government is challenged to accomplish. That law in New Jersey prohibited gag clauses. Doctors had the right, the recognized responsibility, to talk to their patients about medical options. An independent health care appeals program was established so, when care was denied by the insurance company, people had someone to go to, to appeal the judgment. There was a requirement that insurers provide clear information on their services and their limitations.

Interestingly, in 1997 when that act was passed by the State legislature in New Jersey, it was by a Republican legislature and signed by a Republican Governor, something that should be a challenge to Members of the Senate in the minority party today. But this Senate is now challenged to act because, while that State legislation was properly designed, it was insufficient, not only insufficient in that it was not national in scope but because for many people in my State and across the country in other States, people with similar experiences were exempted by ERISA laws.

Mr. President, 124 million Americans, 83 percent of those who get their health care from their employer, are not covered by State laws because of this exemption. Fifty percent of the people in the State of New Jersey enrolled in HMOs are exempted from the very State protections that I just outlined and that my State government wanted and intended to give to our people because of this exemption under the Employee Retirement Security Act of 1974.

Under this bill, HMOs claimed immunity from State regulations even if there was negligent behavior. It may or may not have ever been the intention of this Congress to exempt managed care in health care, but whether that was our intention or not, that is how the law is operating. So despite the best actions of State government, millions of Americans—124 million Americans—have no protection from the abuses of the managed care system. That is why the responsibility now rests here and why this Senate is the only hope of the American people to get relief from this abuse of power.

The American people understand what needs to happen. Only people in this institution seem to doubt it. A recent survey in my own State of New Jersey by Rutgers University found that one in four people in my State are completely dissatisfied with their health care plan, despite the fact they are paying for it and are enrolled in it and cannot get out of it because their employers have contracted for it. Last October a State report found that patients in my State were not only dissatisfied, but they are more dissatisfied than they were a year ago. The situation is deteriorating.

The legislation now before this Senate, offered by Senators KENNEDY, EDWARDS, and MCCAIN, is an answer. It is not simply bipartisan. That understates what has been achieved. But 500 organizations of patients and doctors stand behind this legislation to get patient protection to all Americans in HMOs. The confrontation that went on for decades between patients' rights advocates and doctors has not only ended but they have come together in a broad national coalition for this legislation. We have not only achieved what once seemed unlikely, the bill represents what once seemed impossible. This is achieved because specific rights would now be guaranteed to the American people.

To many Americans whose children suffer with diseases, whose lives are threatened, this Patients' Bill of Rights, to them, in their suffering or their financial distress, is just as important as the original document which bears the title a ''Bill of Rights.'' The title is borrowed for this health care emergency because to them this has every bit as much significance.

What are these rights? One is the right to get to a specialist. Under current law in managed care, you can take a family member to your family doctor, but the cancer or the heart problem, the specialized disease or ailment that may plague you and threaten your life, is beyond the capacity of that family doctor. That is not the exception; that is often the rule. With this bill, you will have the right by law to get to a specialist who can save your life.

No. 2 is the right to get to an emergency room. In a nation in which we travel the country every day all across our States, all across our Nation, what kind of system is it, if you have health care insurance and you should be in a car accident or have an illness traveling somewhere in your State or across America and the local emergency room is not in your health care plan? Under this bill, that emergency room will give you coverage, whether they are in the plan or not, because you are there and that is where your illness or your accident happens to be.

No. 3 is the right of women to use an OB/GYN as their primary health care provider. Millions of women have made the medical decision to use their OB/GYN as their principal health care provider. It makes no sense that they have to first go to a family doctor, a general practitioner, for a reference. This establishes that right.

No. 4, as with every other patient, the right of a child to get to a specialist should never be impaired. A child should be able to get to a pediatric oncologist or heart specialist as a matter of right, directly, without delay, without question, if that is the only person who can deal with their illness and that is established.

No. 5, it is unconscionable that, by contract, any doctor should be restricted from discussing with any patient their health care options—the technology, the specialist, the choices that the genius of American technology in medicine has made available. But that is not a theoretical problem, it is something that doctors are facing in America every day, a contractual wall placed between a doctor's knowledge and a patient's need. This bill tears down that wall. No doctor in any managed care plan will ever be told again: In spite of what you know, in spite of what you think is in your patient's best interest, you cannot tell them the choices available. Now they will know as a matter of right.

No. 6 is the right to a review. If a doctor is prescribing a test or a procedure and believes it is vital to a patient and that is denied, that manager of a health care plan, that businessman, is not the last word. There is a right of appeal to a health care specialist, independently placed to oversee the managed care plan, so not only is a doctor making the recommendation but a doctor is the final, independent word.

Finally, the right of accountability. I once heard Bill Clinton say there were only two classes of people in this country by right who are immune from accountability by the legal procedures: Foreign diplomats by treaty and HMO bureaucrats. One of those will be taken away by this bill.

Can you imagine what an American automobile would be like if auto companies did not have the threat of lawsuits if their cars were not safe? We would still be manufacturing clothing in America that was flammable. We might still be living in houses that had carcinogens in them. I guarantee, our cars, our trains, our airplanes would not be as safe. The threat of liability, the knowledge that the courts will hold a company accountable if they do not do whatever is required to be safe, is a great protection for the American people. We have extended it to every other industry in America except to managed health care plans. This bill will change that. There will be access to court. There will be damages.

There will be an expense if managed care health care plans are not ensuring that the right decisions are made, that the law is followed and people are as safe as possible. It is the right judgment.

There are those who are going to come to this floor in the coming days and argue: Oh, that may all be true, that may all be right, but if you give these rights to the American people, those 124 million Americans in managed care who are not getting these rights, the costs will rise so high that the number of uninsured will grow and the problem will become worse and not better.

It would be a sound argument but for the facts. The CBO has estimated that if this legislation is put in place, the average cost per employee will be $1 per month. That is a lot of protection for millions of Americans at a very modest cost. The CBO continues that, over 10 years, it is estimated premiums would rise by 4.2 percent. That is a lot of protection for a lot of years for very little cost.

But what of the argument that even these modest costs would throw more people into the ranks of the uninsured? The experience has been just the opposite.

In 2000, when health insurance premiums increased by 10 percent, more than twice the amount estimated would happen under this bill, the number of uninsured not only didn't rise but the number of uninsured dropped.

There is no reason to believe—and the empirical evidence suggests overwhelmingly—that we will not cause a rise in the uninsured. We will simply cause better insurance by passing this bill.

This is good legislation. This goes to our most fundamental responsibility to the American people. If this Congress and if this Senate does nothing else in this session, if nothing else is accomplished, we can reach the lives of millions of Americans who live in fear every day that during the night a child will get ill, a parent will contract a disease, or someone in a family will suffer, and in spite of the fact that family members get up every morning, work every day and pay their health care premiums, when they need their insurance it will not be there for them.

It is not a theoretical fear; it is real. We can do something about it. It is reflected in this bill. If we are ever going to stand with the American people, stand with them now. If we are ever going to do something to change their lives, do it with this bill.

I am proud to be associated with it. I am more than a little proud that the first legislation brought to this floor by a new Democratic majority in the Senate and by our majority leader, TOM DASCHLE, is a Patients' Bill of Rights. That speaks volumes about the Democratic caucus in this Senate. It says everything you need to know about TOM DASCHLE, and it says a lot about why there is still a great chance to be proud of this Senate and this session of this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. President.

First, I want to thank my colleague, the senior Senator from New Jersey, for his passionate commitment to affordable access to health care and patients and families, and I appreciate being on the floor with him today. We appreciate his leadership.

I come to the floor again to speak about this critical issue of passing a Patients' Bill of Rights for the families of our country. One of the reasons that I came to the Senate in January was because of this issue and what it means to the families I represent.

The very first opportunity and honor that I had to speak on the floor of the Senate was to speak about the importance of passing a Patients' Bill of Rights. I am very pleased and thankful and grateful to our new majority leader for his understanding of the priority of this legislation and the fact that he would indicate that under his leadership the first bill to come to this floor would be the bill to guarantee that those who pay for insurance, who have health insurance, and the businesses that pay for insurance for their employees will know that, in fact, care will be given when there is an illness or an emergency.

Yesterday, I spoke about young Jessica and her situation as a young person under an HMO. Today, I want to share another story.

This comes from a letter that I received as a House Member 2 years ago. I shared it on the House floor during the debate at that time. This came from Susan and Sam Yamin. It was a very important letter about the tragedy that befell their family and their fight with an HMO to get emergency care.

Sam Yamin owned his own business. He worked hard. He owned a tree-trimming business. He was working on the job every day to support his family. He and Susan were working hard. One day on the job he had an accident with a chain saw that caused him to fall back and cut his leg down to the bone. This is in Birmingham, MI, a business owner who had an accident. He was rushed to the nearest emergency room where he was prepared immediately for surgery to repair the nerve damage.

The doctors took him in, had him ready, and prepared to have surgery. They called the HMO which said: He is at the wrong emergency room. You can't proceed to save the nerve in this man's leg. You have to tell this man that he has to go across town in metro Detroit to another emergency room in order to be able to be served.

With much distress, as you can imagine, his wife, Susan, packed him up, and drove him over to another emergency room where he waited, on a gurney, in the emergency room, for 9 hours. He didn't see a doctor until he finally literally tore a pay phone off the wall; he was in such pain; and he was crying out for help.

His ordeal continued when orthopedics began making decisions based on the HMO point system for the approved hospital doctors. If a patient has an unsuccessful operation or an expensive procedure, the doctor is given 5 to 10 points under this system. But if the doctor is able to provide a low-cost, quick fix, the point range is 0 to 4. They receive compensation based on how low the points are in this process of looking at payment.

Unfortunately, not only was he trapped by having to move to another emergency room, but this point system which rewards the low-cost fix put him in a situation where he didn't get surgery. He didn't have surgeons who came to his rescue to fix the nerve in his leg. They just simply sewed up the leg. Now Sam Yamin has permanent nerve damage that is spreading up his spine. He lost his business. His health care costs have escalated and have become a serious burden to his family. After many appeals, the HMO finally agreed to refer Sam to what they considered to be an adequate specialist, a podiatrist, a foot doctor. I certainly respect podiatrists, but that is not what this gentleman needs for the disability and the permanent nerve damage in his leg.

Finally, even when they made a referral, it was not to the appropriate specialist.

Sam Yamin is one example of somebody who worked hard, had his own business, cared for his family, played by the rules, and had insurance. He thought his family was covered. He goes to the emergency room, and he is told that he cannot get the help that he needs.

That is what this is about. That is what this Patients' Bill of Rights is about. It is about saying to those families who have health insurance for

their family members that if you are in an emergency, you can go to the nearest emergency room and get care. If you need a specialist, you can have the right to a specialist. If you need a test or a treatment, you can have that, and the doctor or the nurse can make the medical decision and not be overruled because of nonmedical reasons because it is just too expensive to give you the specialist that you need or the test or the procedure.

We really have a choice in front of us this week and next week as we debate the Patients' Bill of Rights. It is time to choose. Are we going to stand up for Susan and Sam Yamin and their family in Birmingham, MI? Are we going to stand up for the doctors and the nurses and the dentists and the therapists and all those who come into the health care profession to be able to treat patients and give them the care they need? Are we going to stand up for the people who pay the bills as consumers of health insurance? Or are we going to side with the HMOs and the insurance companies that have created this problem?

That is the choice. To me, it is a simple choice. We know there are folks in the HMO business and insurance companies that make good decisions. There are HMOs in Michigan that do a good job.

But we also have situations where the wrong decisions are made and people have been hurt. In the end, when the Yamins come to me and say: Why is it that the only part of the health care system that is not held accountable for what they do and the decisions they make are HMOs? I cannot answer that. I cannot answer why the only two groups of people in the United States of America that are not held accountable—cannot legally be held accountable for their decisions—are foreign diplomats and HMOs. I cannot answer the reason why that makes any sense because I believe it does not.

The Yamins are asking me to fight on their behalf. The damage is already done. Mr. Yamin has lost his business. He has lost functioning in his leg. The mounting medical bills for their family will not be reversed. But they have asked me to fight to make sure this does not happen to another family.

I urge my colleagues to join in a bipartisan bill before this body. A lot of hard work has gone on. There have been a lot of changes in the last 5 years since this issue was first brought up. We have an opportunity to pass something meaningful that will make a difference in the lives of our families. I urge we do so.

I yield the floor, Mr. President, and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JEFFORDS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I want to address the issue today of patient protection legislation that is now before the Senate. I would like to thank so many of my colleagues who have led the effort to enact sensible patient protection legislation that will protect patients more, give patients more rights, and make sure we keep the costs down so that we will not decrease the number of insured in our country but, in fact, will increase the number of insured people. We would like a goal of every American to have quality health coverage. To do that, we must keep costs down as well as make sure that the quality part of the commitment is kept.

Senator FRIST, Senator BREAUX, and Senator JEFFORDS have what I think is the best bill. Of all of the alternatives, I think there are parts of each that are similar, and I think all the three major bills will certainly be able to come together. But I think the Frist-Breaux-Jeffords approach is the one that makes the most sense and addresses the issues that are of most concern.

Senator FRIST, the Senator from Tennessee, is also the only medical doctor in the Senate. Of all people, he would know the danger of turning over patient care to accountants and an insurance company. He also knows the danger of turning patient care over to trial lawyers whose first interest is not the well-being of the patient.

That is why I think his bill is the one that takes the balanced approach of giving more rights and addressing the major concern of quality patient care but also making sure that we do not open the courts to frivolous lawsuits that would cause the cost of health care to increase exponentially.

We all know that quality health care in the United States is unparalleled. There is no argument from anywhere regarding that fact. The question is, How do we maintain this level of quality while expanding it to as many Americans as possible? This is a complicated question, but there is a deceptively simple answer: Cost.

When you review the statistics on the uninsured, it becomes very clear. Only 18 percent of the uninsured come from families who have no connection to a workforce. The Kaiser Commission found that 82 percent of the uninsured come from working families. In fact, 71 percent of the uninsured come from families with one or more full-time workers.

According to a study done by the Center for Studying Health System Change, 20 percent of all uninsured people are offered health insurance by their employer, or a family member has an employer who offers health insurance, and they could get coverage for his or her family, and they choose not to enroll in the plan.

The most cited reason for not enrolling in an offered plan is cost. The costs are a double-edged sword. They are of concern to the patient and the employer who would provide insurance. High costs have caused people to choose to be uninsured in return for more money in their paycheck, feeling that they need that money for other priorities higher than health care coverage. It also is the stated cause by employers that say they cannot offer health insurance to their employees. That is why it is essential that any bill we pass not increase costs either for the patient or for the employer.

If health costs continue to climb, the potential results could be alarming, as evidenced by a recent series of nationwide polls of employers. In each one, an overwhelming majority of employers stated unequivocally they would have to pass on any new cost to their employees, whether by raising the employees' premium or out-of-pocket costs or by reducing benefits or eliminating coverage of certain services.

As the American economy begins to cool, businesses are beginning to tighten their belts. We are seeing the unemployment rolls go up. This could take a bigger toll on the rolls of the Nation's uninsured. We cannot fool ourselves that a minor increase would make no difference to businesses, especially small businesses with tight profit margins. Indeed, it would not take much at all for small businesses to drop coverage of their employees.

According to a study done by the Employee Benefits Research Institute, a 5-percent increase in premiums would cause 5 percent of small businesses to drop coverage, and a 10-percent increase would cause 14 percent to drop coverage.

There is also some good news in these figures, if we can just address them; that is, this would also work in reverse, with decreases in rates creating more coverage. In fact, just a 10-percent decrease in rates would make 43 percent of small businesses more likely to offer coverage.

We must keep these consequences in mind. We must also remember the consequences of our own actions in another way. Remember the health care debate that we had less than 10 years ago. I doubt that my colleagues across the aisle want to relive the consequences of trying to force upon the American people a nationalized health care system in our fiercely independent, democratic Nation.

If Americans are currently unhappy with decisions being made by their HMO rather than their doctor, then just as in 1993, they are not going to want decisions to be made by a bureaucracy in Washington, DC. Yet today we are considering legislation that would impose numerous new Federal mandates and regulations. I know if we don't learn from the mistakes of the past, we are doomed to repeat them. I didn't think we would be doomed so soon.

We all have the same goals: to ensure high-quality health care is not compromised; that more Americans have access to health care; and that all patients have basic rights and guarantees concerning their health care.

This is about people, not lawyers. We understand that people care more about getting health care, not about filing a good lawsuit. We understand patients want the care. They are not interested in filing a lawsuit later, when the injury may be irreparable. We have the support of the American people on this issue. A recent survey by Market Strategies showed that 83 percent of Americans say lawsuits with few restrictions would make it even harder for the working poor to afford coverage.

We should also listen to States that have already introduced some form of a Patients' Bill of Rights, such as my home State of Texas. One size does not work on humans, and it should not be applied to all States, either. Yet one of the bills that is before us, the Kennedy-McCain bill, would make all States the same. It would penalize States such as Texas that have taken steps toward a Patients' Bill of Rights and where, in fact, it is working.

When Texas enacted the broad set of managed care reforms in 1997, they addressed an issue that we are attempting to address in Congress. Texas successfully tackled even the sticky issue of appeals and lawsuits, one of the greatest hurdles in the debate on the bill today.

In Texas, if an HMO denies a claim, patients have the right to internal and external appeals. Once you have exhausted your administrative remedies and only then can you contemplate suing your HMO in court. The external review section was struck down by a Federal court as the State tried to apply these provisions to federally regulated HMOs. As you can imagine, that didn't stop Texas. They revived their external review section of the law, this time making it voluntary. Despite the ability to decline to participate, HMOs and other health plans are participating, and they are agreeing to be bound by the external review process.

This is how the external review process works in Texas. We let an external review board of professionals, who are not associated with the HMO, decide who is right concerning the patient's care. If the HMO denies coverage for a certain procedure, the patient and the doctor disagree with their decision, then the patient can make an internal appeal within the HMO first.

If after the HMO reviews the appeal they still refuse to change their stance, then the patient can appeal again to an outside panel of experts not associated with the HMO in any way. It works.

In fact, of more than 300 appeals heard under the external review system, fewer than 10 lawsuits has emerged. At the same time, the system has proved to be fair. The conclusions of the appeals are virtually 50/50 in favor of both the patients and the health plans.

I know all of us want the best health care for America. But it is a lot easier to jump on a rhetorical or political bandwagon, sometimes, than to create good legislation. Rather than rushing a bill through Congress—and this bill has not even had a committee markup—it is important that we examine this bill carefully. We are going to have to do that in this Chamber because the committee process was bypassed.

It is important that we ensure we are not creating more problems than we are trying to solve. We must remember the rule of unintended consequences, that sometimes the end results are vastly different from what we expect or intend.

We can't afford to take a chance with unintended consequences with our health care system. It is too basic to too many people in this country for us to make a mistake and go overboard and find that we have allowed so many lawsuits with not very many limits to create a cost increase in our health care system that would cause people to lose coverage or to start relying on lawsuits instead of talking to their doctors and getting an outside appeal to get the care on a timely basis.

A Patients' Bill of Rights is important. We must make sure that we work together to get this high quality.

Let me describe some of the reasons I am supporting the Frist-Breaux-Jeffords plan. It gives access to emergency rooms without any question and without any delay. In fact, all of the bills agree on these basic issues. I believe if we have a bill that has direct access to an emergency room, direct access, without going through a process, to get to an OB/GYN specialist or a pediatrician or specialty care by a specialist in an area, when that is called for in a diagnosis, then I think that will be a good Patients' Bill of Rights.

If we have a rapid, binding internal and external review process on denials of claims, that would be a good Patients' Bill of Rights.

If we have access to Federal courts, after going through the external review process, with reasonable limitations on noneconomic damages, that will be a good Patients' Bill of Rights.

No one argues that we should have unlimited economic damages if a person is found not to have gotten the proper care. That person needs to have the right to that care that was found to be denied in error.

It is the noneconomic damages that have caused so much rise in cost throughout our health care system, that has caused premiums to go up, hospital costs to go up, equipment costs to go up, doctor visits to go up. We can come to a reasonable compromise that gives people rights to sue and rights to access but doesn't take the cap off responsibility so that the patient care is secondary to the big court reward that you might get even if it is unwarranted.

That hurts everybody in the system because the cost goes up. And who is hurt the most? It is the person who is barely able to afford that insurance coverage but has access to it and might drop it or choose to go uninsured because the costs become unbearable.

This has a ripple effect throughout the health care system. When a person goes uninsured and then has a terrible accident, then the costs must be shared by all taxpayers, by all the people in and out of the system. It is in everyone's best interest that we have quality, affordable health care coverage so people will have their needs met in a responsible way.

That is what I think the Frist-Breaux-Jeffords plan will do. I hope very much that my colleagues will make sure that we do the responsible thing because it would be a bigger harm to our country to do the wrong thing, to take a chance.

I was here during the debate in early 1994 on the health care plan that was put forward, which would have basically nationalized our health care system. After 2 days of debate on that bill, it was pulled down because people began to see that putting our health care system into a government system was going to limit quality. It was going to limit the access that people have to the great quality health care that we have come to enjoy in our country.

When we talk about quality health care, we are talking about new innovations in prescription drugs. We are talking about being able to treat something with prescription drugs today that 10 years ago would have been a huge operation and a 2-week stay in the hospital. We have been in the forefront of the innovation with the newest technologies and the newest prescription drugs that would allow America to have the very best health care coverage of any country in the world. We don't want to lose that. Our freedom to choose has been a big part of the success of that system.

But we are in danger of losing it if we turn our system over to people who are not interested in patient welfare. It could be the accountant in the insurance company office who makes a data entry error and causes the person to lose coverage; or it can be the trial lawyer who is more interested in earning a big fee than in getting the patient the coverage they need.

It is my intention to offer an amendment to this bill that would also make sure that a person can't have coverage dropped without notice. Today, a person can walk into a pharmacy and order a prescription under their insurance policy and be told by the pharmacy that a family member has been dropped from coverage, unbeknownst to the person who walked in the door. What kind of system is it that someone can be told they don't have insurance and, therefore, they can't get their prescription or they must pay for it in full even though they have coverage, and then when the person calls the next week and says, excuse me, but I was told this week, after 6 years of coverage by the same insurance company, that a member of my family was dropped from coverage, and the person says, oh, there was an error made in a data entry and it was a mistake that

your wife was dropped from coverage. That has happened with one of the better insurance companies in this country.

I am going to offer an amendment that would keep an insurance company from dropping without notification someone who has been approved for coverage, so if there is a mistake, the person will have the ability to correct the mistake before suffering the embarrassment of being told that they don't have coverage. I just wonder what would have happened if the person had showed up in the emergency room and was told they didn't have coverage anymore, unbeknownst to them, because of a data entry error that was inadvertently made by a faceless bureaucrat in an insurance company system.

So I do think it is important that we have a Patients' Bill of Rights, and I think it is important that we proceed with the utmost caution to make sure that everything we are doing is going to contribute to the problem's solution and not make it worse. That is the choice that we have today, and the reason that I am supporting the bill created by the only physician in the Senate, Senator BILL FRIST, who has seen firsthand the dangers of an insurance company making a bad decision in an HMO and the dangers of putting patient care in the hands of trial lawyers.

What we want is a Patients' Bill of Rights that puts patient care first and foremost and makes sure that we don't increase costs with unintended consequences. That is the issue that we will be debating for the next 2 weeks. I hope the people of America will take the opportunity to learn the differences between the two major bills that will be before us today and the rest of this week, and probably next week, because a person's insurance coverage and quality of care will be greatly affected by what we do in the Senate in the next 2 weeks.

I urge my colleagues to take the responsible approach to make sure that we keep the high level of quality care that we have been able to enjoy in our country—the best in the world—and let's not take a chance on lowering the quality while we give more people the ability to have guaranteed rights, and that our eye is on more access for more people in our country, not less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I rise in very strong support of the Bipartisan Patient Protection Act of 2001, which has been sponsored by JOHN MCCAIN, JOHN EDWARDS, and TED KENNEDY.

I am a proud sponsor of this legislation because it meets my principles for managed care reform and, yet, at the same time, it meets the day-to-day needs of my constituents in Maryland and the American people. It is also supported by virtually every health care consumer and provider group.

Mr. President, the time to act is now—not weeks from now, not months from now, not years from now. We have been considering what is the best approach to have a Patients' Bill of Rights to protect people from the arbitrary, capricious, and often dangerous decisions of insurance companies. We have been considering that now for more than 4 years.

Now, nobody said during the debate of the tax bill that we need more time to analyze these amendments. Yet we have irrevocably made a fiscal choice that I think will ultimately shackle us in what we can do for the American people. We did that pretty quickly. They were all set to kind of ram a missile defense shield down our throats, where we were going to spend $80 billion to come up with a ''techno-gizmo'' to shoot a bullet with a bullet that might or might not come to us. Yet after 4 years, we need more time to look at the fine print on the Patients' Bill of Rights.

I say the time has come. We have to have this done by the Fourth of July, and I am ready to declare my declaration of independence and really move this bill forward.

In the United States of America, we are geniuses at inventing the third way. We don't have a socialist system. We don't have a comrade system. I agree, we don't want comrades and socialism. Also, we did believe people needed a safety net. We didn't want to leave them to the vagaries of who gets health care—where you could have the rich versus those with no health care at all—kind of a Darwinian, predatory, free-market approach; but at the same time we invented the third way—private insurance that people could buy to protect themselves. We in the United States wanted to give help to those who practice self-help. We invented Medicare and Medicaid for those populations that were either too poor or too at risk for the private market.

So now here we are with the third way—private insurance. But some years ago, in a place called Jackson Hole, where the insurance companies met with lots of tax subsidies to support them at that meeting, they came up with managed care. Managed care is nothing but a euphemism for a moat around medical care. That is what managed care is—a moat around medical care. Jackson Hole created a black hole for patients to be able to go in and get the medical care they need.

So I think the time to act is now. I hope that we will follow some very basic principles. Mr. President, I think we need to fight for patients, not for profits. Medical decisions should be made in the examining room by the doctor, not in the board room by the insurance executive. Patients should have the right to receive the treatment that is medically necessary by the most appropriate provider using the best practices.

Patients need continuity of care. Just because an employer changes insurance companies, you should not have to change your doctor, particularly if you are pregnant or a family member is terminally ill or if you are in a rehab center.

Patients should be able to hold their insurance companies accountable for medical decisions in the same way they hold their doctors accountable for medical decisions, and that is by having the opportunity for redress in court. The McCain-Edwards-Kennedy bill meets those principles.

Let me give an example of continuity of care. It is absolutely crucial. I worry about people who are undergoing care for serious and complex medical conditions. Often an employer will change insurance companies, but the employee should not be penalized. Again, if a woman is pregnant, she should have continuity of care. If a family has a child who has leukemia, while they are fighting for their child's life, they should not be fighting with their insurance company to keep their doctor.

If a family member has a stroke and is getting rehab, certainly they should be able to have continuity in that facility with that rehab team for 90 days or until discharge from the facility.

These are the kinds of issues we are talking about in our legislation and what we are fighting for.

I came to the Senate to save lives, to save jobs, and to save communities. This is what we want to do: save lives and make sure we stop the horror stories about Americans who are denied medically necessary treatment.

Mr. President, 31,000 people every year are forced to change doctors; 35,000 people a year have needed care delayed. Thousands and thousands every day have to wait for permission to get their bills paid.

Let me tell you about Jackie from Bethesda, MD. She is a go-getter, as many Marylanders are. She was hiking in the Shenandoah Mountains, lost her footing, and fell down a 40-foot cliff. Thank God there were people there to help her. She was airlifted to a hospital. Guess what. The HMO refused to pay her $10,000 hospital bill because she did not get prior authorization.

Then there is the story of a little boy who found his diabetic dad lying unconscious after days and days of trying to get an HMO referral to a specialist. This little genius called 911, but, again, though the father was rescued, they then had to fight with the insurance company while they were fighting to bring him back to health so he could go back to work.

Fight, fight, fight always with the insurance company. I am joining with Senator JACK REED on an ombudsman bill that supports programs like the one in Maryland where we actually pay people to deal with the entanglements of denial and dismissal of benefits to which they think they are entitled.

The McCain-Edwards-Kennedy bill is terrific. It guarantees access to emergency care. It provides timely access to specialists.

In this bill, if you have a child, you have access to a pediatrician. A woman has direct access to an OB/GYN. We guarantee continuity of care, and we stop that dreaded practice of drive-by mastectomies. That is why we like the McCain-Edwards-Kennedy bill.

We know Dr. FRIST and Senator JOHN BREAUX and even yourself, Mr. President, look at it another way, and we respect that, but we think that bill has too many loopholes. It leaves out too many protections. There is no protection for a health care provider that advocates on behalf of a patient. It does not prohibit coercive financial incentives for physicians to deliver health care. But I do not want to talk about their bill. I want to talk about the McCain-Edwards-Kennedy bill. I want to talk about getting a bill now. I am talking about a bill that removes the moat around medicine. I am talking about putting patients before profits.

I conclude by saying we are the discovery nation. In the 20th century, we made more scientific and medical breakthroughs than at any other time in world history, and the breakthroughs came from here. They came because the American people funded the NIH and then the private sector and our universities value added to come up with new ideas and new products that are saving lives.

When my mother was first diagnosed with diabetes, she could either go on insulin, oral insulin, or nothing at all. Now there are over 300 different forms of medication to help those patients. We are on our way to finding a cure for Alzheimer's and Parkinson's.

While we are so busy discovering life-saving pharmaceuticals, dramatic new techniques, and new forms of prevention, we should not let the insurance companies prevent our access to the very things we paid to invent.

Let's pass this Patients' Bill of Rights. Let's do it before the Fourth of July break, or I believe the American people will foment another revolution, and we will have to stand out of their way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. MILLER. Mr. President, I rise in support of the McCain-Edwards-Kennedy patient protection bill of which I am very proud to be a cosponsor.

It is time—it is past time—for us to help millions of Americans obtain their basic rights and protections in dealing with health care providers.

It is time—it is past time—for health insurers to be held accountable when they show more concern for their own bottom line than for the patients' health and safety.

It is time—it is past time—for medical decisions to be made by patients and doctors, not some HMO bean counter.

I am no stranger nor a Johnny-come-lately to this issue. Years ago I became a supporter of Congressman CHARLES NORWOOD's effort, my good friend and Republican colleague from Georgia, as he went about in his courageous effort to make this change. And I come from a State that passed a strong patient protection law 2 years ago which, by all accounts, is working very well.

Now it is time for Congress to pass a strong Federal law to protect the millions of patients who cannot be protected by the Georgia law or by any other State's law.

This patient protection issue has been on our to-do list for a long time. We often speak of something serious as being a life-or-death matter, but it seldom is. Today this is truly a life-or-death matter for many American families who cannot wait any longer for us to act.

When Georgia wrestled with this issue 2 years ago, at the heart of the debate was the question of how we could best protect the interest of patients enrolled in managed care plans. That question has become increasingly important over the past 20 years because managed care has come to dominate the health care delivery system.

In 1980, managed care was a novelty. Today more than 70 percent of Americans and close to 80 percent of insured employees are covered by some form of managed care.

As the number of Americans enrolled in HMOs and managed care has grown, so have the complaints grown and so have the horror stories grown about being denied adequate care.

The proper role of managed care is to balance the cost of health care with the medical needs of patients, but in too many cases the concerns about cost always come out ahead of the concerns for the patient. In far too many cases, managed care has become mismanaged care.

The Georgia law that was passed in 1999 brought balance to the equation by giving patients explicit access to specialists and emergency care. The law also created an independent external review system to address patients' grievances. These are the essential components of any good bill, and they are the components of the bill I speak for today.

When the Georgia Legislature debated this law, there were critics—critics who made the same arguments that we are hearing in Washington today and that I heard last year and the year before.

In Georgia, the critics paid for ads saying the law would drive up premiums and cause more people to lose coverage. The critics paid for ads claiming employers would be held liable for HMO mistakes. They paid for ads predicting—and I love this alliteration—a ''flurry of frivolous'' lawsuits. Oh, there was hissing and moaning, but you know what? None of those dire predictions has come true. By all accounts, Georgia's patient protection law is working, and working well. In fact, patients are so satisfied with the independent review process that not a single, solitary patient has filed a lawsuit. No, not one.

Let me read from an article in the Atlanta Constitution on Monday, ''Georgia's Pioneer Plan Avoids Legal Side Effects.'' The first two paragraphs I will read:

> When Georgia's Patient's Bill of Rights became law two years ago, managed-care companies predicted they would be spending a lot of time in court defending their decisions to deny coverage. But there has yet to be a lawsuit filed by a patient who first aired the grievance through the new independent review system, state officials said.
>
> ''The law is working as intended,'' said Clyde Reese, Director of the Health Planning Division that oversees the patient protection process. ''In the two years, no one who has gone through this process and has been denied has filed a lawsuit. It has not given rise to litigation. We're not aware of even one suit that's been processed.''

There it is. The naysayers, Chicken Littles, never give up. Today on this bill, they are telling you that if it is passed, the sky will fall. They claim that the patients' employers can be sued as well as the HMO itself.

Wrong. Not so. This conservative, probusiness, Democratic Senator would never support a bill that exposes employers to that kind of liability. The McCain-Edwards bill specifically protects employers, gives protection even to the directors of the HMO. Those individuals cannot be personally sued, as some would have you believe. Employers are shielded from lawsuits unless they directly participate in a medical treatment decision.

This is also one of the very principles President Bush has said must be included. When President Bush released his principles for a bipartisan Patients' Bill of Rights on February 7, he said: Only employers who retain responsibility for and make medical decisions should be subject to suit.

We agree with President Bush. The principle outlined in February is the exact principle that is in our bill.

Now I am not a judge, and there is not enough of me to be a jury, but that is pretty plain to me. Only the HMO itself can be sued. And who can argue that HMOs should not be held accountable for mistakes? Shouldn't HMOs be treated like any other health care organization or doctor or business or individual?

While the Georgia law is a model for protecting patients, they unfortunately cannot protect all of Georgia's patients. No State law on this issue can protect all the citizens because a Federal law, the Employee Retirement Income Security Act of 1974, also known as ERISA, exempts a large class of employees from State oversight. That means millions of Americans are not covered under any patient protection law. They have no legal recourse in dealing with their HMOs, and they are suffering. It is, for too many, truly a life-or-death matter. That is why I believe so strongly that Congress must act, and act now.

The McCain-Edwards bill would also provide patients with their basic rights and protections in a balanced way. It

guarantees access to medical specialists; it protects patients from having to change doctors in the middle of treatment; it provides fair, unbiased, and timely internal and independent external review systems to address patients complaints; it ensures that patients and doctors can openly discuss all the treatment options without regard to costs; and it includes an enforcement mechanism that ensures these rights are real.

The McCain-Edwards bill is also consistent with all of the principles laid out by President Bush except one: President Bush, a man for whom I have profound respect, wants the Federal courts to have exclusive jurisdiction over patient protection lawsuits. Another bill introduced by Senators BREAUX and FRIST, colleagues for whom I also have great respect, would comply with the President's wish on this point by moving all liability lawsuits to the Federal courts.

I am sorry, but I must respectfully disagree with the President and my colleagues on this one point. A purely Federal solution is not the best solution. The Breaux-Frist bill would preempt Georgia's law, as well as the laws of seven other States that have passed similar patient rights bills. The traditional arena for resolving questions about medical negligence is the State court. I submit that is where the jurisdiction should remain. It is the courtroom that is the closest to the people. Don't make my folks in Brasstown Valley have to go over the mountains, through Unicoi Gap, to get to that big, crowded, white marble courthouse in faraway Gainesville. That ''ain't'' right. Let 'em go to the county seat, to the courthouse in Hiawassee that they and their family have known for years.

Now, one more thing. Any bill on this issue is going to add to the cost of health insurance premiums. They all do. Ours, in my opinion, is the most reasonable. The Congressional Budget Office estimates if the McCain-Edwards bill is passed, premiums will increase by 4.2 percent over 10 years. That translates to slightly more than $1 a month for the average employee. I believe most Americans will be more than willing to pay an extra $1 a month for the protection this bill will afford them.

Let's not drag this thing on. Please, let's not play partisan games with something this important. It has been an issue in three congressional elections now and two Presidential elections. The time has come to resolve this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from Georgia leaves the floor, I will say a word. I have one daughter—my oldest child is a daughter—and she has four brothers. When she married, we were a little concerned because she married someone from the South, from North Carolina. But he has been such a wonderful son-in-law and, with his family, we have gotten to know about something that I kind of refer to as southern common sense. My son-in-law, first of all, is very smart. In addition to that, he has so much common sense. He can figure out problems. He has been a great father to three of my grandchildren.

I give that background because the more I am exposed to southern legislatures, the stronger I feel on an affirmative basis about my son-in-law. I think we need more of this southern common sense in the national legislature. The two Members on the floor today epitomize what I think is the direction of the South in influencing legislation in the Senate.

I listened with interest and awe to the statement of the Senator from Georgia. It was as good as I have heard in this Chamber, and I have heard some good ones. It was direct and to the point, as only the Senator from Georgia can be with his wealth of experience being an administrator and legislator.

Another Senator on the floor with the Senator from Georgia is our friend from North Carolina.

My son-in-law is from Kannapolis. We talked about that. It is a place where they made lots of sheets and towels and things such as that, for many years.

I have not had the opportunity publicly to express my appreciation to my colleague for lending his expertise to this legislation because he has not only brought the southern common sense to this legislation but also the respect we all have for him and his legal abilities.

To my two southern friends here today, I say thank you very much for making it possible for us to be able to pass this legislation. Because of the two of you—there are other reasons, of course—we are going to pass this legislation. More than 5 years is enough. We are going to pass this legislation, and we are going to do it in the immediate future, not way down the line. We are going to pass it as soon as we can, which is going to be before the July recess begins.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, first I say to my friend from Nevada, he is mighty lucky to have a son-in-law from North Carolina.

Mr. REID. I agree.

Mr. EDWARDS. We are glad he has a son-in-law from North Carolina.

I say to my friend from Georgia, who, some people may not know, lives 6 or 8 miles from the North Carolina line, so North Carolina had a little good influence on him when he was growing up in Georgia. In fact, when I was in western North Carolina not long ago, in the closest town to the Georgia border, they said they started to believe Senator MILLER was their Senator, so I had to make it clear to them, no, it was not true; I represented them, although he does a great job of representing all the people of that area.

I thank the Senator for a number of things.

No. 1, for the eloquence of his speech, because it was so well thought out, so clearly spoken that anyone listening would have understood it.

No. 2, for talking about the actual experience as opposed to some of the rhetoric we hear on both sides of this debate on the issue of what effect this kind of patient protection legislation will have on lawsuits and the potential for lawsuits.

Georgia in fact has a real experience. We do not need to guess about what has happened down there. They have legislation very similar to ours. In the State of Georgia, there have not only been few lawsuits, there has been none during the time that law has been in place. I know the Senator played a role in helping, with his friends down there, to make sure that law in fact happened.

Next, I thank the Senator for his leadership on this issue. As he said, he is no newcomer to this issue. He has been involved in it for a number of years. His expertise and involvement are critically important.

Finally, no one cares more about being certain we are not exposing employers to lawsuits than the Senator from Georgia. He has made very clear from the day he walked in this institution that he is a man of strong character, integrity, and independence. There is no doubt in my mind he means what he says. He would not be in support of this legislation—I might add, nor would I, nor would the Senator from Nevada—none of us would support this legislation if we believed it exposed employers to lawsuits. We all care a great deal about that issue, as we care about protecting patients and providing adequate patient protection against some of the HMO abuses that have occurred.

I wanted to stand briefly and thank my friend from Georgia, thank him for his cosponsorship of our legislation and thank him for his very clear thinking on this issue which has now been expressed to the American people.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. EDWARDS. Mr. President, I inquire how much time we have remaining.

The PRESIDING OFFICER. The Senator has 2 minutes 20 seconds.

Mr. EDWARDS. Let me speak briefly and then yield the floor to my colleagues on the other side from whom we welcome hearing on this issue.

First, we have now had a number of speakers who have addressed the issues that have been discussed over the course of the last 2 days now, since our legislation was introduced. We pointed out—and I hope we will continue to point out throughout the course of this debate—that there are areas of agreement but there are areas of disagreement. There are important differences between the McCain-Edwards-Kennedy

bill and the competing bill on the other side. Those areas of disagreement go from the beginning of the bill through the end, including such things as access to specialists outside the plan, access to clinical trials—particularly FDA-approved clinical trials, access to a truly independent review process so when the claim of a patient is denied by an insurance company that patient they can go to a group and get that decision reversed, knowing it is a totally impartial review panel, there being no question about the independence of that review panel; finally, as a matter of last resort, the case being able to go to court if in fact these other processes do not work.

But what we now know from the Senator from Georgia, plus the experiences in Texas and California, is that when these appeal processes are in place, when a patient is wrongly denied care by an HMO, there are two places for that decision to be reversed before anybody goes to court. One is the internal review within the HMO; the other is the external review to a truly independent body.

I might add as to the cost—the Senator from Georgia referred to this—our bill, according to the Congressional Budget Office, will raise insurance premiums 4.2 percent over 5 years. The Frist bill raises insurance premiums I believe 2.9 percent over the same period of time.

The difference between the two, the 1.3-percent difference, the majority of that difference has nothing to do with litigation. It rests in areas such as difference in access to specialists, difference in access to clinical trials, difference in quality of care. So the bulk of the cost difference between the two bills goes specifically to the issue of the quality of care that children, families, and patients across America will receive.

To the extent the argument is made that there is an explosion of litigation, that this is going to cost a great deal of money, the reality is that there is a little over 1 percent difference between our bill and the competing bill. The bulk of that difference is accounted for by difference in quality of care.

The American people are going to get a better product. They are going to get better health care. They are going to have a way to get access to clinical trials for their child who needs to be seen by a specialist, to be seen by a specialist. They are going to have a way to reverse a wrongful decision by an HMO. That is what we are talking about. None of that has anything to do with going to court or lawsuits.

As to the issue of going to court, as the Senator from Georgia pointed out so clearly, we are only asking one thing, and that is that HMOs not continue to be treated as privileged citizens; that they be treated as everyone else—they ought to be treated as every other American, every other small business, every other large business—and that they not maintain their status as being the only group in America that cannot be held accountable for their actions. That is what this debate is about. We are on the side of patients. That is the reason the groups, AMA and others, support our legislation.

I think it is time now for me to yield the floor to my colleagues on the other side.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Tennessee.

Mr. FRIST. I will take a couple of minutes. I will be brief, and then the Senator from Maine will address many of the issues we discussed.

Clearly, much of the debate centers on what the cost of this bill will be. We both have patient protections. We want to give rights to patients that they deserve, rights to make sure we have medical decisions made by doctors and patients working together, and not medical decisions made by HMOs.

If HMOs make a medical decision, then they need to be held accountable. How do you hold them accountable? That is where much of the difference lies.

In terms of cost, because I do want to clarify this and because the Senator from North Carolina is comparing the Frist-Breaux-Jeffords bill to the McCain-Edwards-Kennedy bill, most of the quoted cost comparisons are from the Congressional Budget Office, upon which we rely. In truth, they are projections. Nobody knows exactly what the cost will be, but it is important to understand how the increase in premiums relates to the overall cost. Specifically, how much will premiums increase for the 170 million people who rely on insurance to obtain their health care? That is what we are discussing. The American people, who are the ones who will be paying more for the cost of this Bill of Rights—what they will pay is substantially different in our bill versus their bill.

In their bill, when you talk about these little percentages, the increase itself is about a 4 percent increase in premiums. When you talk about their 4.2 versus our 2.9 percent, the percentage is only 1 point difference. However, the difference is significant, whether it is 8 percent, or 5 or 4 percent, because for every 1 percent increase, we are talking about 300,000 people losing their health insurance.

In America, when you don't have insurance, you can still go to the emergency room, but you do not have the quality of care that you would have with insurance.

Instead of trying to make these differences sound tiny and small, as a physician, I see the faces of 300,000 individuals. Three hundred thousand individuals, who today have health insurance, but because of frivolous lawsuits and paying trial lawyers too much with no increase in patient protections, they lose their health insurance.

We continue to talk about the relative cost.

One other thing, to clarify what has been said on the floor regarding the civil remedies part, the Congressional Budget Office scores the Frist-Breaux-Jeffords bill versus the Kennedy-McCain-Edwards bill twice as much in terms of that increase. There is a big difference in terms of the cost. They score theirs .8 and ours is .4 in terms of the cost due to civil remedies.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, I am pleased that the Senate is now considering the issue of how best to ensure that patients receive the health care they need when they need it and that was promised by their insurance plan.

The last 10 years have been particularly turbulent ones for health care providers and patients alike. Concerns about rising costs have led to extensive changes in how health care services are provided and paid for in both public and private health plans.

As a consequence, there is a growing unease across the country about the changes in the way we receive our health care. Families worry that if they or their loved ones become seriously ill, their HMO will deny them coverage and force them to accept either inadequate care or financial ruin—or perhaps both. They feel that vital decisions affecting their lives will be made not by a supportive family doctor but by an unfeeling bureaucracy. They fear that they will have to fight their insurance company as well as their illness.

These are the concerns that have prompted this important debate about how we can ensure that HMOs are held accountable for promised care and that medical decisions are made by individuals wearing stethoscopes, not green eyeshades. People should not have to worry that their HMO will unfairly deny them treatment or force them to accept inadequate care.

Virtually every Senator agrees that medically necessary patient care should not be sacrificed to the bottom line and that health care decisions should be in the hands of doctors, not insurance accountants. But we face an extremely delicate balancing act: as we respond to these concerns, we must be careful not to impose overly burdensome Federal controls and mandates that will drive up costs and cause some people to lose their health insurance altogether. That is the whole crux of the managed care debate.

We should pass a strong, binding Patients' Bill of Rights, but we should do so in a responsible way so that we don't add excessive cost, litigation, and complexity to an already strained health care system. Congress should use the set of principles that President Bush has given us as a road map to develop a bipartisan Patients' Bill of Rights—one that applies meaningful patient protections where they are needed without unduly increasing health care costs.

The biggest obstacle to health care coverage in the United States today is cost. American employers everywhere—from the giant multinational corporation to the small corner store—are facing huge hikes in their health insurance costs. Rising health insurance costs are particularly problematic for people purchasing coverage in the individual market and for small businesses and their employees.

Earlier this year, the dominant carrier in Maine's individual market increased its rates by an average of 23.5 percent for indemnity plans and 32.6 percent for HMO plans. As a result of these increases, many people in my state are either dropping coverage or switching to ''catastrophic'' plans with very high annual deductibles.

Similarly, many small employers in Maine are facing premium increases of 20 to 30 percent, forcing them either to drop their health benefits or pass the additional costs on to their employees through increased deductibles, higher copays, or premium hikes. This also adds to the ranks of the uninsured as more lower-wage workers, unable to afford the increased costs, drop coverage or turn it down.

No wonder the ranks of uninsured Americans have grown to 43 million. If this happens at a time we have been enjoying a strong economy, just imagine what could happen in an economic downturn.

Higher health insurance premiums lead to significant losses in coverage. Studies have shown that for every one percent increase in insurance premiums, insurance coverage for as many as 300,000 people is jeopardized. This is one of the primary reasons I am so concerned about the McCain-Kennedy version of the Patients' Bill of Rights. According to the Congressional Budget Office, the McCain-Kennedy approach will increase health insurance premiums by an additional 4.2 percent over and above the double-digit premium increases we have already experienced. Moreover, this bill is even more expensive than previous versions of the legislation.

Congress should act to provide the important protections that consumers want without causing costs to soar, and we can do so by passing a carefully crafted bill. I also believe that we should not pre-empt or supercede, but rather build upon the good work that states have done in the area of patients' rights and protections.

States have had the primary responsibility for the regulation of health insurance since the 1940s. As someone who has overseen a Bureau of Insurance in state government, I know that state regulators have done a good job of protecting consumers.

One of the myths in this debate is that unless the federal government preempts state insurance laws, millions of Americans will somehow be ''unprotected'' in their disputes with HMOs. That simply is untrue.

For example, as this chart demonstrates, 48 states have passed laws prohibiting ''gag clauses'' that restrict communications between patients and their doctors. Forty-four states have requirements for emergency medical care; forty-seven have prompt payment requirements; thirty-seven require direct access to an OB/GYN; forty-one have requirements for external appeals; and all fifty have requirements for internal appeals and patient information.

As is so often the case, states have been the laboratories for insurance reform.

They have acted without any mandate or prodding from Washington to protect their consumers. They have been way ahead of us in enacting patients' rights.

Moreover, one size does not fit all. What may be appropriate for one State may not work well in another or may simply be unnecessary. For example, what may be appropriate for California, which has a very high penetration of HMOs, may simply not be needed in States such as Alaska and Wyoming where there is virtually no managed care. In these States, imposing a new blanket of heavy-handed Federal mandates and coverage requirements will simply drive up costs that will impede, not expand, access to health care.

That is why the National Association of Insurance Commissioners opposes the approach taken in the McCain-Kennedy bill which would force all States to adopt virtually equivalent Federal standards.

Recently, I received a letter from Kathleen Sebelius, the president of the NAIC, in which she writes:

> States have faced the challenges and produced laws that balance the two-part objectives of protecting consumer rights and preserving availability and affordability of coverage. For the federal government to unilaterally impose its one-size-fits-all standards on the states could be devastating to state insurance markets.

Mr. President, I ask unanimous consent this letter from the NAIC be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Ms. COLLINS. Mr. President, under the McCain-Kennedy bill, the Federal Government could preempt existing State patient protection laws unless they had already enacted identical protections—not just similar ones, identical ones. The approaches taken by the 50 States to the same types of patient protections vary widely and with good reason in many cases.

Why should a State that has already acted on its own to provide strong, workable patient protections have to make extensive changes in their laws to comply with new Federal standards?

Let me give you a recent example from my home State of Maine. Maine is one of just 12 States that require health plans in the fully insured individual and small group market to provide coverage for routine costs for patients participating in clinical trials. During its consideration of this provision last year, the Maine Legislature made the decision to include only those clinical trials that were approved and funded by the National Institutes of Health. I would note, parenthetically, that this decision was one that was made by a legislature controlled by the Democratic Party.

What would happen under the McCain-Kennedy bill? Under that approach, Maine would have to go back and rewrite its law to include clinical trials approved or funded by the Department of Defense, the Veterans' Administration, and the Food and Drug Administration.

Why should the State of Maine have to revisit its law? The law that the State of Maine came up with to require coverage of certain clinical trials was carefully debated. It was thoroughly considered. And the Maine State legislature decided that this was the best approach for the citizens of Maine. Yet under the legislation we are considering today, Maine would have to change its law or have it completely superseded by the Federal Government taking over control of its health insurance market.

Let me be clear. I believe the Federal Government does have an important role to play in regulating the self-funded plans under ERISA. That is because, under current Federal law, States are precluded from applying patient protections to these Federal plans. That is why we need a Federal law to ensure that consumers enrolled in insurance plans beyond the reach of State regulators enjoy the same kinds of strong patient protections that apply to State-regulated plans.

As I said, and as you can see from the chart, the States have been extraordinarily active in this area. It is all well and good if Congress decides that it wants to impose a specific requirement or mandate on federally regulated ERISA plans, since States are, by law, precluded from regulating these insurance plans. But the Federal Government should not be in the business of second-guessing and overriding the carefully crafted patient protections that have been negotiated by our State legislatures and Governors to meet the needs of that State's citizens.

States that have seized the initiative and acted on their own should not have to revise their carefully tailored laws simply in order to comply with a Washington-knows-best, one-size-fits-all Federal mandate.

Moreover, what if the State has made an affirmative decision not to act in one of these areas for very good reasons, such as the reason I previously gave where a particular State may not have much managed care so that this debate is largely not relevant to its citizens? What if the State legislature, after much discussion and debate, has decided that a particular consumer protection simply isn't needed because the marketplace has already taken care of this issue?

Let's look at the consequences under the McCain-Kennedy bill of a State failing to enact an identical provision to the consumer protections in S. 1052.

The bill proposes, quite simply, a Federal takeover of State health insurance regulation. The Health Care Financing Administration, HCFA, would be charged with enforcing the new Federal standard.

Talk about a right without a remedy. In a report issued in May of this year—5 years after new Federal health insurance standards were enacted under the Health Insurance Portability and Accountability Act, the Mental Health Parity Act, and the Newborns' and Mothers' Health Protection Act—5 years after those laws passed, five States are still out of compliance, and Federal fallback enforcement in these States is virtually nonexistent.

Moreover, HCFA told the GAO that it has not even been able to fully assess whether or not the States have complied with the Mental Health Parity Act enacted 5 years ago, and that law is scheduled to sunset this year. Given the fact that the Patients' Bill of Rights—the version we are considering right now—is replete with new health mandates, consumers should be very concerned that HCFA has already proven beyond a shadow of a doubt that it is incapable of enforcing existing Federal insurance standards in States that do not conform. In fact, HCFA has shown that it is incapable of even assessing whether or not the States have complied with these limited Federal insurance standards. So what makes us think that HCFA could in any way take over the responsibility of regulating health insurance in States that do not comply to the letter with the standards in the McCain-Kennedy bill?

If HCFA has not been able to handle its limited responsibility under the laws that I mentioned, how in the world would it benefit consumers to provide for a Federal takeover of health insurance regulation in this area?

I think the answer is clear. It would be a tremendous disservice to consumers to have HCFA take over health insurance regulation. I know that my consumers, my constituents in Maine will have far better service and far better luck dealing with the Bureau of Insurance in the State of Maine in Gardiner, ME, than trying to call the ERISA office in Boston or the HCFA office in Baltimore. It is that simple.

As we consider Federal patient protection legislation, I believe that true deference should be given to the expert decisionmakers who know best what is appropriate for each State and who are most immediately accessible and accountable to that State's citizens.

Another of the myths—and there are many—in this current debate is that you can't sue your HMO. That, too, is not true. HMOs—even self-insured ERISA plans—can be sued in State court over quality-of-care treatment decisions. They can also be sued, under current law, in Federal court for injunctive relief to force them to provide needed care or to compensate the patient or provider for the value of the benefit, plus any attorney's fees. This is the exact same legal remedy that is currently available to us as Members of Congress under the Federal Employees Health Benefits Plan.

Mr. EDWARDS. Will the Senator yield for a question?

Ms. COLLINS. I do not wish to yield at this point. I would like to conclude my statement.

We do need strong remedies to prevent HMOs from denying needed care. There is no dispute over that point. All of us are deeply troubled by cases in which an HMO has acted in a way that was not in the best interest of the patient. That is not what this debate is about. The debate is about the best way to solve those problems, to ensure that every patient gets the care that he or she needs when they need it. That is what the debate is about.

That is why a strong, independent, and binding appeals process is critical to ensure that patients get the care they need when they need it; that they get the care they were promised. They should not have to hire an attorney and file a lawsuit to get the health care they need. They just can't sue their way to quality care. That is why the key is to make sure that we have an appeals process that is binding, that is independent, and that will force the HMO to provide the care that has been promised.

I am particularly concerned that the liability provisions in the McCain-Kennedy bill, as currently drafted, could well discourage employers that currently voluntarily provide health insurance to 172 million employees and their families from continuing to offer coverage. While the McCain-Kennedy bill claims to protect employers, the fact is, as I read the bill, they would be subject to both new Federal and State lawsuits authorized under the bill.

Under the McCain-Kennedy bill, a trial lawyer just needs to allege that an employer directly participated in a medically reviewable decision to force that employer to court. The direct participation standard in S. 1052 does not shield employers from being sued. It simply gives them a defense that they can raise in court. Being subject to such lawsuits will be particularly hard, potentially ruinous for small business owners who cannot afford the tens of thousands of dollars they would have to spend on attorney's fees to fight these kinds of cases in court.

Many Maine employers have expressed their serious concerns about the liability and scope provisions of the McCain-Kennedy bill. I met, for example, with the assistant director of human resources at Bowdoin College who talked about how moving to a self-funded ERISA plan enabled the college to continue to offer affordable coverage to Bowdoin employees when premiums for their fully insured plan skyrocketed in the late 1980s. Since they were self-funded, they were actually able to lower their premiums for their employees and at the same time enhance their benefit package with such features as well-baby care, free annual physicals, and prescription drug cards with low copayments. They told me that a proposal such as the one before us today could seriously jeopardize their ability to offer affordable coverage for their employees.

Similar concerns have been expressed by the Maine Municipal Association, L.L. Bean, Bath Iron Works, and many other very responsible Maine employers that care deeply about providing the best possible health insurance for their employees.

Even though S. 1052 is certain to drive up health insurance costs, it also does nothing to expand access to affordable health insurance. In fact, by driving up costs, it jeopardizes health insurance coverage for people who already have it and puts the cost further out of reach for those who lack it now.

As we proceed with our consideration of legislation to protect patients' rights, we should also be considering ways to expand access to coverage for millions more Americans by making health insurance more affordable.

As the Presidential Advisory Commission on Consumer Protection and Quality noted in its report which was done for President Clinton, I note: Costs matter. Health coverage is the best consumer protection.

As we proceed in this very important debate, I hope we can continue to work to improve S. 1052 so that it truly protects patients without jeopardizing their insurance coverage and without wiping out the good work of the States.

I was encouraged today by a conversation with Senator MCCAIN in which he indicated that he is very open to resolving some of the problems I have raised in my statement. I hope that we can work together, and at the end of the day I hope we can approve, by an overwhelming vote, a responsible Patients' Bill of Rights that will help ensure that patients receive the care they need, when they need it, without having to resort to hiring an expensive lawyer and filing a lawsuit. That should be a goal that should unite us all.

I look forward to the upcoming debate. I think it is an important one. I hope we can come together on a bipartisan bill that the President will sign, that will make a real difference in the health care for America's patients.

Mr. KENNEDY. Will the Senator yield for a brief question?

Ms. COLLINS. I am happy to yield to my friend from Massachusetts.

Mr. KENNEDY. I listened carefully to the Senator. As a member of our committee, I know she gives a good deal of attention and time to health care and education issues, as well as the other matters that come before our committee. We take her words seriously.

While listening to her, I was reminded that the Maine Medical Society, which represents the medical community in the State of Maine, is in strong support of our proposal. Which proposal does the Senator support at this time?

The PRESIDING OFFICER. The Senator from Maine has the floor and she has 1 minute.

Ms. COLLINS. Mr. President, I have worked very closely with the Maine Medical Association on a variety of issues. I know that while they do want to see liability provisions similar to those of the Senator, they are very concerned about the issue I raised about the preemption of Maine's law.

Maine has been very active in passing a number of laws to provide consumer protections. They are carefully balanced laws. On this chart, there is a check mark all the way across. I know the Maine Medical Association was very involved with the legislature in negotiating those provisions. They are concerned about the preemption of Maine's laws which they helped to draft.

Mr. KENNEDY. May I ask one further question. The Maine law includes clinical trials, but does not include FDA clinical trials. The proposal of Senator EDWARDS and Senator MCCAIN does include clinical trials. Most of the women's groups, including women's cancer groups are strongly in support of this provision. They recognize that many pharmaceutical companies are on the edge of breakthroughs in the development of these new products.

I am interested in this illustration. The provisions for clinical trials in Maine are preferable, quite frankly, to the provisions included in Breaux-Frist, where there are a number of problems.

Wouldn't the Senator from Maine feel that including the patients in Maine in these FDA protocols might be helpful if they meet the other requirements? For example, what if a doctor feels that participating in these clinical trials means there is a real possibility of relieving a patient's medical condition?

Ms. COLLINS. Mr. President, Maine has led the way on insurance reform. Maine is one of only 12 States that cover clinical trials. The Maine legislators gave careful consideration to what the scope of that coverage should be, and a Democratic legislature and an independent Governor decided, for reasons of cost, to limit the clinical trials provisions to those who were approved by the National Institutes of Health. That is appropriate.

What I object to is that the Kennedy approach, the Kennedy-McCain bill, would say that if a State didn't cover clinical trials exactly as the Senator from Massachusetts wants them covered, then Maine's law is wiped out. I don't think that is right. I notice that Maine has been far more active than Massachusetts in the area of patients' protection, so perhaps that explains the difference in the approach that the Senator from Massachusetts, my friend, and I take.

I yield the floor.

EXHIBIT NO. 1

NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS,
Kansas City, MO, June 19, 2001.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: As the Senate prepares to debate legislation designed to protect the rights of health insurance consumers I would like to reiterate the concerns of the nation's health insurance regulators.

The National Association of Insurance Commissioners (NAIC), which represents all fifty-five insurance commissioners in the states and territories, is primarily concerned about federal preemption of state laws and regulations. All states have passed and implemented legislation to protect the rights of beneficiaries. Over 40 states have acted to ensure access to emergency and OB/GYN care, require fair utilization review and internal and external appeals processes, and prohibit discrimination and gag clauses. Over half of the states have laws ensuring access to specialists and non-formulary prescription drugs, a point of service option, and continuity of care.

As members of Congress know from experience, passing patient protection legislation this can be a difficult task with a variety of issues to consider. States have faced the challenges and produced laws that balance the two-part objectives of protecting consumer rights and preserving the availability and affordability of coverage. For the federal government to unilaterally impose its one-size-fits-all standards on the states could be devastating to state insurance markets.

Members of the NAIC are also concerned about enforcement. As you know as a former state regulator, if there is no enforcement then there is no protection. States have developed the infrastructure necessary to receive and process consumer complaints in a timely fashion and ensure that insurers comply with the laws. The federal government does not have this capability, and the proposals do not provide any resources to federal agencies to develop such capability. It has taken the Health Care Financing Administration (HCFA) years to develop the infrastructure required to enforce the Health Insurance Portability and Accountability Act (HIPAA) which included only six basic provisions that most states had already enacted. The proposed patient protection bills are far more complicated than HIPAA and will require considerable oversight.

To resolve these issues, the NAIC urges Congress to include in any patient protection legislation provisions that would preserve state laws and enforcement procedures, such as internal and external review processes. Failure to maintain state authority in this area could lead to the implementation of regulations that are inconsistent with the needs of consumers in a state and that are not enforced effectively.

Protecting patient rights is clearly a goal of both the states and the federal government. Attaining this goal will require cooperation and we look forward to working in partnership with the federal government to implement protections that are in the best interest of consumers in each state.

Sincerely,

KATHLEEN SEBELIUS,
President, NAIC,
Insurance Commissioner, State of Kansas.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will inquire of the Senator. If I may have the Senator's attention, is the Senator supporting the Breaux-Frist bill at this time? Is the Senator going to work with Senator MCCAIN, a cosponsor with Senator EDWARDS, to try to see if we can find common ground within the next week?

Ms. COLLINS. My friend from Massachusetts may not have heard me when I said earlier—and I don't expect him to be on the edge of his chair through every moment, but I made very clear that my hope is that we can come together on this important issue. It is important, and I think it is unfortunate that we didn't get through a conference on the Patients' Bill of Rights last year. Then we would have had these protections already in place.

It is a shame that last year when we had agreement on 90 percent of the bill, we didn't enact it. Senator BREAUX of Louisiana and I suggested just that approach. So I look forward to continuing to work with my colleagues on both sides of the aisle. Just at noontime today, I had a discussion with Senator MCCAIN and he indicated an openness to solving some of the problems I have outlined in my statement. The Senator from Massachusetts knows I always enjoy working very closely with him.

So I look forward to that because my goal is that we can pass a bill that does the job on which we all agree, and yet that would not preempt States' laws when States are doing a good job, and that would not cause health insurance costs to rise to the point where we jeopardize coverage altogether.

I know those are goals we share, and I hope we can indeed work closely together.

Mr. KENNEDY. Finally—and I see the Senator from Connecticut here—the point I would like to clarify is that the Edwards bill isn't preempting the States. They have identical provisions. The States' provisions and protections, if substantial, will stand. They don't have to be identical. I just wanted to clarify that particular issue as we go through the course of debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Very briefly, before the Senator from Connecticut speaks, there were some points made by the Senator from Maine.

First, we very much appreciate her open attitude to work with us to try to find a solution to a problem about which we all care a great deal. We appreciate that. She was arguing, I believe, that because of increased costs associated with a Patient Protection Act, people would go from being insured to uninsured, and that is something about which the American people should be concerned.

First of all, I point out that there are two competing bills, one of which will pass the Senate. The difference between those bills is minimal in cost. Second, in the three States that in fact

have enacted patient protection—California, Texas, and Georgia—not only has the number of uninsured not gone up but exactly the opposite has occurred. During the time that patient protection has been in place in California, in Texas, and in Georgia, the number of insured has gone up. In California, for example, in 1998 and 1999, the number of insured went up 2.3 percent. In Texas, it went up .9 percent—just under 1 percent. In Georgia, about which Senator MILLER spoke so eloquently, it went up .8 percent.

So the evidence from the three other States that have enacted laws similar to the McCain-Edwards-Kennedy bill is that because people have a better product, better health care, better rights, not only does the number of uninsured not go up but it goes down. So these rhetorical cries of all of us needing to be greatly concerned about that issue—of course we are, but the actual evidence that exists from the three States that have laws similar to the laws we are here talking about suggests over a relatively short period of time, in fairness, that just the opposite is true—that in fact, because of the quality of the product, the number of people insured can go up as opposed to going down.

With that, I will yield the floor to my friend from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me begin by, first of all, commending my good friends and colleagues from Massachusetts, North Carolina, and Arizona, Senators KENNEDY, EDWARDS, and MCCAIN, for their leadership on this issue—bringing a series of reforms that seek to guarantee quality health care for more than 190 million of our fellow citizens.

This is extremely important. We know there are 43 million Americans who have no health insurance at all. We hope at some point we can develop legislation to protect those 43 million fellow citizens who have to go through the anxieties on a daily basis of hoping their children, their families will not suffer from some catastrophic illness which could wipe out whatever meager holdings they have. That debate will have to be reserved for another day.

But there are 190 million Americans who obtain health care coverage through private insurance. So we begin the debate by trying to make sure that those 190 million people who are covered by private health care coverage will be able to have the kind of rights we think they ought to have as citizens of this country.

Mr. President, I also should begin with sort of a disclaimer to you. My colleague from Connecticut, Senator LIEBERMAN, and I represent what is oftentimes referred to as the insurance capital of the world. My good friend, the Presiding Officer, is the Senator from, I suppose, the State of gaming and of family recreation. My State is well known for a variety of insurance companies that have made significant and positive contributions to the well-being of people not only here in the United States, but around the globe. We are very proud of the fact that we represent insurance companies that have provided great security for millions of people in so many different sets of circumstances.

But it is important to note that, as a Senator from that State, one of the things we are talking about here is the obligations of my constituents, those insurance companies that are involved in providing private health care coverage. So today I suppose I engage in discussion that you may not expect to hear from someone who comes from a State where I represent these interests.

I do so with a degree of sorrow because, unfortunately, in too many cases the industry does not understand the needs of millions of Americans. This is not true of the entire insurance industry in my State. There are many who have reached out and are trying to make a difference, to see to it that people do have access to specialists, emergency rooms, and clinical trials, and that they have an appeals process to turn to when they feel that they have been unfairly denied care.

We have been at this debate now for 5 years. I recall a couple of years ago being a member of a conference committee after this body had dealt with a Patients' Bill of Rights—partisan politics took over. We sat in the committee rooms for days on end and nothing happened. For each day we wait, each week that goes by, every month that passes, these 190 million people in our country run a greater and greater risk that their rights are being denied, that basic health care coverage is not forthcoming.

I hope my colleagues who are engaged, as we have been over the last few days, in delay tactics that won't allow for an amendment process to go forward will cease and desist.

It is not what the American public wants. They may not agree with every dotted ''i'' and crossed ''t'' in JOHN MCCAIN's and JOHN EDWARDS' and TED KENNEDY's bill. I respect that. I understand their differences, but not to have any amendments offered, not to be debating this, not to be discussing it beyond the rhetorical comments is not going unnoticed by the American public.

As these days go by, I hope nothing happens to people, which could have been prevented by the passage of this legislation or some compromise version of it.

Let us begin the process of discussion. Let us begin the process of voting. I am disappointed and saddened that we have not.

I mentioned my State and the fact that I represent some of the largest, most successful insurance companies in the world. As many other States, my State has also taken action on this issue of a Patients' Bill of Rights. It has passed its own managed care protections. The reforms included in the Connecticut law take an important step toward protecting patients and doctors, but today 41 percent of Connecticut employees are denied these very protections because of Federal law preemptions. Almost half of my constituents are not protected by their State law.

Unless we adopt a Federal law, they will go unprotected, and that is true in State after State because of the adoption of ERISA, legislation going back years under the leadership of the former Senator from New York, Jacob Javits, of blessed memory.

Under his leadership, ERISA was passed, but as a result of that fine legislation and with the adoption of State laws providing protections for people's health care rights, a lot of our fellow citizens are preempted by that Federal law.

That is the rationale for us engaging in this debate on a Patients' Bill of Rights. There must be Federal law. If not, we are excluding millions of Americans from the protections their fellow citizens living next door to them, living down the street, working next to them at their businesses are provided under their State protections.

This debate is important, and we ought to be voting on amendments. Every hour that goes by, every day that goes by that we do not do our business raises even further risk that additional people will be harmed.

The increased role of managed care in our health system has brought some very important improvements—better coordinated care, greater efficiency at lower costs, and an enhanced focus on preventive care.

The health maintenance organizations deserve credit for making these positive steps. The benefits, however, have been accompanied by some concerns about the impact on the quality and delivery of care, and that is what the Kennedy-McCain-Edwards bill attempts to address.

Far too often the decision about whether you or your family can get the health care you need is dictated by an insurance policy rather than your doctors. That is why it pains me as a Senator from Connecticut to have to talk about an industry of which I am so proud.

While we all agree on the goal of increasing efficiency and managing costs in our health care system, we cannot do so at the expense of denying needed care. We have to strike that balance, and today that balance does not exist.

I want to take a minute to talk about a single case in my State. I realize we are talking about 190 million people in the country who have private insurance insurance but do not have protections that a Patients' Bill of Rights would provide. I know there are 43 million people who have no health care coverage at all. Sometimes we get to talking about millions of people, millions of dollars, and billions of dollars and get lost in the morass of the

Federal bureaucracy of how a Patients' Bill of Rights would work. We forget we are talking about individual people, families.

I want to take a minute, if I may, and share with my colleagues the story of one family in my State and what happened to them as a result of our failure to have a Patients' Bill of Rights.

I just spoke with this family a few minutes before coming to this Chamber. I did not want to talk about this family without their permission. I called the Moscovitch family in Connecticut and asked them if I could talk about their 15-year-old son, Nitai. Let me tell my colleagues what happened.

This family lives in Brookfield, CT, a small town in my State. They are a hard-working family. In fact, the father was not yet home from work. He was on his way home from his job. Their son, Nitai Moscovitch, suffered from very severe emotional problems. The family was wise and smart enough to recognize their 15-year-old son, Nitai, needed help. He needed medical help immediately.

This family sought that help, particularly after this young boy attempted suicide. He was admitted to the Danbury Hospital in the western part of my State. Despite the fact that the young boy had a history of trying to harm himself, the insurance company that provided coverage for this family would only agree to cover his treatment for several days at the hospital, as if he had been in an automobile accident, or if he had stumbled and broken his leg or been in an athletic injury.

The idea that this was a child suffering from severe emotional illness was not under consideration: We will put on the Band-Aids, provide the stitches, but beyond that, we are not going to provide that coverage.

Even though Nitai threatened to commit suicide if he were removed from the hospital, they saw this as the rantings of a teenage boy, not to be taken too seriously.

Four hours after he was released, Nitai locked himself in a room, undid his belt on his trousers, and committed suicide.

If that is an isolated case I conjured up, then I ought to be ashamed of myself. Unfortunately, this is not an isolated case. This goes on every day, not necessarily with the tragic ending as in this case, but coverage was denied not because someone looked at Nitai and said: We don't think your emotional problems are severe enough to warrant hospitalization. Someone sitting behind a desk, I suppose at some computer terminal, was making the determination that the policy was not going to cover him. That was the medical analysis given to this young man and this family.

That has to stop. I am not suggesting that every medical examination or analysis is going to be right or there are not going to be tragedies involved, but we have to get away from the situation where the decisions about what kind of care a patient needs, what kind of doctor a patient ought to see is being determined by someone who has no medical training, no medical background at all, and then to further say basically they are not responsible.

Let me complete the story. On behalf of his son, Nitai's father, Stewart Moscovitch, wanted to sue his health maintenance organization for playing the role of doctor and refusing to cover extended treatment at the hospital. But the health plan argued that existing Federal law, the very reason we are engaged in this debate, existing Federal law prevented the family from holding them liable.

After a 3-year battle, this family secured a ruling that the Federal law did not apply in his case. However, today there is still no guarantee that the Moscovitch family or any family would have the right to hold their plan accountable for making treatment decisions.

The bill we are debating will change that. I am not going to suggest that somehow we could have entirely prevented this tragedy from happening. As I said, it is conceivable that a doctor might have arrived at the same decision. Do not assume for a second I was assuming that Nitai's life definitely would have been saved but at least they might have had more choices. At least the choice should have been left to the doctor looking at this young man and not a decision made by an insurance company or an insurance employee who, with all due respect, has no business making the decision of whether or not extended hospital care for this child ought to be covered.

I thank the Moscovitch family for allowing me to talk about their son. I called them to seek their permission to talk about their son. I was told by Nitai's brother that, in fact, the family had discussed it and hoped I would because it might, just might, make a difference. It may convince some who are wavering about whether or not this bill is warranted, whether or not this effort is worthwhile. It may be the case that one family, one individual will have a more profound effect than all of the numbers and millions of people and billions of dollars we talk about. It is family by family, patient by patient that the effects of not passing this legislation are most felt.

Putting patients first means guaranteeing access to emergency room coverage when a rational person would say emergency care was needed. It means ensuring access to doctors qualified to treat a condition, and that it is those doctors who will decide the best course of treatment. Putting patients first means making sure that patients with illnesses that have not been cured by conventional treatment are not denied the chance to participate in potentially life-saving clinical trials. It means making sure that a patient and his family can have the prescription drugs doctors say they need, not just the drugs the insurance company says are cheaper.

Other managed care bills have been introduced in this Congress that are watered-down versions. They are weaker versions. They are not truly a Patients' Bill of Rights. The Bipartisan Patient Protection Act is the only bipartisan legislation that will offer managed care patients and providers that serve them reasonable protections. The bill allows patients and doctors to determine the best course of care, establishes an independent appeals process for patients who believe they were unfairly denied care, and allows patients to hold health care plans accountable when they make those decisions.

I hope our colleagues allow this debate to go forward. Let not another day pass in delaying a debate on amendments on this bill. It is blatantly unfair. Forget Democrats and Republicans. What you do to my party, sitting on this side of the aisle, is not terribly relevant; put that aside. If you will, think of the people you represent in your States. Even if you don't like this bill, offer your ideas on your approach to this. But allow an amendment process to go forward.

It is unfair to these people, after 5 years, to not allow a full debate on amendments on this bill. That is what this institution was created for. It is what we ought to be engaged in. Now after the second day of listening to statements about this bill, it is time we started debating amendments. My hope is that will be the case.

I understand the commitment of our distinguished majority leader, Senator DASCHLE, when he says we will stay here, we will stay here until this bill is properly and fully considered. It may be defeated. At the end of the day, 51 Members may decide to defeat this bill. I would be terribly unhappy if that were the case, but at least we would have had a chance to debate and consider amendments. Sitting here day after day, hour after hour, without the chance to consider amendments and vote on an important subject such as this is dreadful. My hope is my colleagues who are engaged in this delaying practice will cease and desist.

I commend the authors of this bill and look forward to supporting them in the amendment process. My sincere hope is at the end of this discussion we will have amended the law and that the millions of Americans who are insured and preempted by Federal law as well as all the others with private insurance, will get the protections they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time remains in this block?

The PRESIDING OFFICER. Six minutes remain.

Mr. DORGAN. Mr. President, my colleague from Connecticut has covered

the subject of needed patient protections well. Let me, in the few short remaining minutes, make a couple of comments—some I have made before.

Let me narrow the issue down. It is about the right of patients to get the health care they deserve and that they think they have under their managed care plans. Often however, that care is actually denied them.

Patients ought to have a right to understand all of their medical options for treatment, not just the cheapest. They ought to have a right to medically necessary care without arbitrary HMO interference. They ought to have a right to go to an emergency room when they have an emergency. They ought to have a right to see a specialist when they have a need to consult a specialist. They ought to have the right to a fair and speedy process for resolving disputes.

Let me see if I can use a couple of pictures to describe what these rights mean. This young child was born with a horrible facial defect. A cleft palate which is a horrible defect of the top lip. Plastic surgeons say in about 50 percent of the cases, a managed care organization says this is something that is not medically necessary to correct. It's correction is not medically necessary? Imagine having this child and being told by a managed care organization that it is not medically necessary to correct this defect!

I spoke yesterday about a young woman named Donna Marie McIlwaine. Donna is from New York. Her mother, Mary Lewandowski, testified before a hearing I held on managed care. This beautiful young lady is not with us any longer. Donna died. Her mother described the circumstances of her death. For want of a $750 lung scan, this young girl died as a result of a blood clot in her lung the size of a football. Donna's mother called the doctor and she called the hospital, but to no avail. This young woman died because she didn't get a $750 lung scan that would have shown a blood clot the size of a football in her lung. And she died. She died on the evening of February 8, 1997. Her mother, God bless her, Mary Lewandowski, has been to Washington at her own expense, as a missionary to say ''pass this legislation and don't let this happen to another child!''

I have described before, this young man, Christopher Roe, whom I learned about at a hearing I held in November—and if you are tired of hearing about him—I have talked about Christopher several times—if you are tired of hearing about him, tough luck because I will keep talking of his tragic circumstance. His mother held this picture high as she began to sob when she testified about this 16-year-old boy who died on his birthday. Christopher was fighting cancer, and fighting the managed care organization at the same time for the care he needed and didn't get. This young boy had cancer. He needed some treatment. He needed a chance. He needed some experimental treatment, a chance to get through this and successfully wage war against this dreaded disease.

But time ticked away and the managed care organization said, no, no, no. And finally this young boy, flat on his back in bed, died on his 16th birthday. Before he died, his mother told us, crying: ''Christopher looked up at me and said, Mom, how can they do this to a kid?''

This is not some ethereal debate about what you think or what I think. This is about whether patients have the protections they believe exist in their managed care policies.

Are we going to say that we stand on the side of patients? Are we going to stand on the side of doctors? Are we going to stand on the side of nurses who know that the only real good health care that is delivered is delivered by health care professionals in a clinic or in a hospital room? It is not health care delivered or decisions made in an insurance company or managed care office by some junior accountant 1,000 miles away. Yet all too often that is what is happening. It is why Christopher Roe is no longer with us. This young boy lost his battle fighting cancer and he lost his battle fighting a managed care organization.

That, my friends, is not a fair fight. We know that. That is why we propose passing a piece of legislation called the Patient Protection Act or the Patient's Bill of Rights. There will be a lot of discussion and debate about this for a long period. At the end of the day, the only question is, Whose corner are you in? With whom do you stand? Are you with the patients, doctors, and the nurses? Or are you with the managed care organization and the insurance industry who say they don't want this?

In the names of Christopher Roe and Donna, and so many others that I have discussed previously on the floor of the Senate, we ought to do what is right. We ought to do the right thing. This legislation has been four years in the making. This is a long gestation period. We have debated, debated, and debated again. We have compromised, compromised, and compromised on this legislation. It is now time for us to own up to this responsibility. Let's pass this bill. Let's do it now and do it right.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, we are now debating the crucial issue of patients' rights. For better or worse, we have a health care system that increasingly uses managed care to organize and deliver services. Over the next week or two or more, we are here to debate what we need to do to protect patients and to restore balance to our new system dominated by managed care companies, whether insurance companies or HMOs.

Let's be clear; patients need protections. For a variety of reasons—bad customer service, bad incentives that lead to a conflict between care and the bottom line, and simple carelessness and neglect—too many patients have been mistreated by their health care insurance companies. That is why every State in the Nation has acted on this measure to provide protections because we have seen this mistreatment range from the heartbreaking to the mundane.

We have all heard the rare but tragic horror stories in which a managed care company denies desperately needed care, sometimes with catastrophic results for the patient. Many of us have actually experienced the all too common phenomenon, nuisances of being forced to make phone call after phone call to get routine care authorized or having to wait longer than should be necessary to get an appointment with a doctor in a limited network of managed care providers.

That is why I voted in the past for comprehensive managed care reform bills that will deal with the federally regulated plans. This is why I have confidence that I will again vote for a good patient protection bill at the end of this debate.

We have heard some statements on the floor—I think maybe we ought to bring a little reality to it—saying we have to pass this bill right away. This bill is a moving target; it is a shell game, trying to figure out which version is the latest version, what version is the operative version. It did not go through the committee.

People talked about maybe we want to compromise some of it. Normally the compromise, working out of these details, happens in committee. That is why we send a committee markup to the floor. We did not do it this time. So we are going to have to do the committee's work in this Chamber.

But when I hear people talk about how there are 50,000 people being denied insurance, we hear about tragedies that happen every day, some say if we wait a day longer or a week longer, more patients are going to get denied care—just a little bit of reality. The effective date of the McCain-Kennedy bill is October of 2002. That is October of 2002, a year and a quarter from now. So while it is important that we deal with this bill, it is important that we not pass a bad bill. We have the time, and we must take the time, to make sure what we do is a good product.

Legislating is a difficult job. It inevitably involves striking a balance between competing goals. In this debate, that tradeoff is between specific patient protections and the costs those protections will impose on an already strained health care system.

Mr. President, 43 million Americans lack health insurance coverage. That is an important fact to remember and one we have to keep in mind as we deal with assuring that patients are protected. Even if Congress does nothing here, that number is almost certain to go up, perhaps dramatically, in the

wake of health care costs that are shooting up 13 percent this year, following a year in which they rose by 12 percent. That is more than a 26-percent increase in just 2 years, a rate that is not sustainable. I might add, in the next year or two cost increases are expected to rise by about the same amount.

The goal of managed care, of HMOs and others, is to assure health care but to maintain some limit on the cost because anybody who has studied economics 101 knows if costs are totally unreasonable, you are not going to get the service. That service in this case is the vitally important service of health care coverage.

Employers, particularly small businesses, make a valiant effort to struggle through and provide health care insurance to their employees. I have talked to and listened to an awful lot of small businesspeople and their employees who are concerned about this particular bill as well as health care costs in general. As costs go up, fewer and fewer small businesses will provide care.

In our employer-based health care system, 75 percent of Americans with insurance get all or some of that coverage through an employer. We have to be careful. We have to be careful to ensure that we do not drive, particularly small businesses, out of the business of providing good health care coverage for their employees.

This is the dilemma. It is really the crux of what we will be talking about over the next several weeks: Which patient protections are worthwhile and when is the price of lost coverage too high?

Let me emphasize that. What is the cost in terms of health care coverage to increasing the cost of health care protection? After all, a pro-patient protection bill that takes away a family's health insurance does not provide any protection at all. If they lose their coverage, we have done exactly what we should not have done, and that is to deny them any coverage.

With all this in mind—the importance of patient protections, the danger of rising costs—what should we support? In the past I voted for, and I will vote for again, a strong Patients' Bill of Rights that contains basic, reasonable, commonsense patient protection.

This includes guaranteed access to emergency room care. Americans should not have to worry their insurance company will not pay for necessary emergency care or even for care that reasonably seems to be an emergency. I have gone to the emergency room with problems that looked very serious and after treatment found out, although they were a problem, they needed care but they were not a critical emergency. But those should be covered.

Second, a guarantee that patients get all information on treatment options. Doctors and patients need to be able to discuss openly all possible treatment options without gag rules.

Third, a right to a quick, independent, and expert appeal process. There must be an appeal to a medical expert outside of the HMO to guarantee the HMO is not focusing too much on its bottom line and not enough on the patient's bottom.

The appeal must be quick so patients get care when they need it, strong managed protections for our children, such as the ones I included in Healthy Kids 2000 legislation 2 years ago. These include the right for a child to go see a pediatrician without being forced to see a nonpediatrician gatekeeper. Pediatricians are not specialists to whom children need to be referred. They should be a child's first line of care.

Next, the right for a child to see a specialist with pediatric expertise, including going to children's hospitals when necessary. Children are different from adults. Their care is different. Doctors who primarily treat adults are not always prepared to interpret and attend the unique needs of children. A sick child needs to go to somebody who specializes in taking care of sick children.

The right to have a pediatric expert review a child's case when appealing an HMO decision. Again, even an experienced medical practitioner who deals only with adults may not have the ability, the expertise, and the training to make a decision about what kind of care a child needs.

Let me tell you a few things about what I do not support in the patient protection debate. Unfortunately, I must put at the top of the list of what I cannot support the McCain-Kennedy bill. The McCain-Kennedy bill contains some good provisions—all of them do. There are good provisions in all of these bills. But the McCain-Kennedy bill is overzealous; it goes much too far towards creating a litigation-heavy, costly new world of health care.

I will take the opportunity in the following days and weeks to go into detail on some of the glaring problems presented by the McCain-Kennedy bill and the profound threat this legislation poses to continued health care coverage for millions of Americans. For now, let me begin by highlighting the major flaws in this significantly flawed bill.

Problem No. 1, the McCain bill will dramatically increase health care costs and will take away the health insurance of more than a million Americans. The new costs this bill imposes will be paid by everybody who has health insurance. The lucky ones will just pay more. The unlucky ones will lose their coverage. That price is simply too high.

Next, the cost of this bill will hit small businesses and small business employees particularly hard. Without the clout of larger companies, small businesses right now face higher prices and have more difficult administrative hurdles when they try to buy health care. While this makes it far more difficult for small businesses to provide health care, millions of small companies try to find a way and do it anyway. I fear that will dramatically change if the McCain-Kennedy bill passes.

Since late last week when it was announced that we would be debating the McCain-Kennedy bill, my office has been inundated with letters, calls, and faxes from small businesses in Missouri. The message has been unanimous. Missouri's small businesses are struggling to provide health care despite high costs. They fear what the Kennedy-McCain bill will do to their ability to pay for health care. Many say they will drop their coverage if McCain-Kennedy passes.

This is not just a phenomenon related to my State. This is what we in the Committee on Small Business are hearing from across the country.

Let me read excerpts from one of the many letters I have received. I will not use his name, but I want to give you a flavor by telling about the important parts of the letter.

He says:

> I am writing this letter in regard to Senator Kennedy's Patients' Bill of Rights, S. 283. My family owns a small agriculture business selling certain kinds of farm equipment and lawn equipment with a fully staffed sales, parts, and service department. I offer health care coverage to my employees and paid 100 percent on the premiums until about 5 years ago when our health care costs got too high to continue. So I went to 50 percent on both the employees and their dependents, thus helping our business but strapping my employees with added costs to raise their families.
>
> This year our health insurance went up 34 percent. Last year, it was only 24 percent. But where is this going to stop? How am I, as a business owner who has 23 families depending on me for their livelihood, supposed to make a profit in order to pay them a livable wage and benefit package in a severely depressed agriculture economy while our liberal Government leaders are trying to further increase my expenses? If these costs escalate much further, I anticipate that I will have to drop my health plan altogether, especially if I am to be held responsible for medical court cases. I will, at a minimum, drop my group health coverage and think very long and hard about closing down and counting my interest and rent checks instead of continuing to run this business.

We need relief from Government regulations that are sucking all the profits out of our organizations causing us to employ one person to do nothing but Government paperwork. We need to eliminate the death tax or inheritance tax. Please just say no to Kennedy care disasters.

From time to time during the debate on this bill I will read from other letters from Missouri businesses to remind us of the real-world impact of this legislation.

On this chart, I have an up to the minute count of the employees of Missouri's small businesses that would, as I understand, lose their health care coverage if McCain-Kennedy passes. These are letters from small businesses

in Missouri that say that, as of this date, if Kennedy-McCain passes, they will drop their health care plan. Our running total on the number of employees who will lose health care if this bill is signed into law right now is 1,042.

That may not seem to be a lot, but that is a tremendous burden on those employees and their families. These are real people. These are the ones who will be totally unprotected if we pass the McCain-Kennedy legislation.

Rest assured that I will seek opportunities during this debate to find ways to shield small businesses and employees from the most outrageous aspects of this legislation.

I don't think anybody intended to cause health care coverage to be dropped. That was certainly not my understanding of the objective of this bill, but sometimes what we do here in Washington has unintended consequences. Very often the unintended consequences are far greater than the beneficial consequences.

Cost-benefit is something we neglect too often. I intend to make sure my colleagues focus on the costs as well as the benefits.

A second problem of the McCain-Kennedy bill is that it focuses too much on lawsuits and trial attorneys by encouraging endless litigation. Lawsuits are an avenue for retrospective blame and incrimination after someone claims they are harmed. Lawsuits in no way contribute to high-quality care. Instead of turning health care over to lawyers, the focus should be on making sure patients get the care when they need it before any harm occurs.

When you are sick, you want to see a doctor—not a lawyer. When I hear about all of these protections from subsequent lawsuits, I am not very interested in leaving my heirs with a bunch of lawsuit claims against a bunch of defendants if I am gone. I want to have a bill that makes sure that I can get the kind of care I need when I am really sick. That is what I think the American people have a right to ask.

A third problem of this bill is that it nationalizes the regulation of health care. State governments have traditionally overseen health care and health insurance, and, as I mentioned, every State in the Nation has done something in this area. They have tried different ways. Many of them have done good jobs.

I believe it was Justice Douglas who said ours is a laboratory where States perform experiments to see which legislation works best. The States have been out there doing it. In fact, as I said, every State has passed some type of State level patient protection act. Now the McCain-Kennedy bill comes along and threatens to impose a one-size-fits-all scheme that will do away with most or all of the tried and tested State law reforms. Some of them may be better than others. We will not know if we pass the McCain-Kennedy bill that eliminates all the State options.

Even worse, it will turn over much of the new Federal regulation of insurance to the Health Care Financing Administration, one of the most heavy-handed, unresponsive, arrogant bureaucracies in all of Washington.

I have spoken in this Chamber before about the Health Care Financing Administration. A couple of years ago, the Health Care Financing Administration was overzealous in its effort to cut the cost of home health care. Instead of saving the $16 billion that Congress asked it to save, it is on the path to saving $60 billion by shutting down health care provided in homes.

As chairman of the Committee on Small Business, I was contacted by many small entities providing home health care services. I set up the hearing. I invited the representatives of these home health care agencies who believed they were being unfairly treated by HCFA to come to Washington. A number of my colleagues wanted to testify. I invited HCFA to come and listen to their comments and provide their response. It seems reasonable, doesn't it? You have a Government bureaucracy that is the subject of all kinds of outrage. You let the people come in and tell what they see as the problem. Then you give the bureaucracy an opportunity to respond, to tell their side of the story.

Do you know what HCFA said? They didn't want to sit around and listen to the complaints of those they regulate. They would be happy to testify if they could testify along with other Senators. I forgot to check to see how many States elected the officials of HCFA to serve in the Senate. The best I can tell, none.

This is the agency that would tell State governments what kinds of health care provisions they could have. I don't think so. That is not the way we need to go.

Finally, in what I think is a major oversight in the Kennedy-McCain bill, it doesn't do a single thing to help Americans get access to health coverage. At the same time, it is threatening coverage from millions of Americans. If we are going to do harm, we ought to be prepared to help. That is why I intend to continue with my effort of introducing an amendment that will immediately allow self-employed Americans, including the 34.8 million uninsured Americans in families headed by a self-employed individual, to fully deduct their health insurance expenses.

Patients need protection through a Patients' Bill of Rights. But there is a right way and a wrong way to do it. The right way limits itself to commonsense reforms that help patients get care when they need it. The wrong way—the McCain-Kennedy way—encourages endless litigation, nationalizes health care oversight, and takes away insurance coverage from more than 1 million Americans.

There are some people who say this bill is a lawyers' bill of rights, not a Patients' Bill of Rights.

What is wrong with the right to sue?

The McCain-Kennedy bill is a trial lawyer's dream that will raise health care costs, subject our health care system to frivolous lawsuits, and will make trial attorneys rich. Despite Democratic insistence, this will put employers at risk of being sued. The so-called cap on damages in the McCain-Kennedy bill is practically worthless because it applies only in one area and leaves a variety of other types of damages uncapped. There are no caps on attorneys' fees and the outrageous contingency fees many trial lawyers force on their clients.

What types of lawsuits should we allow?

Because of the destructive capacity of plaintiffs' attorneys, we must be extremely cautious with any new lawsuits. I realize there are some situations where we need to expand the right to sue, but first everything must flow through an appeals process through which a patient can go outside the HMO to get an expert's second opinion.

Before we resort to lawsuits—which can't provide care—we must ask patients to complete this appeals process because it can result in a patient getting care. And that is what we should be talking about. But if a health insurer doesn't comply with a independent expert decision that a patient should get care, on it acts in bad faith or extreme negligence by denying care that the independent expert says is needed, the patient should be allowed to sue for damages.

The McCain-Kennedy bill limits punitive damages—although they call it a ''civil assessment'' to $5 million in the new Federal lawsuits their bill will allow. But economic and noneconomic damages in Federal lawsuits are still uncapped. It won't be hard for trial lawyers to find ways to milk these alternative types of uncapped damages for all they are worth.

At the State level, the McCain-Kennedy bill does nothing to impose caps on damages, even for punitive damages. While some States have their own damage caps for malpractice lawsuits, in many States these caps won't apply to the new lawsuits and the new Federalization of State health insurance regulation permitted under the McCain-Kennedy bill.

Bottom line—the caps in the McCain-Kennedy bill barely provide even a fig leaf of protection for those who will be sued.

The State-level health care liability system that exists for doctors has failed. It dramatically increases costs through defensive medicine. It encourages doctors to quit the profession. And not only does it not encourage quality care, it hinders quality care by creating a code of silence that prevents health professionals from talking about how to systematically avoid medical mistakes.

Studies show that most people who get negligently harmed in health care

do not get compensated, and those that are compensated are often not harmed. Again, studies show that whether or not a patient was negligently harmed has almost no connection to whether they get compensated.

The American tort system is like a lottery in which most patients lose, a handful of patients win big on a random basis, and trial lawyers strike it rich by raking off the top of each lawsuit.

This is a huge flaw in the system to which the Kennedy-McCain bill will subject us even more.

Some supporters of the McCain-Kennedy bill claim their bill exempts employers from the new lawsuits permitted by the bill. That is a great line. My colleagues pointed out, on page 144 it says: This ''does not authorize a cause of action against an employer or other plan sponsor maintaining the plan . . .'' That is the good news. The bad news comes in the next paragraph. It says:

(B) Certain Causes of Action Permitted. Notwithstanding subparagraph (A), a cause of action may arise against an employer or other plan sponsor . . .'' And then it lists the exceptions. It goes down this page, goes down this page, goes down this page, goes down this page, and comes over to this page. Those are the exceptions. That is what happens to you if you are an employer.

That is why, with four pages of exceptions, a lot of employers of small businesses in my State and around the country are simply going to have to get out of the business of providing health care. It scares the heck out of them, and it should.

As we heard from small businesses, this is their concern. They want good health care for their employees, but they cannot afford to stay in business and expose themselves to the lottery of a tort system out of control.

If employers are so well protected, why are they scared? Well, simply, they are not exempt. If the right to sue is so great, why not provide all employees the right to sue—Federal Government workers, seniors in Medicare, all of the other causes? We look at it, and it is probably too expensive for the Federal Government. Think of what it is for the patients who are employees of small businesses. If they lose their health care coverage, it does little good for them to know that maybe—just maybe—they would have had the right to sue.

We are having the right debate, but the McCain-Kennedy bill is the wrong solution. I urge my colleagues to take a look at this seriously flawed legislation and to help us improve it. If we succeed in making substantial changes, I hope we will pass a dramatically different bill that represents a more reasonable and affordable approach.

I thank the Chair and yield the floor to my distinguished colleague from Tennessee.

The PRESIDING OFFICER (Mr. REED). The Chair recognizes the Senator from Tennessee.

Mr. FRIST. Mr. President, how much time is left on this side?

The PRESIDING OFFICER. Three minutes forty-five seconds.

Mr. FRIST. Three minutes. Thank you, Mr. President.

I will be very brief. I commend the Senator from Missouri for outlining what are really the fundamental problems in this legislation. It boils down to the fact that essentially, with the same patient protections that are in the Frist-Breaux-Jeffords bill, they offer it at a price which drives hundreds of thousands of people to the ranks of the uninsured.

The Senator from Missouri just had up a chart in relation to the number of employees of small businesses who are going to lose their insurance because of this bill. It tells the whole story. Over the next several days we will be able to weave together why. But it goes down to what the Senator from Missouri just outlined.

You have to read the bill. You have to look at the exceptions. In the bill there is the statement that employers are excluded, but then you go through exception after exception after exception, where you have these lawsuits where the employer can be sued. That creates insecurity and uncertainty for the future. Clearly, an employer is not going to maintain that new liability which can put him or her out of business the next day.

One of the problems we will get to in reading the bill—and I only have a couple minutes now—is the fact that under the Kennedy bill, once you get to court, you can go either to State court or Federal court. If you do not like Federal court, you can go back to State court. If you go to State court, since there are 50 different State courts, you can shop from court to court.

If you are an insurance company, and you cover five or six States, and a patient sues you, that patient will say: Well, they cover, for example, Alabama, and there are no caps, no limits there—the tort may be very different—I can sue for an unlimited amount. You have forum shopping on the States.

You can go to State court or Federal court. If you go to State court, there are unlimited economic damages under the Kennedy bill, and unlimited noneconomic damages, and, for pain and suffering, unlimited punitive damages.

Let's say you flip and go to Federal court. If you go to Federal court, again there are unlimited economic damages, unlimited noneconomic damages, and, yes, there is this $5 million limit on punitive damages. You might decide to go back to State court: No caps, no limits—shopping back and forth. That is what is in the underlying bill.

Can it be changed? Hopefully, it can be changed during the debate. Clearly, this sort of forum shopping between Federal court for nonmedically reviewable decisions—in the new bill, which is just introduced three nights ago, there is a whole new provision which greatly expands what you can go to Federal court for, and I quote what is in the new bill—it was not in the bill 5 days ago but is in the new bill—''violation of any duty under the plan,'' which is a brand new expansive right to sue.

Mr. President, how much time do I have at this juncture?

The PRESIDING OFFICER. The Senator from Tennessee has 50 seconds.

Mr. FRIST. Fifty seconds.

So we do have to read the bill. Again, it is going to take time as we go through it line by line. When you see this expansive new right to sue in Federal court, which was not there last week or a month ago or 2 months ago or in last year's bill—I don't know if it was snuck in; it is in this new bill—all of a sudden it opens up a whole new category for which you go to Federal court. But if you do not like that, maybe you will decide to go to State court. There is no bifurcation in the bill as written.

Once again, that is just an example of why we need to read the bill. It is critical that we do so as we move forward; otherwise, we are going to cause hundreds of thousands of people to lose their insurance.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, during the next few days, we have the opportunity to finish important work that was started years ago. We can finally enact meaningful patient protection legislation by passing the McCain-Edwards-Kennedy Bipartisan Patient Protection Act. The time has come to ensure that patients of managed care organizations receive the protections that they deserve and HMOs can be held accountable when they wrongfully delay or deny coverage.

Many times, it is difficult for people to understand how the issues we debate here relate to their everyday lives, but that is not the case with patients' rights legislation. The preponderance of managed care organizations makes it crucial that participants in these plans have basic protections. Over 25 percent of the U.S. population is enrolled in an HMO. Over 60 percent of Americans and over 75 percent of insured employees are in some form of managed care. Receiving health care through managed care organizations is not a matter of choice for most of the 160 million Americans in these plans and uniformly providing quality care should be the standard for health insurers.

I hear from my constituents about this issue constantly and they are anxious for this legislation to be debated, voted on, and signed into law. They want guaranteed access to specialists. They want to be sure they can receive emergency services as soon as possible and from any appropriate provider. They want to be able to participate in life-saving clinical trials. They want a fair, independent and timely appeals process when HMOs deny care. And they want to know that their HMOs will be held accountable for the harm

caused by wrongful denials or delays in coverage. The Bipartisan Patient Protection Act ensures patients receive common sense protections and this bill provides these protections without significantly increasing health care costs or unfairly opening employers up to liability.

Like my colleagues, I have heard from hundreds of constituents who are deeply concerned about the unfair treatment they receive from their HMOs. They have been in situations that any of us would dread. They discover they are ill, or that their child or spouse is ill. These situations are taxing enough, but many of my constituents and many Americans throughout this country find that in addition to fighting a personal or family illness, they have to muster extra strength to battle their HMO. When people are at their most vulnerable, they are being treated unfairly and being denied the care to which they are entitled. This legislation will put a stop to these practices.

The McCain-Edwards-Kennedy bill would not subject an employer to liability for HMOs unless the employer ''directly participates'' in a health treatment decision. Only those very large employers who run their own HMO would be liable. So if an employer were not acting as an HMO, they would not be held accountable as an HMO. In addition, the Congressional Budget Office has estimated that this legislation would only modestly increase costs—4.2 percent over 10 years. Of this modest increase, only .8 percent is attributed to the liability provisions of the bill.

As we debate this measure, the experience of one of my constituents comes to mind. She is a young woman who loves the outdoors. One weekend during a hiking trip in the Shenandoah Mountains, she lost her footing and plummeted to the ground from a 40-foot cliff. Though she suffered significant injuries, she was fortunate to have survived.

Unfortunately, her fight to get well was not the only challenge she faced after her accident. Her HMO denied her claim on the grounds that she had failed to gain pre-authorization for her emergency room visit. She fractured her arms, pelvis and skull. Her survival was largely dependent upon her being airlifted from the trail to a nearby hospital and her bills climbed to over $10,000.

Apparently her HMO wanted her to call for preauthorization before she received emergency care. This would have been an impressive feat for her considering she was unconscious at the foot of a mountain. I am unsure exactly when this young woman was supposed to have made this call to her HMO. When she was unconscious on the ground with broken bones? Or maybe when she was in the helicopter being flown to the emergency room?

The fact that she had to fight with her HMO to pay the claims for over a year illustrates the importance of this legislation. All this time, the unpaid hospital bills stacked up and almost forced her into bankruptcy. Unlike many stories, this one did not end as tragically as it could have. This young woman did eventually get her insurer to pay her medical expenses, but only after the Maryland Insurance Administration ordered the HMO to do so. Her unnecessary ordeal and other stories that end up in tragedy show us that the time has come to stop the delaying tactics and pass meaningful patient protection legislation.

If an HMO wrongfully denies care, if it purposely limits diagnostic tests, if it refuses to cover necessary emergency care, if it withholds access to a needed specialist all in the name of saving money, then the patient who was harmed by these actions should have the right to hold that HMO accountable.

Now we have a bipartisan effort to move this legislation. The authors of this bill have worked tirelessly to try to please opponents and they have made significant adjustments. They have limited punitive damages in Federal court to $5 million. They have allowed State caps on damages to stand. They have prohibited parallel causes of action in Federal and State court. However, they have not and should not refuse to abandon the main principles of any true patient protection legislation. We have to make sure any bill we pass is as strong as the bill the House passed in 1999.

I commend Senator DASCHLE for placing such a high priority on patients' rights legislation. His decision to make it the first bill to be debated on the floor under his leadership shows his commitment to this issue. The McCain-Edwards-Kennedy legislation provides strong, enforceable Patients' Bill of Rights. This bill is long overdue and we should pass it now.

Mr. REID. I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank the Senator from Nevada for yielding me time.

Families across our country are being denied the medical care they need. These are people who have insurance. They paid their premiums. They think they are covered, but when they need care, too often they find their insurance company is most concerned about its immediate bottom line rather than their health care.

Like my colleagues, I cringe at the stories I have heard: A parent taking a child with a 105-degree fever to the emergency room in the middle of the night only to be told later that their insurance would not pay for the care that was needed; doctors offer their best medical opinions only to see them overruled by an insurance company. Too often the system makes it harder for patients to get the care they need. There is more of a focus on short-term costs than quality care.

The truth is those decisions by insurance companies and HMOs have real consequences. A child's condition may worsen. A dad might not be able to go to work. A mom may need around-the-clock medical care. But under the current system, these patients have no legal recourse. If the company they paid medical coverage to makes a bad decision, there is little recourse. That is wrong. That is one of the problems I hope we can fix by passing the Bipartisan Patient Protection Act.

For several years, I have been working in the HELP Committee, with my colleague presiding today, and here on the floor to make sure that patients get the kind of care they need. Last Congress, the other side put forth a very hollow bill that excluded many Americans and didn't provide the protection patients needed. But this year, we finally have a real chance to help families. That is why I am proud that this is the first major bill being offered in a Democratic-controlled Senate.

I support S. 1052, the Bipartisan Patient Protection Act. It gives patients the protections they need. During this debate, many amendments will be offered. Some of them will weaken the bill and draw the debate away from patient protections. I will call those attempts as I see them. I will work to make sure that patients' rights are not watered down over the course of the debate.

Health care quality and access are top issues for people in my home State of Washington. A few weeks ago, I spoke at a forum on health care in Olympia, WA. We were expecting at the most maybe 100 people would come to that event. When I arrived at the Olympia Center, I saw almost 600 people packed into the auditorium and into rooms they had opened for overflow. They turned out in tremendous numbers and spoke with such great passion because they are concerned about access to health care.

As we begin this year's debate in the Senate, I want to outline some of the problems of our current system and some of the reforms I believe are really needed. I do mention that we are not trying to eliminate managed care. In fact, it is important that we have ways to coordinate care and focus on prevention and wellness and to diagnose problems sooner. When the incentives are right, managed care can work.

In Washington State, it has helped play a role in improving life expectancy, lowering infant mortality, and ensuring women get mammograms. Unfortunately, however, today the incentives are all wrong. They focus more on cost than on care, more on a company's short-term financial health than on a patient's long-term physical health. We need to change the incentives so people are fighting illness, not fighting their insurance company.

We need to make sure insurance protects you when you become ill and prevents you from becoming sick in the first place. We need a system where

doctors are not spending 45 minutes on the phone with an insurance company so a sick child can be admitted to a hospital. We need a system where parents can take an injured child to the closest emergency room instead of one that is miles away because the insurer demands it. We need a system where the ultimate decision rests in the hands of patients based on the best medical advice of their own physician.

We need simply to restore the doctor-patient relationship. Too often today a doctor is allowed to be little more than a consultant. Sometimes his or her recommendations are accepted. Other times they are not because someone else made a decision for that patient, someone who has not even seen that patient and who is not even a qualified or licensed health care provider. We need to help companies that are trying to do the right thing but are being beaten out by some bad players. We need a system where patients will know up front what their own rights are.

These days it is only when they become seriously ill that patients learn how good or bad their insurer or their HMO is. That is why we need clear, uniform, Federal quality control standards that protect all consumers. Those are some of the changes we should seek.

I now turn to a few specific points I will be fighting for in this debate.

First of all, we need to guarantee access to specialty care. Secondly, we need to guarantee access to clinical trials and comprehensive care. We need to cover emergency treatment and not just the care provided in the emergency room itself. We need to make sure we protect as many Americans as possible. Some bills have such a limited scope that many patients would get no protection.

Finally, we need to make sure that plans are held accountable for health care decisions and that the external review process is objective and timely.

Those are some of the things I will be fighting to make sure we keep in this debate.

We know that patients aren't getting the care they need. We know what the problems are, and we have a bill in front of us that will fix them.

The American people have been waiting too long for real health care protection, and we have an obligation in the Senate to give them the coverage they need. That is what this coming debate will be about.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, a number of our colleagues want to address the Senate. So I will speak briefly this afternoon.

I want to come back to one of the provisions I believe is so important in our legislation. I don't think there really should be any doubt about our strong commitment in the Senate to protecting American patients on the issue of clinical trials.

As I mentioned earlier when I had a brief exchange with my friend and colleague from North Carolina, I think any Patients' Bill of Rights that is going to be worthy of its name is going to provide good protection for clinical trials. As I have mentioned on other occasions, we have seen a vast expansion of basic research and commitment by this body. We have doubled the NIH budget in recent times. Recently we have witnessed the mapping of the human genome and the sequencing of genes.

Rarely does a day go by when we don't hear on radio, see on television, or read in the newspapers about some new kind of medical breakthrough. These breakthroughs can make a very important difference in the quality of health and life for American patients. Our whole biotech industry has been increasingly effective at making progress in areas which we could not have possibly have imagined. It is true with the orphan drug program, which we intend to reauthorize this year. On just about every front, we have seen the most remarkable progress. But in order for that progress to take life, we have to see the progress made in the laboratory get to the patient. The key aspect of this transition is clinical trials.

We believe clinical trials offer enormous hope for thousands of our fellow citizens. What we have seen in recent times is that one of the most serious abuses by HMOs is the denial to participate in clinical trials. Had these patients been involved in clinical trials, in many instances their lives would have been saved. This has been commented on by our colleagues. Their lives would have been greatly enhanced if they had been able to participate in these clinical trials.

I still remember very clearly the testimony we had before our HELP Committee on this issue a number of months ago. We had the director of the Lombardi Center, named after the great football coach, here in Washington. We asked him about what their principal challenges were as a research center. He said they had hired a number of people, and the people they hired were professionals. However, what they were hiring them for was to wrestle with the insurance companies to permit those individuals who ought to be included in the clinical trials to be so included. They had seen a significant expansion of that—far too many. He said they could have used those resources for additional kinds of trials and benefits for consumers. But he gave so many different examples of people whose lives were basically diminished and, in many instances, lost because of the failure of inclusion.

In the provisions of the McCain-Edwards bill, there are protections which are routine in terms of clinical trials that must be followed. In order to participate, there has to be the prospect that the individual can make progress, and the patient also has to meet other kinds of basic requirements. The last time we debated this issue on a Patients' Bill of Rights, the Senate finally accepted a study on whether clinical trials were really useful, productive, or helpful for American patients.

It is difficult for me to believe that was the final resolution for this body, but it was. What concerns me greatly is the issue of how we are going to eventually resolve this issue.

Recently, the Medicare Program has expanded their clinical trials program. They had to deal with a number of issues. They had to deal with unanticipated patient care costs as a result of participation in the clinical trials. They had to deal with a number of these matters.

It is interesting to note that the alternative proposal from Senator FRIST and Senator BREAUX has a clinical trial provision, but their provision will substantially delay implementation. A fair review of their provision reveals the clinical trials would not go into place for probably 4 or 5 years and also their bill excludes unanticipated patient care costs as a result of participation in clinical trials.

The reason they delay implementation is they want a further study on the allocation of costs between the clinical trials and the insurance companies. The fact is, that study has already been done. That review has already been made. The facts are in and they have been examined, reexamined, and examined again. They are being implemented at the present time and are virtually unchallenged.

We have to ask ourselves why we should have a whole other additional process that is going to delay clinical trials under the proposal of our colleagues. I have not heard the justification or the rationale for that.

Also, the alternative to the McCain-Edwards proposal excludes the FDA clinical trials. That, I understand, is directly as a result of the request of the insurance industry.

That does raise important questions because the FDA reviews are some of the most advanced reviews, some of the most important reviews, and some of the trials are at the edge of potential benefit to consumers. Yet they are completely excluded. They are included in our proposal because we value those important clinical trials.

This provision of clinical trials may not seem as important, but if one asks the breast cancer coalition in this country about what is extremely important in the protections of women and the treatment of women, they will mention clinical trials.

If one talks about other dangers of cancer, by and large, the issue of clinical trials will be at the top of their list, a top priority, a top patient protection, and we believe in that. We share that view. This is something that is absolutely essential if we are going to move ahead with the protections of patients.

We have done that previously. We have seen how there had been an allocation of resources historically between the insurance companies when they covered patients and the trial itself as a general understanding, as I mentioned, under Medicare, about those allocations of resources, what should be allocated for the clinical trial and expenses associated with that, and also what would be allocated by the continuation of care which the HMO would be otherwise required to pay.

One of the loopholes that has been added to this is the issue about some reaction to the clinical trial that may be related to the illness or not, say, someone going in under a cancer protocol and then having some kind of adverse reaction as to make their situation more complicated. Yes, that may happen in certain circumstances, but it does seem to me we ought to address that. We have done that in the past. There is no reason we should not. That has not presented itself as an impediment to moving ahead on this issue. We ought to be able to get that behind us.

I am strongly committed to ensuring that whatever comes out of this body in terms of the Patients' Bill of Rights has these protections.

I might mention a note from the Cancer Society:

On behalf of the American Cancer Society and its 28 million supporters, I am writing to respectfully request that you allow debate on the Patients' Bill of Rights to move forward and that you support the ''Bipartisan Patient Protection Act of 2001.'' As the largest voluntary health organization dedicated to improving cancer care, the Society has set the enactment of a patients' bill of rights that provides strong, comprehensive protections to all patients in managed care plans as one of its top legislative priorities for this session of Congress.

While the Society does not have a position on health plan liability, we have identified several other provisions that are critical to cancer patients.

This is what it is, Mr. President. We are concerned about what is critical to cancer patients in this country. It is spelled out here. I will take a few moments to mention them.

Specifically, we advocate the patient protection legislation that provides all insurance patients with:

Increased access to clinical trials—assuring that cancer patients who need access to the often life-saving treatments provided in both federally and privately-funded or approved high-quality, peer-reviewed clinical trials have the same coverage for routine patient care costs (e.g., physician visits, blood work, etc.) as patients receiving standard care.

Prompt and direct access to the medical specialists. Patients facing serious or life threatening illnesses, such as cancer, need continuity of care—

This legislation provides it—

the option of designating their specialist as their primary care provider—

This legislation provides it—

and the ability to have a standing referral to their specialist for ongoing care.

Our legislation provides it.

Strong, independent, and timely external grievance and appeals procedures.

Our legislation provides it.

Mr. President, the letter continues:

We are particularly pleased that—

McCain-Edwards—

includes a strong clinical trials provision that provides access for cancer patients and others with serious and life threatening diseases to both federally and privately-sponsored high-quality, peer-reviewed trials.

The FDA trials as well as other trials.

Clinical trials are a critical treatment option for cancer patients and are also essential in our nation's efforts to win the War Against Cancer. Without clinical trials, new or improved treatments would languish in the laboratory, never reaching the patients who need them. Unfortunately, only three percent of cancer patients currently enroll in clinical trials. Part of the problem is that many health insurers refuse coverage for a patient's routine care costs if the patient enrolls in a clinical trial—effectively denying access to life-saving treatment.

We are interested in dealing with the challenges of cancer in our society, which is the top killer and the one that is most dreaded.

I remember a great leader in the Senate, Warren Magnuson. He was instrumental in setting up the National Institutes of Health, and strongly supported the Cancer Institute. He said his dream of a newspaper headline was ''Cancer Conquered.'' That is something most Americans agree would be the best possible headline.

Clinical trials are indispensable. Nineteen percent of the children who have cancers are involved in clinical trials. We have had the greatest progress and breakthroughs in the area of children's cancers. Researchers say a very significant reason for that is because of their involvement in clinical trials. We have made slower progress dealing with other cancers, and we have reduced numbers of people included in those trials.

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. GREGG. Mr. President, this bill is a very significant bill. It impacts about everybody in America; about 200 million people presently have health insurance. As a result, if we passed a bad law, the unintended, or intended, consequences of it could be dramatic.

It is important to take a hard, intense look at what is being proposed by Senator MCCAIN and Senator KENNEDY as their bill. This is in the context of bills which have already been proposed by Members from our side, some which are bipartisan such as the Breaux-Frist-Jeffords bill; some do not have Democratic sponsorship, such as the Nickles amendment. All have as their basic purpose the same intent underlying—certainly I give credit to the McCain bill for this. The basic intent is making sure individuals are properly treated when they interface with their insurance companies; that they have an opportunity for redress that is effective, which allows them to be sure that if they get poor treatment, they have some way to correct it; and that if they are harmed by their health care provider, they have the ability to recover proper compensation for that harm.

That is a goal all Members have. Everyone who is debating in this Chamber understands the importance of making sure that Americans who get health care have adequate recourse when that health care is not supplied correctly. It is also equally important Americans have a certain set of rights when they are dealing with their health care provider in areas such as the type of physician they would see and the type of referrals they would get and the issue of specialists. That is also equally important.

All the proposals that have come forward address that issue. I have not yet heard of a case from the other side of the aisle—and they have presented a number of anecdotal cases, and they are compelling, people who have had problems with their insurers. I have not heard one of those cases where that individual would not have had the ability for redress or be taken care of under either the Nickles or the Breaux-Frist-Jeffords bill. The issue is not about that. It is not about whether or not we are concerned about individuals getting fair treatment from their insurer. It is not about individuals having a set of rights which are protected when they deal with their doctor, who is representing their insurance company, or whether they deal with their insurance company. That is not what this issue is about.

It comes down to a couple of substantive questions as to the differences. The first involves States rights versus Federal rights. That is called scope. It is a question of what authority do we have as a Federal Government to take over authority which has traditionally been handled by the States, especially in the area of insurance. Insurance has traditionally been a State responsibility.

As a former Governor, I know it is something every State takes very seriously and is very committed to. New Hampshire's laws for protecting patients are much more aggressive than proposals in any of the three packages here. That is one element of difference. The other element is something I want to talk about, the area of liability. Liability is a term that has huge implications. The practical effect of the McCain bill, no doubt about it, is that there are going to be created innumerable opportunities for lawsuits to be initiated against not only insurers but equally against employers, small employers and large employers. Mom-and-

pop grocery stores, mom-and-pop gas stations, mom-and-pop restaurants, small, struggling production facilities, software companies, and large employers—Wal-Mart, Ford, whatever, the big ones—those employers are suddenly going to find themselves drawn into literally hundreds of potential opportunities for liability.

What is the effect of that? The effect of that is a large number of employers, especially small and midsize employers, are going to throw up their hands and say: Hey, listen, I can't afford the risk.

The average malpractice lawsuit in this country costs about $77,000 to defend if you are in an employer situation. There are a lot of small employers for whom $77,000 is their entire profit margin for the whole year. They may get hit with a multiplicity of lawsuits under this bill that do not exist today. This is a new law created for the purposes of creating new lawsuits. This is a bill that is of the lawyer, for the lawyer, and by the lawyer—for the trial lawyer. And the practical implication is that a lot of employers, a lot of people who want to take care of their people they work with, are not going to be able to, and they are going to simply have to drop their insurance. They are probably going to replace—some of them, the more substantive, will be able to replace their insurance by saying to the employee: Go buy your own insurance. Here is the money.

They will never get as good a package in most instances as their employer could get for them because they will not have the ability to negotiate with the strength of a large number of individuals. Individuals seeking individual policies simply get charged a lot more than groups that have been pursued as a result of a group of employers banning together or even one large employer banning together and pursuing an insurance company. The quality of the insurance will drop for those individuals. An even greater number of employees are simply not going to have insurance at all because small and midsize employers are simply not going to be able to afford it and they will simply eliminate it as an option they present as a benefit in their workplace. So there will be more uninsured.

How can you possibly call something a Patient's Bill of Rights when the practical effect of the bill is to create more people who don't have any insurance at all? So they don't have any rights; they don't have any insurance.

If that is the practical effect of the bill, and it is—you don't have to listen to me. Listen to an independent group such as CBO which has scored this bill as putting 1.2 million people out of insurance. That is the conclusion they came to because of the additional costs that result from the lawsuits, in large part. Those people are not going to have insurance. They don't get any new rights under this bill. They lose all the rights they had. Yet this is claimed to be a Patient's Bill of Rights. Very inconsistent, to say the least.

In the process of setting this bill up, there has been a presentation from the other side that they actually took the other bills that had been pursued in the last couple of years—remember, we have not had a hearing on any of these bills in our committee now for 2 years, which I think is a little bit much—to bring a bill of this size to the floor without any hearings at all so the people who are going to be affected could have a forum to make their points.

Independent of that, there were over the last couple of years bills brought to the floor. There was the prior McCain bill, the prior Kennedy bill, and the prior Norwood-Dingell bill.

The representation has been that the McCain bill has moved to the center from those two bills that were introduced before. In fact, that is not true at all. This bill is much more to the left, and by the left I mean it is much more oriented towards undermining the rights of people to buy insurance and have health insurance. By moving to the left, I mean it interferes much more with States rights and it places much more liability on the backs of small employers and also large employers.

This bill moves significantly to the left, not to the center. There are ways to move this bill to the center. Breaux-Frist-Jeffords is a bill that has moved to the center from the Nickles bill that was debated and passed in the Senate last year. If you want to argue center, left, right, this bill moves way out into left field, as compared with the original bills which were introduced and were already pretty far out in left field. This bill, if it were in Fenway Park, wouldn't be in left field; it would be in the bullpen. Well, actually that is in right field. It would be behind the Green Monster.

I point out a few areas where this occurs. First, as I have mentioned, it significantly expands liability for employers. Sponsors of the McCain bill say they have compromised by including a $5 million cap on punitive damages. However, the cap only applies in the Federal liability provisions added to the bill—it is sort of a bait-and-switch thing—and not to the more expansive liability provisions under State law.

One of the ironies of this bill is you can go forum shopping. This is one of the favorite things trial lawyers like to do. I used to do a little bit of trial work. You love to forum shop. You find out what court has the best judge; you find out what court historically has the juries that give the highest award; you find out what court has the best rules to improve your capacity to win your case on procedural grounds; and you move to that court. If it is a Federal court, you go Federal. If it is a State court, you go State. Under the present law, you cannot do that. You cannot bring an ERISA claim in a State court. But under this bill, it expands dramatically the opportunity for forum shopping. Then it says: But, hold it, we put in a cap so you don't have to worry about that.

Unfortunately, there are a lot of States that have no cap. They have no limitation at all on damages.

Further, the bill itself allows unlimited damages for economic and noneconomic losses—damages within the Federal court system. It expands the right to sue for violations of duty under the plan. This is a brandnew concept. It creates a whole new cause of action out there where employers will suddenly become liable for contractual activity on HIPAA or COBRA or ERISA that they are not liable for today, relative to a private lawsuit.

I have a chart. I don't have it on the floor today because I had it up so often I thought people might be getting tired of it. But it shows there are potentially 200 new causes of action just on this one point alone.

Then it says it does not have punitive damages. In fact the earlier bills did not have punitive damages. At least H.R. 990, which I think is the original Norwood bill, did not. But, in fact, it creates a new term of art, which is essentially punitive damages, and it allows those damages, as I mentioned, to be recovered at the rate of $5 million.

Here is a bill that says it is moving more to the center when, in fact, in the liability area it dramatically expands forum shopping, it dramatically expands punitive damages opportunities, it dramatically expands the number of lawsuits that can be brought on the issue of contracts and contractual obligations of the employer—all of this is directed at the employer—and it dramatically expands, in Federal court, economic and noneconomic damages that can be recovered against the employer. All of this is new. A brandnew attack on the employer by the trial bar will be allowed under this bill.

This is not moving to the center. This is moving to the left.

Another example, the McCain-Kennedy bill effectively requires that all States pass new patients' protection laws identical to the new Federal requirement. This is a huge step, an intrusion into States rights. Earlier versions of the legislation, both the Daschle-Kennedy bill last year and the Norwood bill, used the standard under the Health Insurance Portability and Accountability Act to determine whether or not State laws would be preempted by the new Federal patients' requirements. That standard does not prevent the application of this Federal law versus requiring the application of the Federal law.

The latest McCain bill adds new barriers for States by requiring that State laws be substantially equivalent to and as effective as each new Federal patient protection requirement. This two-part standard will effectively require every State to renegotiate and pass a whole new group of provisions in order that their laws be virtually identical with the Federal provision. If the State fails to do so, the Federal Government will take over and enforce those rules in every State.

So I cannot see how you can claim this bill moves to the center when the practical effect of this section is to essentially usurp and wipe out States' activities in this area.

My colleague from Maine just spoke a little while ago. She put up a list that showed literally almost every State in the country has aggressively addressed the issue of patients' rights and has established a set of requirements and rights which flow to the patient that are fairly consistent with what we all seek in the Senate. But if they are not exactly or substantially equivalent to and as effective as the Federal law, they will be overruled and the Federal Government will come in and usurp the State authority and actually take over the State's insurance enforcement.

We have had State insurance enforcement in this country for quite a while and it has worked pretty well. So you cannot say a bill moves to the center when it essentially says ''to heck with the States, we are coming in, we are the big boys, you are out of the game because we know better than you, State legislatures. You, the State legislature, are not interested in the people who live in your States. We here in Washington are.''

That is not a movement to the center. That is a dramatic, if not radical, move to the left, to centralization of power here in Washington at the expense of the States.

In addition, another example of the fact this bill does not move to the center but moves way off beyond the Green Monster, out beyond left field, out past Lansdowne Street, probably down by the Massachusetts Freeway—actually it is not a freeway; it costs money—the Massachusetts Turnpike is the effect this bill has on the ability to bypass the appeals process.

The prior proposals, earlier versions which were pretty far left, out there in left field, as I said, of the bill provided where injury or death had already occurred, and therefore the appeals process would be futile, the patient would not be required to exhaust the appeals process before going to court. The new version permits a person to bypass the appeals process and go directly to court to seek monetary damage if the harm would occur by going through the process.

That may sound reasonable, but you have to read behind that language for the practical impact of what it is.

It is noteworthy that this exception would allow lawsuits for virtually unlimited monetary damages rather than simply allowing patients to get the care they need if they would be substantially harmed by completing the review process.

The new version of the McCain bill also contains a late manifestation provision. This is an amazing provision because this provision essentially says that if the appeal process period has run and you decide that you have a manifestation of harm as a result of being treated, you no longer have to go to the appeal process; You can go directly to court.

The practical effect of this language is essentially to eliminate the statute of limitations. Under this law there is a total abrogation, in my humble opinion, of the statute of limitations. That is a move to the left.

As a trial lawyer, I love the idea that I never have to worry about the statute of limitations because if my office happens to make a mistake and not reach that 3-year window or that 6-year window, I am not going to be subject to the errors and omissions suit that I might get hit with by my client because, if there is no statute of limitations, I will never miss the filing requirement.

But going back beyond the manifestations language, this concept that is totally different than what was in the original Dingell-Norwood bill and the original Daschle-Kennedy bill that you as a patient do not have to exhaust your administrative remedies before you go into court, but you simply have to claim harm, and then you can go right after monetary damages, is a dramatic undermining of the capacity to have an effective appeal process. You essentially have no appeal process.

Now all you have are court decisions. Nobody is going to go down the appeal process route. Everybody is going to race to the courthouse with this bypass language.

The way it should be structured, obviously, is that, sure, if you are injured and you are going to suffer as a result of having to go through the appeal process and you are not getting a response, you should be able to go to court, but you shouldn't get the monetary damages at that time. You should get whatever you need in order to get the right medical care, then go back to the appeal process and find out what the proper resolution should be and then move into the court system for the monetary issues.

That is the logical approach. It is actually the approach, for all intents and purposes, that was in the original bill. Now we have another example of moving way over to the left and not moving back to the center, which this bill claims to do. It doesn't move to the center at all.

These are not minor issues—the liability issue, going straight to court issue, and the States rights issue. These are not minor issues. These are big questions in the scheme of how we deliver health care. The reason they are big questions is because, if this bill passes, it is going to fundamentally change the way health care is delivered in this country. It will push a lot of people into the uninsured ranks. As a result, you are going to have this huge momentum for the nationalization of our system.

At this point, I see our leader coming on the floor. I know he has comments that he wants to make. So I will yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, timewise, what is the situation now? Has the time been divided? Is it in blocks of an hour?

The PRESIDING OFFICER. There are 6 minutes 40 seconds remaining.

Mr. LOTT. Thank you very much. Mr. President, I will try to take advantage of that time and make a few remarks. Maybe then I can come back and talk again later.

First of all, I wish to comment briefly with the time we are using now. I think it is an important part of the process that we have opening statements and descriptions of what is in the pending bills—both the Kennedy-McCain-Edwards legislation as well as Breaux-Frist and other legislation—so we can see where the similarities are and find where the problems are.

We did not want to go forward with the amendment process on Monday because there had been changes made in the underlying bill on Thursday of last week, June 14. I presume there will still be more changes offered by the sponsors of the legislation, whether it is Senator MCCAIN, or Senator EDWARDS, or others, as problems are identified and as consideration is given to the reservations. Those will be either amendments or substitutes that will be offered.

I make the point that we are not interested in prolonging the consideration of this legislation. We are prepared to go to the vote in the morning on the motion to proceed. We are prepared to begin the amendment process on Thursday afternoon. Hopefully, we can make progress on amendments on Thursday and Friday and on into next week.

I also hope we will find a way before the Fourth of July recess to complete action on a supplemental appropriations bill. A lot of that will depend on whether or not the Committee on Appropriations can act tomorrow on what is in that legislation. We need to get that done or we are going to see more problems develop with the Department of Defense being able to keep our ships steaming and our planes flying. We will need to do both of these issues as much as we can during the next week.

Let me emphasis a couple of points. Others have noted that many of the core components of the various bills that have been offered, whether it is the original Nickles proposal, the Breaux-Frist-Jeffords proposal, or the McCain-Edwards-Kennedy proposal, have a lot of similarities.

Let me talk a minute about where we agree. We agree that we want a Patients' Bill of Rights to protect patients and to ensure those patients get the care they have been promised. That is why we believe so strongly that we need an immediate review process that will get a result hopefully within a managed care entity or an outside review if that is not satisfactory inside of the managed care entity and that it be

done on an expeditious basis and not drawn out. Get a result.

That is why the idea of going immediately to court has such little appeal to me because legal action, while it might get beneficial results that would be helpful to the heirs, may be of no value to a patient who will have had all kinds of problems, and perhaps even die, before the conclusion of a lawsuit.

All of the bills have a review process. The important thing, in my opinion, is that the review be quick and that it get the results. If the result is not satisfactory, then there has to be some process to get it considered in the courts. I think we will find a way to do that.

We agree that patients have to have access to specialists. That is what caused us to get into the need for a Patients' Bill of Rights. After the managed care concept was established and started going forward, it was doing a good job. It was providing care at a reduced cost. But some of the managed care entities started to make mistakes. The difficulty is they wouldn't make medical records available to patients, which were their own medical records. You can't have that. The idea that you would have to get permission from some other organization to go to an emergency entrance is unacceptable. You have to have access to emergency care in case of an accident, or whatever. Or if you have an OB/GYN doctor seeing a pregnant woman who then leaves that managed care operation, she should be able to continue to have the care of that OB/GYN.

There is no question that we need to make sure that common sense applies and that there is access to physicians. We need to have some way that cancer patients can have access to clinical trials. We need to make sure there is access for women to surgical treatments or for breast cancer. We need to make sure that patients will be able to continue to see their doctor, if the doctor no longer works for the health care plan.

There is a long list of places where we agree that there needs to be access to information that patients and beneficiaries need. We need to make sure that there are new quality measures available.

We should not ignore the fact that there is a lot of common ground. We, clearly, have some areas where we disagree. Of course, primarily it is when, where, and how you have a lawsuit.

I was a lawyer years ago. I was with a trial firm. We did defense work. But we also occasionally filed some plaintiffs' lawsuits.

I am not opposed to having access to the court systems. Americans deserve that right. The question is, Who can be sued? Should a person, or an entity, an employer, that has no involvement in the decision that is made based on business reasons, costs, or medical purposes be sued? Naturally, a good lawyer will throw out his dragnet and bring in employers, doctors, nurses, the managed care entity, the insurance company—everybody who is within range and, by the way, look for the one with the deep pockets. That is what you really want. You want the one from whom you can get the money.

I think we need to be very careful about who is covered by these lawsuits and when they can be filed. Unless and until the review processes are exhausted, we should not be resorting to legal action.

Also, where a lawsuit is filed does make a difference. I know for sure from my own personal experience, since some of my very closest friends and relatives are plaintiff lawyers, that there is this little thing of forum shopping: Let's look around and find the county in the State where we could get the highest judgment. Or maybe it is in a Federal court; let's pick and choose. Or maybe let's file in both Federal and State court.

In my own State of Mississippi, there are a series of articles being done by a Gannett newspaper, the Clarion-Ledger, that would not ordinarily do an article such as this, noting that there are one or two particular counties in my State that are considered a plaintiff's wonderland, where you can get massive damages if you go into these particular counties. By the way, our insurance commissioner—a very fine insurance commissioner of many years a Democrat—has noted that 46 insurance companies have said: We are leaving this State. We are not going to face these exorbitant, ridiculous judgments in this particular county, Jefferson County, MS.

So where you file does make a difference. We need to pay attention to that.

Of course, there is also the question of how much in damages. Is this about a result or is this about a lawsuit? Do we want health care or do we want legal action? Do we want a reasonable judgment for losses that you have incurred or do we want pain and suffering and punishment? Those are basic questions.

But I hope we can bring all sides together and get a result. I want a result. I want us to pass a Patients' Bill of Rights. I think we need it. It is the right thing to do. And I am tired of hearing about it. It is time to act. It is kind of like what we did in the tax relief bill on the marriage penalty. We have been talking about it for 10 years, about how it is unfair, and that we ought to get rid of it. My question was, Why haven't we done it?

We can do this if both sides can be reasonable. I talked to the President yesterday. There is no doubt in my mind the President wants to sign a reasonable and fair Patients' Bill of Rights. But there is also no doubt in my mind he will veto the McCain-Edwards-Kennedy bill in its present form.

I hope we can go through this amendment process, address the delivery questions, the liability questions, and also see if we can find a way to make health care more accessible to many Americans who are not now covered. Small business men and women have a hard time, even when they really want to, making sure all of their employees are covered because even if they offer them the coverage, and pay half the cost, many employees say: We just can't afford it. We are not going to do it. So they are not covered.

Can't we find a way to give them access to coverage or to help them with the expenses of that coverage? I think we can. I think this is a bill where we can help address that.

Let me note that the distinguished Senator from Nevada is on his feet. I would be glad to yield.

Mr. REID. I just want to say to the Republican leader, you do not have to use leader time. You should not be rushed. Even though you are on Democratic time, you are welcome to it.

Mr. LOTT. That was about the nicest way I have ever been told my time has expired. That is why I was talking fast. I did want to get in a few remarks. I appreciate Senator REID noting that.

At this point, I will yield the floor because we have had very good cooperation in going back and forth every 30 minutes.

I would like to continue that. I will take advantage of leader time another time. But thank you very much, I say to Senator REID.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder. There was an agreement that we would go into morning business at 5 o'clock and that I would be recognized at that time.

Mr. REID. I would say to my friend from Alaska, we were told the Republicans would have no one to speak at 4:30. But that was not factual. People did come. And they have used 35 minutes of the 30 minutes. Senator REED has been waiting.

We would ask, under the agreement that we entered into earlier today, that he use his time. I wanted to speak, but I say to my friend from Alaska, if you are the last speaker for the Republicans, I have to be here to close anyway. Senator REED wants to speak for up to 10 minutes.

I say to the Senator, you can speak for however long you desire.

Mr. MURKOWSKI. I respond to the assistant majority leader, I would probably need not more than 10 minutes.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Rhode Island be recognized for up to 10 minutes—is that adequate?

Does the Senator from Massachusetts wish to speak anymore today?

Mr. KENNEDY. Mr. President, I look forward to addressing the Senate tomorrow morning.

Mr. REID. Mr. President, I ask unanimous consent that the Chair recognize the Senator from Rhode Island for 10 minutes; following that, the Senator

from Alaska for 10 minutes; and then I will close out the evening with whatever time is necessary for that to be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today to support the McCain-Edwards-Kennedy bill and to commend the authors. They have done some great work in trying to reconcile a very pressing need in this country; that is, to give patients the ability to get the health care they need and, indeed, that they either paid for or their employer paid for.

Today I have heard discussion that this is just about lawyers who are going to enrich themselves. But I think that argument misses the point. The point is, there are lots of lawyers on the other side, on the HMOs' side, who are using their skills to deny patients what they thought they purchased with their health care plan, where they are able to use all the loopholes that are rife throughout our statutes, not to provide care but to provide the insurance companies with an out.

The McCain-Kennedy-Edwards bill clarifies the rights of patients. It makes them specific. It makes them less debatable. Let's make these rights less a contest of lawyers on both sides and more something that the patients of America, the citizens of America, can expect will be their right to demand and receive when they pay for health insurance.

So when you have situations where, instead of specifying, as the McCain-Kennedy-Edwards bill does, the right to a pediatrician as the provider of health care services for a child or a pediatric specialist for a child, you have something nebulous like a physician with age-specific qualifications, that is the type of ambiguity that is rife for the competing proposals, and that leads to the denial of care to Americans. In fact, it leads to lots of controversy, strife, discussion, and debate.

So this legislation has been well crafted over many months to specify, delineate, and clearly give patients their rights; in fact, to give them what they believe they are paying for. And they are already paying a lot.

So I believe that this bill has made great progress in moving from the version we considered in the last Congress in this Senate Chamber, and the version that has been proposed by Congressman NORWOOD and Congressman DINGELL in the other body; and we are moving close, I hope, to legislation that can receive the support of this Senate, which can go forward and be combined with a very similar bill on the House side offered by Congressman NORWOOD and Congressman DINGELL, and then go to the President for his signature.

What it would do, I believe, is to, again, specify clearly, unequivocally, what Americans can expect from their health care provider.

There has also been lots of discussion that this really is going to pull in countless numbers of employers, small businesses, who are going to be ensnared in a web of litigation because of this legislation. But that ignores the very specific language in the McCain-Edwards-Kennedy bill that says that an employer can only be liable if that individual played a direct role in a decision to deny a treatment of health care services to a patient. This is not the situation where a small business buys a Blue Cross plan or buys an HMO plan. This is a situation where an individual in that business organization makes the decision to say: No, don't give that service to that individual who is covered by my plan—a very unlikely circumstance, but one I think most people would agree, if you are making those types of decisions, you should at least be potentially liable for the consequences of those decisions.

I believe the discussion of an employer as being ensnared in this web of lawsuits misses the very specific language of the bill. It certainly is not the intent of this legislation. It never has been. With the refined language and the very specific language, I don't think it will be the effect of the legislation either.

We know that this issue is creating a great deal of controversy around the country. It is generating the activity of interest groups left and right. This morning, early today, the junior Senator from Utah spoke about a doctor who was contacted by the American Medical Association to call the Senator and support the McCain-Edwards-Kennedy bill. In the course of the discussion, he discovered that he really didn't support the bill but he favored the Frist-Breaux-Jeffords approach.

That is not the only calls that are being made out there in America as we speak and debate here. My office received a call from a businessman in Rhode Island instigated by the National Association of Manufacturers who said: Call your Senator and tell him not to vote for Kennedy-Edwards-McCain. But when we spoke with the individual, when we explained the provisions of the bill, particularly the provisions with respect to potential lawsuits against employers, he concluded that the Kennedy-McCain-Edwards bill was the type of legislation he could support because he is not just an employer; he is just not a businessperson; he is a family man. His wife had recently been sick, and he understood the difficulties that are faced in trying to get health care out of an insurance company that is committed to the bottom line, not the health care, principally, of their insured members. He preferred, after discussion, the type of protections included in this bill.

I hope that is a sign that when we can come here to the Chamber and clearly explain the contents of this legislation, we can convince many people across the country that this legislation is in the best interest of the families of America.

Now, I have for several years been working to ensure that this type of legislation pays particular attention to children. I am very pleased to say that the McCain-Edwards-Kennedy bill incorporates many of the provisions of legislation I have submitted along with many colleagues. It protects the right of families to have a pediatrician as a primary care provider and the right to make referrals to a pediatric specialist, not just a specialist. There is a vast difference between an adult cardiologist who may have seen a child 1 or 2 years ago and a pediatric cardiologist who specializes in those types of problems for children. If you are a parent, that is the specialist you want to see. This legislation provides for that access clearly, unequivocally.

The alternative legislation would say the company can find someone who has a specific qualification. Again, the lawyers for the insurance company can find many ways to suggest that that is the gentleman or woman who might have seen a child 2 years ago, a cardiologist, rather than the more expensive doctor not in their plan who is, in fact, a pediatric cardiologist.

This is real progress on the bill. I commend the authors for doing this and pushing forward.

There is one area I would like to see included in addition to what has been done. That is a proposal I have made previously on a bipartisan basis with Senators JEFFORDS and COLLINS to create for each State an ombudsman, someone who can be a point of reference and referral to individuals who have questions about their health care plan. Before you even get into a long, protracted internal review or external review, there should be an individual you can contact and say: Do I have a problem here? I think I am covered for this procedure. Am I really covered for this procedure? That type of advice, that type of objective information on a systematic basis can do much to resolve the potential specter of a plethora of lawsuits.

It is a worthwhile initiative. I hope my amendment can be incorporated into this bill. Indeed, I am preparing to offer such as amendment along with Senators WELLSTONE, WYDEN, and CLINTON. I hope when the process begins for amendments, we can make that improvement to what is already a very fine bill.

This is a very clear issue when you boil it all down. Do you stand with the families of America who deserve health care coverage they paid for or do you stand with the insurance companies whose major concern is their financial solvency and well-being? This legislation stands with and for the families of America. I support it.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized.

ENERGY CRISIS IN AMERICA

Mr. MURKOWSKI. Mr. President, I recognize that we are debating a motion to proceed to the Patients' Bill of Rights. I am tempted, however, to ask unanimous consent that we set the Patients' Bill of Rights aside and go to the energy legislation that is pending before this body. I shall not do that, in deference to my colleagues on the other side, although I must admit, it is somewhat ideal and timely.

What I am going to do is call on the majority leader of the Senate to set a date to take up the energy crisis in America. Polling indicates the No. 1 issue in this country and concern is not education. It is energy.

Under the previous leadership—and hindsight is cheap—this was the week we were going to be debating a comprehensive energy bill in this body. Senator LOTT had indicated that that was the next order of business after education. Where are we in the order of business? We are on the Patients' Bill of Rights. We are supposedly going to be on the supplemental next week. We may take up the minimum wage. We may be on appropriations. Where is energy in the Democratic list of priorities for this body? I am very disappointed that evidently it has been tossed aside under the new leadership.

Where have we been on this matter? We have been busy. The Energy and Natural Resources Committee, which I previously chaired and on which I worked with Senator BINGAMAN—Senator Bingaman now chairs the committee—has been busy inasmuch as we have held 24 hearings. We have had 164 witnesses over the last year. We clearly know what this country needs. We need to produce more energy. We need to develop alternatives. We need to develop renewables. We need to do a better job of conservation. But we have to come to grips with this crisis. We can't ignore it. It is not going to go away.

The issue is ripe for debate in this body, ripe for debate on the Senate floor. We should proceed forward on behalf of the American public who is looking to Congress to provide a solution.

We all know prices are too high; supplies are too low. We all know that too little is being done as evidenced by the calendar with which we are confronted.

I therefore ask the majority leader at this time to agree to bring the energy policy legislation to the floor of the Senate at a time certain, and certainly no later than July 23. I look forward to his response.

To give some idea of the timeliness of this, one only has to look at what is going on in the committees. Yesterday, the Energy and Natural Resources Committee heard from FERC. We heard from the five members of the Commission.

Today, in Government Affairs, we had the Governor of California, Gray Davis, along with other Western Governors, appearing to tell of the energy crisis in their States. We also heard from the FERC relative to the action they had taken unanimously to reach a conclusion to basically take the pressure off what was proposed as legislation to mandate wholesale caps and prices.

I think it is fair to say that we can commend the administration, the President and the Vice President, for holding the course because wholesale caps do not encourage investment. We need investment in new power-generating facilities. As the President knows, if you put very tight caps in, investment will not come in regardless of how many permits for construction are issued. The incentive for a reasonable rate of return has to be there.

Now, FERC has come out with an order that addresses this. It takes care of not only investor-owned but municipally owned utilities. It covers both. It sets a 15-month timeframe in which to work, and it bases its great structure at the lowest efficient contributor into the energy pool.

I commend FERC. We can argue why they didn't do it sooner, but it is important to recognize that FERC has just been functioning with its five members for a relatively short period of time, less than 2 weeks. Where were they last year? There is no use going back and trying to figure out why they didn't act sooner. In any event, it is fair to say that what California needs is not political excuses; they really need practical solutions.

FERC, while working out the solution, found that some in California continue to spin the issue away in the hopes that somehow the blame will be deflected. We heard from Governor Davis. He has been blaming virtually everyone for the problems in California—his predecessor, the State legislature, and he even blamed the Texas ownership that contributes only about 12 percent of the energy that comes into California from Texas-owned energy companies. Twelve percent is significant but not overwhelming. He has blamed the President and the Vice President for problems that began 9, 10 months before they even took office. He has not recognized that, indeed, the President and the Vice President, in their proposal in the energy task force, proposed realistic ways to correct the problem—to correct it for California and nationally—by a balanced comprehensive energy policy. He also blamed power producers for price gouging. He hired the head of one of these groups, David Freeman, of the Los Angeles Department of Water and Power, as his energy adviser.

One has to look at the list of those that allegedly have overcharged California. They contribute about $505 million. Among them is the city-owned Los Angeles agency that distributes water and power in Los Angeles—somewhere in the area of about $17 million in overcharging. Another significant overcharge allegation was leveled against the Columbia River producers on the Columbia River in Bonneville. Nearly $173 million were BC hydro, which constituted about two-thirds of the $505 million.

I suggest that California spends more time discussing the problem of spinning off responsibility than looking forward to how they can address changes by increasing more production in California. I commend FERC, and I share the President's commitment to market competition, not Federal Government command and control. We must never forget that Government itself doesn't generate one kilowatt of electricity, and neither do controls, if you will, on private investment. Only industry can generate the electricity the public needs. Price controls have never spun a turbine and have never stopped a rolling blackout.

In the pursuit of just and reasonable rates, Congress need not pursue new legislation. As we saw yesterday from the FERC, the system is working. The FERC order clears the way for our work on the long-term solution. We must come together now on focusing our attention on putting in place a comprehensive national energy strategy that will help get us out of this crisis and keep us out. That must be our priority. And recognizing the contribution the administration has made in submitting the energy task force to us, the introduction of bills by both Senator BINGAMAN, myself, and a number of Members, which is a comprehensive proposal for relief, should be on the calendar of this body. It should be on the calendar for action now. It is beyond me why those on the other side have chosen to ignore it at a time when it is the No. 1 priority in the country.

Further, on a sidenote, on May 23 of this year, the Committee on Energy and Natural Resources, which I formerly chaired and now am the ranking member, reported the nomination of Steven Griles to be the Deputy Secretary of the Interior. It has been 28 days and we are still waiting to even get a time agreement, which was noticed to us that would be required. The significance of this particular nominee in the Department of the Interior is that the only confirmed position at the Department of the Interior is the Secretary of the Interior.

That is simply irresponsible. It is time for the Senate to let Steven Griles' nomination go. We look forward to trying to work with the majority to achieve this. There is absolutely no excuse to hold this nominee from being confirmed. He has been voted out of the Committee on Energy, and there is little we can offer the majority. The excuse is that they are holding up the nomination until such time as the committees are determined. But we all know the committees are going to be determined with at least one more Member of the majority going on the committees. I don't know what the minority can do other than to recognize that the Department of the Interior serves all of us—both Republicans and Democrats—and to hold up the functional responsibility when we have had

the hearing and this nominee is waiting to serve the country bears another examination by the majority. I would certainly be glad to get any explanation anybody might care to provide at this time, or at any other time.

I will leave you with one thought. Back in 1992, we had a similar concern in this country that we were facing—an increase in imports. As a consequence of imports, we were increasing domestic production, as well as domestic demand, and as a consequence, we became concerned and passed out of committee a number of items that are shown on this chart. It is interesting to note, though, what we got out of the process when it went to the floor. We had given on all the supply increases associated with increasing domestic production and reducing dependence on foreign oil. As a consequence, it is rather interesting to see on the current energy plan that there is little relief proposed. Yet in our comprehensive bill on the right, clearly we tried to cover all the areas of concern.

The reason that things are different—and I will show you this on the second chart—things aren't the same as they were in 1992—we have kind of a ''perfect storm'' scenario. We were 37-percent dependent in 1973. Now it is 56 percent. The Department of Energy says it will be 66 percent by 2010. Natural gas prices soared three to four times. They were $2.16 per thousand, and now it is somewhere between $4 and $5. We haven't built a new nuclear plant in over 10 years, no new refineries or new coal plants.

I thank you for the time. I yield to the majority whip.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I say to my friend that I am still the chairman of the Committee on Environment and Public Works, and we have a number of nominations waiting to help Governor Whitman. We have approved a deputy, Linda Fisher. I wanted to make sure she called, and she said she needed that help very badly; and we worked it out so when the Republicans were under control, I made sure that was released and that she could get over there and help.

We have a number of people waiting to go to the EPA. Governor Whitman needs help also with running that important entity.

I think the Senator should check with people on his side. The reason is that we have been waiting since we took control of the Senate to have a simple organizational resolution passed to allow the committee structure to be effectuated.

Rather than having an arrangement where the minority leader, Senator LOTT, speaks with the majority leader, Senator DASCHLE, a committee was formed to meet with Senator DASCHLE.

As we know, any time committees are chosen, it usually slows things down. Someone told me once that a committee was formed to come up with a horse, and the committee came up with a camel. That was their version of a horse. I think the committee is not really serving the Senate well.

I have knowledge, and I am sure their intent is good, nothing has happened in all this time. It seems to me the time has come that something should happen. There has been a lot of passing back and forth of memoranda and meetings, but that is what is holding things up.

As I indicated, we have people for EPA. Senator LEAHY has said publicly on a number of occasions he wants to start hearings in the Judiciary Committee.

This is not, as far as I am concerned, payback time. The fact is that 45 percent of President Clinton's nominations for the appellate court never made it through the process—45 percent. When we were in control last time, the average waiting time for a judicial nomination was 85 days. The last full Congress when the Republicans were in control, the waiting time was 285 days.

This is not going to be payback time. Senator DASCHLE has said that. We are going to conduct the Senate and the committee system in an appropriate way.

We have vacancies in Nevada. We have three vacancies for Federal judges in the small State of Nevada that need to be filled. We hope that can take place quickly. Senator ENSIGN and I have agreed on the judges who should be nominated and sent to President Bush. They are down there now.

I say to my friend from Alaska, we also want the organization of the Senate to formally take place, and we hope the committee of five will get together and take care of the other 44 Senators they represent and move on to what we believe is the appropriate function of this Senate.

I will be happy to yield to my friend from Alaska.

Mr. MURKOWSKI. I very much appreciate the comments of my friend from Nevada who has outlined, I think accurately, the overall situation. I did not in my request highlight the overall resolve of this dilemma associated with the committee and the structuring of the committee. What the Senator said certainly is relevant to having the committees take action.

This issue of Steven Griles is entirely different. The reason it is different is he has been waiting 28 days. That was before the Senate changed hands. For the majority whip to indicate he is part of this, in reality, his nomination was pending before Senator JEFFORDS left our side and joined the other side.

At that time, we were negotiating with the Democrats in good faith to agree to a time agreement, and there was an indication that they would require at least several hours, and we were willing to do that.

I want the record to note Steven Griles is different than the other pending nominations because he was proposed and held up prior to the Democratic Party taking control of the Senate.

I again renew my request that special consideration be given him because his is truly a special case.

Mr. REID. Mr. President, I say to my friend from Alaska, I have not spoken to the majority leader about Steven Griles, but I am confident once this organizational resolution is in effect, that will happen pretty quickly.

Mr. MURKOWSKI. If the Senator will yield on one more point.

Mr. REID. Yes, I yield.

Mr. MURKOWSKI. I can appreciate that, but we are still saying Steven Griles is, in effect, held hostage as a consequence of the policies of the majority now when we could have taken action when we had the majority, but we were trying to work with the minority at that time.

Clearly, we are left in this dilemma of him being caught, if you will, in the tidal backwater which affects us all, whether Republican or Democrat.

As the Senator from Nevada knows, he is from a public land State. He needs some help at the Department of Interior. This action of delaying simply puts off Mr. Griles' ability to serve our country and the Department. That is, indeed, unfortunate, particularly in view of the fact he was voted out of the committee and his nomination is still pending.

Mr. REID. Mr. President, I feel confident that it will be in everyone's interest—the minority, the majority, and every State in the Union—if we can get this organizational situation completed. We have waited far too long. The committee of five should meet as often as necessary with Senator DASCHLE. We only have one representing us and five representing them. I think Senator DASCHLE would make himself available any time of the day or night to get this organizational situation resolved.

PATIENTS' BILL OF RIGHTS

Mr. REID. Mr. President, there has been a concerted effort since the first day of this week to stall, hinder, slow down—whatever term one can use—the movement of this legislation which is before the Senate, the Patients' Bill of Rights. This method to slow down legislation has come about because the managed care entities and the people who work with them, who make a lot of money, have said to the minority: Do not let this legislation move. And the minority is trying to live up to their request. Keep this legislation boxed up. Tie it up for as long as possible.

I announce to everyone within the sound of my voice and I spread over the Record of the Senate that the ''as long as possible'' has come to an end. We are going to move this legislation. Five years is long enough. We are going to move this legislation now.

In the morning, we are going to vote on a motion to proceed that should

have taken place a long time ago. We should not even be having a vote on a motion to proceed, but that is the way they decided to slow it down, recognizing if they slow it down this week, then maybe next week we will not want to work very hard. We have the Fourth of July parades, our 10 days at home, and then they will wait until after the Fourth of July, and we will have appropriations bills and maybe there will not be a Patients' Bill of Rights for the sixth year.

That is not going to happen. TOM DASCHLE—whom I have known since 1982; I served with him in the House and I have the good fortune of serving with him in the Senate; we came here together—has said we are going to complete this legislation before the Senate recesses for the Fourth of July break.

TOM DASCHLE is a man of his word. That is what is going to happen, and everyone should understand that.

Why is this legislation called the Patients' Bill of Rights? It is called the Patients' Bill of Rights because it will create a law that gives patients the rights to which they are entitled, which they now do not have. In short, it will once again allow a doctor to care for his or her patient. That is the way it used to be.

Just think, a doctor can prescribe medicine for his or her patient that will heal that patient in the mind of the doctor, relieve pain, prevent disease. The doctor can do that because that doctor thinks that is best for his or her patient.

Imagine a doctor can refer a patient to a specialist if he believes it is appropriate. That is the way it used to be. That is the way it is going to be in the future.

We have heard all kinds of excuses that if this legislation passes, the sky is going to fall. This is not the first time we have heard these statements.

Senator DORGAN and I spoke today to a person who is a very successful businessman. He said: The reason I like Democrats, but the reason you cause businesspeople concern, is you want to change things: Social Security, Medicare. There are things you are trying to do differently. They work out well, but people don't like change.

Just a few years ago, the Family Leave Act was talked about. The Democrats thought it would be a good idea if America was like most civilized countries. If a woman, for example, had a baby, she would not lose her job. It was called the Family Leave Act. We said: Employer, you don't even have to pay the woman, but she should be guaranteed her job when she finishes 6 weeks of maternity leave.

We can't do that. It will drive us out of business. We cannot have temporary employees. It will be awful.

I defy anyone to go home and have anybody raise the question that the Family and Medical Leave Act has hurt their business. Of course, it has not. It helps their business.

The Patients' Bill of Rights is in the same category. It is going to help our society. In the long run, it will help businesses because it will make the employees feel better about the businesses. We are being told the Patients' Bill of Rights will be like the Family and Medical Leave Act; it will drive businesses into bankruptcy. This is not going to happen.

Everything possible is being brought up about this legislation. What are some of the things I have heard this week? Kill the lawyers—they go back to biblical times. Kill all the lawyers. They have not said that, but that is what they mean. They even know how many people are going to be driven out of the insurance protection field because of this legislation. They say keep legislation in Federal court and not have any in State court; it is too expensive. One dollar a month is too much money? Or nothing happened in committee; we need to go back to committee and hold hearings.

This legislation has been going on for 5 years. We have had days of debate on the floor. We have had numerous committee hearings all over the country. The best way to sum this up, with all the crying and whining and stalling from the other side, is with who favors their legislation. The managed care industry, HMOs, that is who favors their legislation. Who favors McCain-Edwards-Kennedy? Everybody else. Does that mean everybody else is dumb? Everybody else is being led around by the greedy lawyers? The greedy doctors? The greedy nurses? Or does it mean this legislation solves a problem in our country? Is this the reason that 85 percent of everybody—Democrat, Republican, Independent—supports this legislation? I repeat: Who does not support it? The managed care industry, HMOs.

Our Patients' Bill of Rights is a bill that is authored by the very courageous JOHN MCCAIN. When we talk about JOHN MCCAIN, why do we add ''courageous''? That is what he is. He is a war hero. But he is also legislatively courageous. He is joined by JOHN EDWARDS, a person in this Senate of great intellect, and also TED KENNEDY, a man who has a lifetime of experience dealing with this issue. They have written a bill that is uncompromised. I will be surprised if this side offers amendments. This is a good piece of legislation. We will take it as it is. We know we will put up with a lot of frivolous stalling, mischievous amendments on this side.

Last night, I ran into a journalist. He said to me: Senator DASCHLE thinks he is bluffing. I talked to a Republican Senator, and they think Senator DASCHLE is bluffing because it can't be done in that short a period of time.

This legislation has been handled in a short period of time in the past under the Republican leadership. When this bill came up in 1999, it finished in 4 days. We had a time certain it would pass—4 days. The bill was introduced and placed on the calendar on July 8. We began consideration July 12. There were no committee hearings either. All amendments were limited to 100 minutes of debate; no more than one second-degree amendment in order per side per amendment. Just prior to the third reading, we agreed that the majority leader, then Senator LOTT, could be recognized to offer a final amendment to which no second-degree amendment was in order. Final passage occurred on that bill. Of course they killed it in conference. Everybody knows that. Final passage was completed in 4 days. We had 17 amendments and 13 rollcall votes. So we can do this in 4 days and complete it by next Thursday if people have the will to do so.

If they don't have the will to do it Thursday night sometime, we will be here Friday, Saturday, Sunday. The Fourth of July is our first day off, a Wednesday, because we are going to work Friday, Saturday, Sunday, Monday, Tuesday, and take Wednesday off and come back on Thursday, the 5th, to complete this legislation. Everyone should know this. It has been done in the past in 4 days. We can do it again.

This afternoon I received a letter. I have a friend in Nevada. He is one of my wife's physicians, a wonderful, kind, thoughtful, considerate man. His name is Frank Nemec. Frank Nemec is not some person who does medicine from the back seat of his car, the trunk of his car. Frank Nemec is an extremely well-known physician around the country. He is published and has written articles for medical journals. He had a Fulbright scholarship to the University of California at Berkeley, graduated with honors from the University of California at Berkeley, attended with a full scholarship the university of California at Los Angeles Medical School, and graduated with honors. He has been president of the State medical society, president of the Clark County Medical Society, Las Vegas, chief of staff of the largest hospital in Nevada, board certified in internal medicine, gastroenterology. This is a fine physician and not somebody out stirring up trouble. He is a man who has been involved in politics only because he believes his patients are being affected.

Here is a letter to me from Frank Nemec:

> As you have heard from so many Nevadans over the past several years, we need a mechanism where patients have options when care is denied. The following case is a clear illustration.
>
> On April 20th, 1999, Joseph Greuble died at the age of 47 from malnutrition. Joseph's malnutrition was a direct complication of his lifelong battle with Crohn's Disease.

I am familiar with Crohn's disease, Mr. President. There are two of what are called digestive bowel diseases, Crohn's disease and gastroenteritis. They are both bad, but the worst is Crohn's. My wife is fortunate not to have such a dread disease as that; she has gastroenteritis. She has spent many months of her life in hospitals.

So I know something about Crohn's disease. The letter continues:

Joseph's gastrointestinal problem was quite complex. His disease was complicated by ulcerations, fistulae, bleeding, obstruction, electrolyte disturbances, seizures, and chronic pain, and Joseph required multiple operations. Continuity of care is most important when dealing with an incurable, chronic, debilitating disease. In Joseph's case, the system's failure to provide continuity of care proved tragic and fatal.

I served as Joseph's personal physician for 11 years. As Joseph's condition worsened he was no longer able to live independently, and he moved into his mother's small apartment in Las Vegas. His mother would accompany him to my office for all of Joseph's visits and as a result, I came to know his mother Marion quite well.

For over a decade, I performed needed physician examinations, arranged for appropriate diagnostic studies, wrote Joseph's prescriptions, and attended to him in the hospital whenever he required admission due to complications of his disease. One of Joseph's most pressing needs was for nutritional support. Joseph had become malnourished as a complication of his Crohns Disease, and required TPN (intravenous nutrition).

I am also familiar with that, Mr. President.

Joseph's weight had fallen to just over 110 pounds, and at 5′ 10″ tall Joseph needed the TPN to maintain his weight and prevent death due to malnutrition.

In January of 1999, Joseph was told by his HMO that I could no longer treat him. Appeals by both myself and Joseph to have this decision reversed were denied. My offer to see Joseph free of charge was rejected by the HMO, as I still would not have been permitted to write his prescriptions, direct his nutritional support, order any diagnostic testing, or request needed consultations.

While I do not have any of the medical records of Joseph's treatment for the three months after he left my care, Joseph's mother informs me that his TPN had been discontinued, that his malnutrition worsened, his weight dropping to less than 100 pounds. Joseph, malnourished and unable to fight off infection, subsequently developed pneumonia, sepsis, and died.

I have received permission from Mrs. Grouble to share this story. Marion hopes that sharing her son's story will help achieve the needed legislation to prevent this from happening in the future. Holding health plans accountable when they harm patients is not about suing insurance companies and driving up the cost of health care, it is about stopping abuses and bringing compassion back to medicine. Until the health plans are accountable, people like Joseph and his family will continue to suffer.

Again, thank you for all the hard work on this important issue.

Sincerely,

FRANK J. NEMEC, M.D.

Doesn't this say it all? Why are we here? Are we here to talk about people dropped from insurance rolls? Are we here to talk about some lawyer fighting a lawsuit that doesn't exist?

ZELL MILLER was on the floor today. Georgia has a Patients' Bill of Rights. Not one single solitary lawsuit has been filed. In the State of Texas they have a Patients' Bill of Rights that the President of the United States vetoed on two separate occasions. They have a Patients' Bill of Rights there. In over 4 years they have had 17 lawsuits, one every quarter. It doesn't sound too overwhelming to me. I don't think it is going to drive the HMOs out of business. So let's get real.

This is about money. It is about the Frank Nemecs of the world who went to medical school to take care of his patients and he is told he can't take care of his patients. He said: I'll do it for nothing. They said: No, you might write a prescription we don't like.

I don't know, this man might have died soon anyway, but he would not have died as soon as he did. I guess the HMO decided his life wasn't worth anything anyway—he's going to die. He's 5 foot 10, weighs 110 pounds. Let's just terminate it more quickly.

We are going to finish this legislation. We are going to finish this legislation and send it over to the House. They can play whatever games they want with it, but I think the games will end over there because we have very courageous Republicans on that side of this institution, led by CHARLIE NORWOOD from the State of Georgia, who have said they have taken all they can.

I almost cried when I read this letter. Maybe if I were not here in front of the world I might admit when I read it in my office I shed a tear.

This is sad. If you knew Frank Nemec, this gentle, big man, you would know how sincere he is.

So why is this taking place? It is taking place because of money. It is taking place because the HMOs want to hang on as long as they can to keep those stock prices up and make as much money as they can in salaries. They are still going to do just fine after we pass this legislation, but they are not going to do as fine as they have been. They are not going to be able to terminate the care of someone such as Mr. Greuble.

Yesterday I read into the RECORD those organizations with names starting with the letter A that support this legislation. I am going to read for a while tonight. I am not going to read them all. This is a partial list. But I want this spread across the RECORD of this Senate that this legislation is supported by America. It is supported by Minnesota, the people in Minnesota and the people of Nevada.

The B's start with Baker Victory Services in Lackawanna, NY. This is a list of organizations that support the Bipartisan Patients' Bill of Rights:

Baptist Children's Home of NC, Barium Springs Home for Children in Barium Springs, NC, Bazelon Center for Mental Health Law, Berea Children's Home and Family in OH, Bethany for Children and Families, Bethesda Children's Home/Luthera of Meadsville, PA, Board of Child Care in Baltimore, MD, Boys & Girls Country of Houston Inc., TX, Boys & Girls Homes of North Carolina, Boys and Girls Harbor, Inc. in TX, Boys and Girls Home and Family Service, Boy's Village, Inc. of Smithville, OH.

Boysville of Michigan, Inc., Brain Injury Association, Brazoria County Youth Homes in TX, Brighter Horizons Behavioral Health in Edinboro, PA, Buckner Children and Family Service in TX, Butterfield Youth Services, Cal Farley's Boys Ranch and Affiliates, California Access to Speciality Care Coalition, Catholic Family Center of Rochester, NY, Catholic Family Counseling in St. Louis, MO, Catholic Social Services of Wayne County in IN, Center for Child and Family Services in VA.

Center for Families and Children in OH, Center for Family Services, Inc. in Camden, NJ, Center for Patient Advocacy, Center on Disability and Health, Chaddock, Charity Works, Inc., Child and Family Guidance Center in TX, Child and Family Service of Hawaii, Child and Family Services in TN, Child and Family Services of Buffalo, NY, Child and Family Services, Inc., in VA, Child Care Association of Illinois.

Child Welfare League of America, Children & Families First, Children & Family Services Association, Children and Adults with Attention Deficit/Hyperactivity Disorder, Children's Aid and Family Service in Paramus, NJ, Children's Aid Society of Mercer, PA, Children's Alliance, Children's Board of Hillsborough, Children's Choice, Inc., in Philadelphia PA, Children's Defense Fund, Children's Home & Aid Society of Chicago, Children's Home Association of Illinois.

Children's Home of Cromwell, Children's Home of Easton in Easton, PA, Children's Home of Northern Kentucky, Children's Home of Poughkeepsie, NY, Children's Home of Reading, PA, Children's Home of Wyoming Conference, Children's Village, Inc., ChildServ, Christian Home Association-Child, Clinical Social Work Federation, Colon Cancer Alliance, Colorectal Cancer Network.

Committee of Ten Thousand, Community Agencies Corporation of New Jersey, Community Counseling Center in Portland, ME, Community Service Society of New York, Community Services of Stark County in OH, Community Solutions Association of Warren, OH, Compass of Carolina in SC, Congress of Neurological Surgeons, Connecticut Council of Family Service, Consortium for Citizens with Disabilities, Consuelo Foundation, Consumers Union.

Cornerstones of Care in Kansas City, MO, Corporation for the Advancement of Psychiatry, Council of Family and Child Caring Agencies in NY, Counseling and Family Services of Peoria, Court House, Inc., Covenant Children's Home and Families, Crittenton Family Services in Columbus, OH, Crossroads for Youth, Cystic Fibrosis Foundation.

Mr. President, we are through the C's. Before this is all over, there will be a partial list in the RECORD. I haven't been able to get them all. There are over 500. I have read in the RECORD a few hundred and I will continue to do so.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak for up to 5 minutes each this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEST VIRGINIA'S BIRTHDAY

Mr. BYRD. Mr. President, I am here to wish a happy birthday to a celebrant near and dear to my heart. The thirty-fifth child in the family, grown from a difficult beginning as a child of war

and conflict into a robust 138-year-old, the birthday girl is entering the new century with confidence and strength.

The birthday party in question is, of course, for the wild and wonderful, great and beautiful State of West Virginia, celebrated this Thursday, June 20. In 1863, West Virginia was born by proclamation—the only state so created. Like Caesar Augustus, West Virginia was wrested from her mother, Virginia, at the point of a sword. Also like Caesar, I foresee greatness ahead for West Virginia.

West Virginia is not a large State, ranking 41st at 24,231 square miles. But the stars shone on her birth, blessing her with natural riches, water, and a central location as the northernmost southern State and the southernmost northern State. I might wish for her more flat land, but, on the other hand, I would not trade a level plain for even a single glorious hillside blanketed by lush tangles of wild rhododendron bisected by a clear, cold stream tumbling over rocky drops amid dense stands of oak and maple. Her mountains are her crowning glory, molding her history and her character. They will continue to shape her future. The steep slopes that so complicate development preserve forests and wildlife. Nearly 75 percent of West Virginia is covered with forest. The slopes capture snow for great skiing. They shelter coursing whitewater rivers that attract kayakers, rafters, and fishermen from around the world. In a nation increasingly concerned with urban sprawl, West Virginia remains an oasis of serenity amid the surging tide of advancing humanity, an island of tranquil forest where eagles still soar and the crime rate is the lowest in the Nation.

The mountains have also shaped the character of her people, reinforcing and sustaining the independence of character and the strong work ethic that are necessary in isolated and challenging environments. West Virginians are friendly, caring neighbors, meeting bad weather and hard times with a community spirit that is itself a force to be reckoned with. West Virginians are patriotic as well. The youngest soldier of World War I, Chester Merriman of Romney, enlisted at the tender age of 14. And West Virginians are close to the Creator, reminded daily of His presence by the natural cathedral of sky, wind, water, wood, and stone that is their environment. With a mean altitude of 1,500 feet, the highest average altitude east of the Mississippi, West Virginians are literally nearer to God, as well.

Over the course of the last 138 years, West Virginia has had her share of firsts. In 1756, the first spa open to the public was established at Bath, VA, now Berkeley Springs. The Golden Delicious apple was first grown in Clay County. The Grimes Golden apple was first grown in Brooke County. In 1787, the first steam-powered motor boat was launched in the Potomac River by James Rumsey at New Mecklensburg, now known as Shepherdstown. One of the first papers in the nation devoted mainly to the interests of women was published in Harper's Ferry on February 14, 1824. One of the first suspension bridges in the world was completed in Wheeling in November 1849.

The Civil War brought a number of ''firsts'' to West Virginia history books. The first major land battle fought between Union and Confederate forces in that conflict was the Battle of Philippi, on June 3, 1861. The first Union soldier had been killed a few days earlier, at Fetterman, Taylor County.

West Virginia has had other notable ''firsts'' since achieving statehood. West Virginia was also the site of the first rural free mail delivery in the nation. It began in Charles Town on October 6, 1896, before spreading throughout the rest of the United States. About 1908, outdoor advertising had its start when the Block Brothers Tobacco Company painted bridges and barns around Wheeling with the words ''Treat Yourself To the Best, Chew Mail Pouch.'' Some people now spend their vacations hunting down and photographing those old barns.

On the political front, in 1928, Mrs. Minnie Buckingham Harper became a member of the House of Delegates by appointment and was, according to the West Virginia Archives, the first black woman to become a member of a legislative body in America. A less popular political first for West Virginia is its place as the first state to enact a state sales tax, which took effect on July 1, 1921. As a final ''first,'' I would be remiss not to note here that Mother's Day was first observed at Andrews Church in Grafton, WV, on May 10, 1908. So West Virginia can claim motherhood and apple pie to offset that more sinister pair—death and taxes. We really do have it all.

West Virginia has experienced great change over the last 138 years. She remains a great resource for the country. Her coal and natural gas will continue to fuel the nation, just as her forests will provide homes and paper that the electronic age still has not supplanted. She has greatness still in store, nurtured in the bright minds of her young people, encouraged by the wisdom and foresight of her elders, carried on the strong shoulders of her workers and innovators, who love the state and want not to leave it for greener economic shores but to carry that tide into the mountains.

It has given me great pleasure over the years to help West Virginia grow. I may not have been born a West Virginian, but this transplant has taken well to the soil there. I have grafted. I hope that my efforts on her behalf have borne fruit that will help sustain her through the next 138 years. That is the best birthday gift that I can think to give her.

West Virginia, how I love you!
Every streamlet, shrub and stone,
Even the clouds that flit above you
Always seem to be my own.

Your steep hillsides clad in grandeur,
Always rugged, bold and free,
Sing with ever swelling chorus:
Montani, Semper, Liberi!

Always free! The little streamlets,
As they glide and race along,
Join their music to the anthem
And the zephyrs swell the song.

Always free! The mountain torrent
In its haste to reach the sea,
Shouts its challenge to the hillsides
And the echo answers ''FREE!''

Always free! Repeats the river
In a deeper, fuller tone
And the West wind in the treetops
Adds a chorus all its own.

Always Free! The crashing thunder,
Madly flung from hill to hill,
In a wild reverberation
Makes our hearts with rapture fill.

Always free! The Bob White whistles
And the whippoorwill replies,
Always free! The robin twitters
As the sunset gilds the skies.

Perched upon the tallest timber,
Far above the sheltered lea,
There the eagle screams defiance
To a hostile world: ''I'm free!''

And two million happy people,
Hearts attuned in holy glee,
Add the hallelujah chorus:
''Mountaineers are always free!''

SPECIAL AGENT TIMOTHY F. DEERR, FORMER EXECUTIVE DIRECTOR, AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

Mr. THURMOND. Mr. President, I rise today to honor a dedicated and innovative public servant, Timothy F. Deerr, the former Executive Director of the Air Force Office of Special Investigations, who recently retired after more than 26 years of loyal and selfless service.

As any citizen of the United States should know, two major powers emerged from the ashes and ruins of World War II—the United States of America and the now defunct Union of Soviet Socialist Republics. The ideologies and interests of these two nations were diametrically opposed and the aspirations of Soviet communists for global control made it imperative that America's foot soldiers and leaders in national security affairs exercise vigilance and sacrifice in defense of freedom. For almost fifty years, these two superpowers engaged in a ''cold war,'' where conflict was waged through proxies, brinksmanship, espionage, and counterespionage. It was in this environment in 1975 that Timothy Deerr joined the battle as a civilian Special Agent of the Air Force Office of Special Investigations.

By the time he completed his career earlier this year, Timothy Deerr had spent most of his professional life as a cold warrior and spy catcher. But, before he entered what has alternately been called the ''world's second oldest profession'' and the ''wilderness of mirrors,'' he started out as a criminal investigator in Dayton, Ohio. It was here, at Wright-Patterson Air Force Base, that Special Agent Deerr learned and

honed his skills as an investigator, gaining invaluable experience in how to read people, analyze facts, and test hypotheses.

After 6 years of working criminal cases in Ohio, Special Agent Deerr swapped the Buckeye State for the divided city of Berlin. Since renamed as the Capital of a united Germany, Berlin was then a city carved into sectors of control—a virtual battleground of espionage and counter-espionage activities. Intelligence operatives from the east and west worked feverishly against one another, both to steal secrets and to protect secrets from being compromised. For two years, Special Agent Deerr conducted critical and successful counterintelligence operations defending against foreign intelligence services stationed in the communist sector of Berlin. As a demonstration of the sensitivity of the operations he conducted, his experiences and cases in Berlin remain classified to this day, twenty years after he initially reported for duty there and ten years after the fall of the Berlin Wall.

From 1987, when he left Berlin, until 1994, Special Agent Deerr earned and held positions of increasing responsibility and importance within the Office of Special Investigations, including those of Chief, Central European Counterintelligence Operations, Wiesbaden, West Germany. Later, as the OSI Director of Counterintelligence, he managed OSI counterintelligence investigations and operations around the world and represented OSI and the Air Force on a number of senior policy boards that crafted our national counterintelligence strategy and policies.

While freedom loving people in the United States and throughout the world heralded and celebrated the implosion of communism in the early 1990s, an ironic byproduct of the end of the Soviet Union ensured America's Cold Warriors would enjoy little respite. While the USSR was a threat to peace and security for almost fifty years, it was a threat that we were able to identify and engage. After the Cold War, the world became, in many regards, a puzzling patchwork of active and potential adversaries of the United States and American citizens. Not only were foreign governments targeting our secrets and threatening our security, so were criminal and terrorist organizations. In recognition of this new dynamic, in 1994, the President of the United States directed a re-examination of the U.S. Counterintelligence Program, including ways to improve coordination, integration and accountability of American counterintelligence efforts. As a result, Presidential Decision Directive 24 was issued in May 1994. The directive, in part, mandated the establishment of the National Counterintelligence Center, and Special Agent Deerr was tapped as the Deputy Director of the new National Counterintelligence Center, an impressive distinction and a testament to his reputation and success as one of America's premier spy catchers.

In 1996, Special Agent Deerr returned to Air Force OSI as its Executive Director—the senior civilian Special Agent in the United States Air Force. During his five-year tenure in the top civilian position within OSI, Mr. Deerr earned a reputation for innovation and excellence in leadership. He took the helm at an interesting and challenging time in the history of OSI. As a result of the end of the Cold War, diminishing budgets, and retirements of personnel who entered government service at the height of the Cold War, he faced personnel upheaval and institutional reorganization. America and our Armed Forces were faced with new and daunting challenges that required institutional agility, professional creativity, and cutting-edge technical skills. Under Executive Director Deerr's steady stewardship, OSI ''re-invented'' itself as a model for the 21st Century in the fields of counterintelligence, anti-terrorism, and crime fighting.

OSI built DoD's Computer Forensics Laboratory—America's premier electronic media forensics lab dedicated to ferreting out evidence of computer crime, network intrusions, and felony tampering with DoD computer systems. OSI started and still manages the Defense Computer Investigations Training Program—DoD's ''graduate school'' for those tasked with investigating cyber-related crimes. Furthermore, Executive Director Deerr emerged as a visionary leader of the Defense Criminal Investigative Organizations, DCIO, Enterprise-Wide Working Group, the DEW Group. Mr. Deerr and the DEW Group devised innovative enterprise-wide pilot programs to leverage scarce DoD resources, improve training and deployment of America's front line investigators, and save taxpayer dollars.

Executive Director Deerr's influence and innovations extended far beyond DoD. Through his active membership in the International Association of Chiefs of Police and the IACP International Policy Committee, Tim Deerr was instrumental in proliferating enduring principles of policing professionalism, integrity, civil liberties, and selfless service to the international policing executive community across the globe.

After 26 years of service, Executive Director Timothy Deerr left Air Force OSI an even better agency than the one he joined in 1975. His career ran the gamut from criminal investigations to catching spies, and from being a rookie agent to the top civilian on the payroll. During his almost three decades of service, the world changed dramatically from a bipolar one where there was a constant threat of nuclear war to one where the United States must be prepared to counter threats on a multitude of new fronts. Through his uncommon dedication and selfless devotion to duty he has left an indelible mark on the face of counterintelligence within the U.S. Government. I am certain that all my colleagues will want to join me in commending Mr. Deerr on a successful career and a job well done as well as wishing him, his wife Terri, and their daughter Alexandra, great health, happiness, and prosperity in the years to come.

LOOMING NURSE SHORTAGE

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am enormously pleased to bring to my colleagues' attention not only a serious problem that threatens health care throughout this Nation, but my optimism that the Department of Veterans Affairs can serve as a pathfinder in seeking solutions to this problem.

On June 14, the Committee held a hearing to explore reasons for the imminent shortage of professional nurses in the United States, and how this shortage will affect health care for veterans served by Department of Veterans Affairs, VA, health care facilities. Quality of care issues have always been important to this committee and to me, and skilled nurses are indispensable to high quality health care. Representatives of nursing associations, unions, and VA testified about the conditions that have created this critical nurse shortage and what VA—the largest employer of nurses in the United States—can do to address them.

The problem can be stated simply: too few nurses are caring for too many patients in our Nation's hospitals. Fewer young people seek nursing careers every year, while the demand for skilled nursing care, especially long-term care, is climbing. Although we have faced health care staffing shortages before, experts warn that we are on the brink of a severe and long-lasting crisis. Unless we take steps to address this problem now, the demand for nurses will exceed the supply for many years to come.

Working conditions for nurses—never easy—have become even more challenging. Managed care principles lead hospitals to admit only the very sickest of patients with the most complex health care needs. As the pool of highly trained nurses shrinks, many health care providers rely heavily upon mandatory overtime to meet staffing needs. Several registered nurses, including Sandra McMeans from my state of West Virginia, testified before the committee that unpredictable and dangerously long working hours lead to nurses' fatigue and frustration—and patient care suffers.

Astonishingly, VA has not been included in the other hearings on the nurse shortage that have taken place during this session of Congress. VA is the largest employer of nurses in the Nation, and its nurses are closer to retirement age than those in other health care systems. This makes the problem even more critical in VA

health care facilities. However, VA enjoys a lower rate of nurse turnover, and a handful of VA nurses have managed to carve out innovative programs to improve nurse recruitment and retention. Several of these innovators testified at the hearing on June 14.

Programs initiated within VA to improve conditions for nurses and patients have focused on issues beyond staffing ratios and hours. A highly praised scholarship program that I spearheaded allows VA nurses to pursue degrees and training in return for their service, thus encouraging professional development and improving the quality of health care. Nursing administrators in an award-winning program at the Tampa VA Medical Center have looked for ways to include nurses in decisionmaking, and to keep up with technical innovations that can make the job safer and less physically demanding. In the Upper Midwest, the special skills of nurses and nurse practitioners are being recognized in clinics that provide supportive care close to the veterans who need it.

As nursing careers have dropped from favor for young women, the sort of training programs that provided so many with their first glimpses of patient care have fallen by the wayside. Much to my surprise, one of our witnesses testified that the ''candy stripper'' programs of the past no longer exist to serve as training grounds for future nurses. Through a ''nurse cadet'' program at the VA Medical Center in Salem, VA, VA is attempting to fill that void by providing leadership in testing community mentoring programs designed to spark the next generation's interest in nursing careers.

Clearly, more can be—and must be—done to address this problem. Although the nursing crisis has not yet reached its projected peak, the shortage is already endangering patient safety in the areas of critical and long-term care, where demands on nurses are greatest. We must encourage higher enrollment in nursing schools, improve the work environment, and offer nurses opportunities to develop as respected professionals, while taking steps to ensure safe staffing levels in the short-term.

We do not have the luxury of reflecting upon this problem at length; we must act now. Fortunately, we have as allies hardworking nurses who are dedicated to helping us find ways to improve working conditions and to recruit more young people to the field. I look forward to working with VA to provide a model for the Nation on how to accomplish these difficult tasks.

In closing, I ask unanimous consent that a Raleigh, North Carolina, News and Observer article that focuses on the innovative nursing programs, and the enthusiastic and committed nurses, at the Durham VA Medical Center be printed in the RECORD. It is just this sort of commitment which gives me confidence that VA can indeed assume a leadership role as we as a Nation confront the nurse shortage.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Raleigh North Carolina News and Observer, May 6, 2001]

DURHAM VA NURSES SERVING THOSE WHO SERVED

The Durham Veterans Administration Medical Center provides care to Armed Forces veterans through three inpatient critical care units, three acute medical-surgical units, two extended-care rehabilitation units and one in-patient psychiatric unit, all of which coordinate care with a large out-patient service. ''Nursing care is provided to veterans in a traditional nursing service structure by a staff of over 300 RNs,'' said Kae Huggins, RN, MSN, CNAA, and director of nursing. ''They are empowered to deliver patient-centered care within a shared-leadership environment.''

Durham VA nurses said they are given the opportunity to provide quality patient centered care, which creates a culture that supports problem solving, risk-taking and participation in decision-making.

When asked to share their reasons for choosing to pursue their careers at the Durham VA Center, several registered nurses were eager to tell their story.

Irene Caldwell, RN, nursing instructor and Vietnam veteran Army nurse said, ''There is no greater honor than to care for those who through their service allow us to enjoy all that we have in this nation. The VA Medical Center in Durham is part of the network that is 'keeping the promise.' Having over 30 years of employment as a registered nurse at the VA in Durham, I am proud to be one of the 'Promise Keepers'.''

Ken O'Leary, RN, staff nurse (USAF) in the Surgical Intensive Care Unit, said, ''Being a vet, it is great to take care of fellow vets. Hearing their stories and sharing their memories of history in the making is so rewarding. It is nice to do for those who have done so much for the freedom we enjoy in this country.''

Laura Smith, RN in psychiatry and critical care, said, ''It is a real pleasure to serve those who gave us the freedom to live the way we do. The veterans are the most caring and appreciative group of patients I have ever known and are fiercely independent.

''Nursing here gives you pride in your country, and the DVAMC gives you support to stay in nursing. The nursing field is every-changing and the education staff at DVAMC works very hard to keep us up to date on all the latest items involving our careers. They also support innovations to make our jobs easier, such as lift equipment, computerized medication administration system and electronic charting.''

Jackie Howell, RN, community health nurse, said, ''Working at the Durham VA Medical Center not only affords us an opportunity to give back to those veterans who so bravely served our country, but it also affords us the opportunity to advance professionally. It is one of the few hospitals that truly values nurses and nursing. The philosophy of shared leadership has empowered the nursing staff to be decision makers and innovators, thus maintaining quality of care. Nursing at the Durham VA allows us to be all we want to be.''

Reginald Horwitz, RN, Coronary Care Intensive Care Unit, had this to say: ''As a Filipino-American given the chance to serve out veterans, it gives me a different outlook, in that I have the opportunity to give back to the very group of people who have given their all for the freedom in this country we now all enjoy and cherish. Moreover, the VA nurse is allowed to grow personally and professionally in an environment that takes the entire health care team into account in making decisions that best serve the interests of our veterans. It is an honor to be a VA nurse.''

Linda Albers, RN, IV team, said enthusiastically, ''Just today a patient said to me, 'I like coming here, YOU KEEP YOUR WORD.' How accurately he described the VA. As federal employees, we do keep the promise Congress made to veterans who are unfailingly grateful for the care we provide. The VA also kept its word to employees. We are involved in clinical-based research, which improves patient outcomes, impacts healthcare and is certainly healthy for our careers, as are the educational opportunities provided. Everyone at the VA is committed to keeping our promise to veteran patients, which enhances our culture of camaraderie and cooperation. In one sentence—The VA keeps its word—to veterans and employees.''

Suchada Dewitya, nursing home RN, said emphatically, ''These patients have risked their lives for our freedom. When they get sick, they should be treated with dignity and respect. We now have an increasing number of women veterans who come here for their care. We have a Veteran Women's Department that provides primary care. They all deserve quality, complete service. I am proud to deliver that.''

Ester Lynch, RN, said: ''I started here as a nursing student, new graduate, surgical floor nurse, and now I'm a nurse manager! There is no other place I'd rather be in nursing. It is so rewarding to serve veteran patients.''

Virginia Brown, RN and retired from the Army Nurse Corps, said, ''Some of the brightest, the best and the most professional nurses I've met were VA nurses. The patient population and their families become a special community throughout North Carolina and the nation. I especially like being a staff nurse with direct patient care. And only at the VA can a nurse choose to be a staff nurse and be supported financially for their contributions. I, too, am a veteran, and retired from the ANC through the U.S. Army Reserve.''

Mary Kay Wooten, enterostomal therapy clinical nurse specialist, said ''I have been a nurse at this VA Medical Center for my entire professional nursing career. I have stayed here for many reasons, but the overwhelming one is our patients. Our patients have given so much to our country and many times have received so little in return. I am proud to be able to give them something in return. Professionally, I have had the opportunity to do everything that I have wanted. I have had a variety of roles and worked in a variety of settings in the acute-care setting. I have also received many educational opportunities. As our nurse recruiter, Joe Foley, says, ''The VA is the best-kept secret around.' Having worked here for 29 years, I can't imagine working any other place.''

Wooten said VA nurses have state-of-the-art equipment available to them, and cited the Wound Vac as an example. The Wound Vac is a method of treatment for management of acute and chronic wounds that VA nurses have been using since 1995, shortly after its FDA approval. This advanced technology has allowed VA nurses to focus on other aspects of patients' care as it has decreased length of stay, improved wound healing and increased patient satisfaction, all at a cost savings.

KEY INFLUENCES ON YOUTH DRUG USE

Mr. GRASSLEY. Mr. President, I rise today to draw attention to key influences in youth drug use as reported in

a national study, released by the Substance Abuse and Mental Health Services Administration, SAMHSA, entitled Risk and Preventive Factors for Adolescent Drug Use: Findings from the 1997 National Household Survey on Drug Abuse.

As summarized in the Spring 2001 edition of the magazine SAMHSA News, this study reported ''[p]eer use and peer attitudes are two of the strongest predictors of marijuana use among all young people.'' For youth in the age range of 12–17, using marijuana in the past year was 39 times higher if close friends had used it versus if they had friends who had not used it. The odds for the same age group were 16 times higher if adolescents thought their friends would not be ''very upset'' if they used marijuana. While peer attitudes were more influential than parental attitudes, youth were still 9.6 times more likely to smoke marijuana if they viewed their parents ''would not be very upset'' versus ''very upset.''

Other risk factors for past-year marijuana use were the youth's own use of alcohol and tobacco, the parent's attitude about alcohol and tobacco, if youth could not talk to their parents about serious problems, if youth were not enrolled in school, if youth were receiving poor grades in school, or if they did not attend religious services once a week. Interestingly, the factors that most correlated with cigarette use were the same factors associated with alcohol, marijuana, and other illegal drugs. Finally, youth who had not received in-school drug/alcohol education were slightly more likely to have used marijuana in the past year than those who had not. The analysis results were uniform across race/ethnicity.

The average person, much less a teenager, does not wake up one day and decide to do a line of cocaine or take a hit of heroin. There is a general progression of both actions and attitudes. The so-called ''softer'' drugs of cigarettes, alcohol, marijuana, and other club or synthetic drugs are actually ''gateways'' that precede the use of cocaine and heroin. According to a 14-year veteran of drug treatment in New York City, the average age of new users she sees has dropped from 17 or 18 years to now 13. Quoting her from a recent newspaper article, ''[w]e've seen the age of first use drop dramatically''. . .''[k]ids are going from doing marijuana to drugs like ecstasy and rohypnol in months.'' A Spartanburg County South Carolina sheriff, also quoted in a recent newspaper article, reminds us ''[t]hat the first responsibility of parenthood is to protect the child.'' Backing up the SAMSHA observations on peers and peer attitudes, he concluded ''parents need to pay close attention to the way their children act and who they're hanging around with.''

It may be difficult to raise teenagers or keep your children off all illegal substances, but there are some easy first steps and warning signs to heed. According to the National Institute on Drug Abuse, NIDA, handbook ''Preventing Drug Abuse Among Children and Adolescents,'' the best ''protective factors'' include ''strong bonds with parents, experience of parental monitoring with clear rules of conduct within the family unit, involvement of parents in the lives of their children, success in school performance, strong bonds with prosocial institutions such as family, school, and religious organizations, and adoption of conventional norms about drug use.'' With respect to family relationships, NIDA research shows that ''parents need to take a more active role in their children's lives, including talking to them about drugs, monitoring their activities, getting to know their friends, and understanding their problems and concerns.''

These are simple, positive actions that all of us, as friends, peers, coworkers, concerned adults, or parents can start today.

COMMEMORATION OF WORLD REFUGEE DAY

Mr. GRAHAM. Mr. President, today I commemorate World Refugee Day, a day designated for our country to celebrate the multiple contributions that immigrants have made to make America a richer, more perfect union.

It is tragic that while immigrants continue to make the fabric of our Nation stronger, many immigrants continue to be barred from vital safety net services including access to health care.

For the past several years there has been heated discussion regarding the number of uninsured in America.

There are uninsured children in every State, county and community in America. States have sought to address this issue through programs such as Medicaid and the Child Health Insurance Program (CHIP). Through these Federal-State programs, States have been able to insure millions of eligible children.

There has been recent success in providing coverage for those families and children who have gone without health insurance. We were pleased by the new census date on the number of uninsured in America. The data shows that the number of Americans without health insurance fell from 44.3 million to 42.6 million in 1999. This is the first decline since 1987. And this is good news.

In the last Presidential campaign, Vice President Gore and then-Governor Bush focused on the critical importance of insuring our nation's children and families. Today Congress is struggling with how best to cover the nations uninsured. The national press is writing article after article regarding outreach and enrollment of children in to the Medicaid and Children's Health Insurance Program. These are laudable discussions, but there is a critical element that was missing in Presidential rhetoric, congressional deliberations and the media's stories. This ''missing piece'' is the regrettable fact that the current federal policy, denies public health insurance to legal immigrant children and pregnant women.

While we are seeing declines in the overall level of uninsured in America, the fact is that the proportion of immigrant children who are uninsured remains extremely high. A report by the Center on Budget and Policy Priorities, shows that in the last year, nearly half of low-income immigrant children in America had no health insurance coverage.

Additionally, the percentage of low-income immigrant children in publicly-funded coverage—which was low even before enactment of the 1996 welfare reform law—has fallen substantially, Providing Medicaid and CHIP to legal immigrant children is critical in order to guarantee a healthy generation of children in America.

We all know that if we are lucky enough to have health insurance, regular health care services, particularly preventive care, is critical for maintaining good health. Children who need these services should receive them, regardless of how long they have lived in this country.

Pregnant women, regardless of their immigration status, want to make sure that their unborn children are growing and healthy. A child who is sick just wants to feel better. She does not understand that laws or her immigration status could prevent her from seeing a doctor.

Legal immigrant children, regardless of their date of entry, should have the opportunity to be treated and cared for by a doctor. Access to early medical attention can often mean the difference between curing a minor illness and dealing with a serious, potentially life threatening, medical emergency. No parent in America should have to stand by and watch their child suffer unnecessarily through an illness.

Five years is too long to wait.

Moreover, all children should be able to see a pediatrician when they are well—to prevent problems before they start. For example, immunizations in the first few years of life are critical to keep children protected from terrible diseases and to protect those around them. And for pregnant women, prenatal care helps to ensure that their newborns will be born healthy, without the worries and costs that come with a sick or premature baby.

Giving States the option to provide health insurance coverage to newly arrived legal immigrant children would help states in their efforts to enroll more low income children. States could simplify their child application and enrollment procedures by dispensing with complex immigrant eligibility determinations. In addition, outreach messages could be simplified, making it easier for community groups such as schools and churches to help enroll legal immigrant children.

I believe that providing Medicaid and CHIP to legal immigrant children is

critical in order to guarantee a healthy generation of children in America. To this end, I, along with my Senate and House colleagues, have introduced the Immigrant Children's Health Improvement Act, 582 and H.R. 1143, to give States the option to provide health care coverage through Medicaid and CHIP.

Legal immigrant children who came to this country after August 22, 1996 are no different than those who arrived before that date or kids who were born on American soil. Our children go to school together, study together and play together.

On this World Refugee Day, I call upon the Congress and the President to work in earnest to eliminate the arbitrary designation of August 22, 1996 as a cutoff date for allowing children to get health care.

Let us treat the hard working people in our nation, regardless of their immigration status, with fairness and dignity.

TELECOMMUNICATIONS ACT OF 1996

Mr. FRIST. Mr. President, I am increasingly concerned about the stalled promise of the Telecommunications Act of 1996. There are many indications that the pro-competitive course we charted in 1996 when we enacted the Telecommunications Act is not moving as quickly as we intended. In response to that landmark law, hundreds of companies invested billions of dollars in an effort to bring a choice of service provider to local consumers. Yet the competitive telecommunications industry has virtually collapsed in the past year. Every day brings reports of competitors declaring bankruptcy, shutting down operations, or scaling back plans to offer service. Even in my home State, five competitive local exchange carriers with major operations in Tennessee have gone bankrupt.

We have all read recent reports of the difficulties that competitive telecommunications firms are facing in the current economic downturn. For those that continue to struggle in operation, stock prices have plunged, and the capital market has virtually dried up. While telecommunications companies captured an average of two billion dollars per month in initial public offerings over the last two years, they raised only $76 million in IPOs in March, leading numerous companies to withdraw their IPO plans.

The difficulty in entering local markets has also caused nearly all competitors to scale back their plans to offer service. Covad had established offices in Chattanooga, Knoxville, Memphis and Nashville, but is now closing down over 250 central offices, and will suspend applications for 500 more facilities. Rhythms has cancelled plans to expand nationwide. Net2000 has put its plans for expansion on hold. Numerous other competitors, such as DSL.net, have resolved to focus on a few core markets. Each of these decisions has been accompanied by hundreds of eliminated jobs. In all, competitive local carriers dismissed over 6500 employees nationwide in the last year while attempting to remain in business. Tennessee is among the hardest hit States.

The repercussions of these events on consumers is significant. Competitors reinvested most of their 2000 revenues in local network facilities. Competitors that declared bankruptcy in 2000 had planned to spend over $600 million on capital expenditures in 2001. Those competitive networks will not be available to consumers.

In this uncertain financial climate, it is imperative that we maintain a stable regulatory framework. The 1996 Telecom Act established three pathways to a more competitive local telecommunications marketplace: a new entrant could purchase local telephone services at wholesale rates from the incumbent and resell them to local customers; a competitor could lease specific pieces of the incumbent's network on an unbundled basis, using what the industry calls unbundled network elements; or a competitor could build its own facilities and interconnect them with the incumbent's network. Each of these alternatives must remain available to new entrants. Making fundamental changes to the structure of the 1996 Act will destabilize the already shaky competitive local exchange industry, depriving consumers of even the prospects for meaningful choice.

Recent press reports indicate that investors will not sink more money into local competitors when there is a ''growing view that regulators are working against the new entrants.'' We need to ensure that the market-opening requirements of the 1996 Act are vigorously implemented. Without a supportive regulatory environment, there will be no more capital flowing to new entrants in the local telecommunications market spurring competition and lower consumer prices. This was not the promise of the Telecommunications Act I voted for in 1996.

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 in March of this year. 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 November 7, 1998 in Easton, MA. An Easton teenager threw a large rock at a 17-year-old boy he thought was gay, kicked him in the head and yelled, swore, and called the victim a ''fag.'' The victim suffered a broken nose and a concussion. A week before the assault, the perpetrator told friends he hated gay people and thought they should be beaten up.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

AMENDMENT NO. 805 TO ESEA

Mr. TORRICELLI. Mr. President, yesterday, the Senate passed, by unanimous consent, an important amendment that will protect our children from pesticide exposure in our Nation's schools. Inadvertently, Senators BOXER and REID were left off this amendment as original cosponsors. I would like the record to reflect that Senator BOXER and Senator REID should have been listed as original cosponsors of amendment #805 to H.R. 1, the Better Education for Students and Teachers Act.

I regret this unfortunate oversight, as these two Senators are largely responsible for the passage of this amendment. They have as much claim to authorship of this important effort as any Member of this body. If not for their commitment to the protection of our Nation's children, we would not be celebrating the passage of this amendment today. Were it not for Senator BOXER'S unwavering commitment to protecting our children, as she has done with the introduction of the Children's Environmental Protection Act, the Senate would not even be having this debate. Were it not for Senator REID'S understanding of the important issues facing the Senate, and his advocacy as a member of the Environment and Public Works Committee, this amendment would not have enjoyed the support that it has.

I thank my friends for their support and ask that the Senate recognize Senator BOXER and Senator REID as original cosponsors of the School Environmental Protection Amendment.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 19, 2001, the Federal debt stood at $5,641,114,076,861.51, five trillion, six hundred forty-one billion, one hundred fourteen million, seventy-six thousand, eight hundred sixty-one dollars and fifty-one cents.

One year ago, June 19, 2000, the Federal debt stood at $5,649,976,000,000, five trillion, six hundred forty-nine billion, nine hundred seventy-six million.

Five years ago, June 19, 1996, the Federal debt stood at $5,120,985,000,000, five trillion, one hundred twenty billion, nine hundred eighty-five million.

Ten years ago, June 19, 1991, the Federal debt stood at $3,498,343,000,000, three trillion, four hundred ninety-eight billion, three hundred forty-three million.

Fifteen years ago, June 19, 1986, the Federal debt stood at $2,039,961,000,000,

two trillion, thirty-nine billion, nine hundred sixty-one million, which reflects a debt increase of more than $3.5 trillion, $3,601,153,076,861.51, three trillion, six hundred one billion, one hundred fifty-three million, seventy-six thousand, eight hundred sixty-one dollars and fifty-one cents during the past 15 years.

ADDITIONAL STATEMENTS

THE RETIREMENT OF REVEREND EDDIE K. EDWARDS

• Mr. LEVIN. Mr. President, I want to pay tribute to a remarkable person from my home State of Michigan, the Reverend Eddie K. Edwards, who celebrates his retirement as CEO of Joy of Jesus, Inc. on Friday, June 22. Reverend Edwards, has received national acclamations, for having developed and implemented a strategy that served to revitalize the Ravendale Community, one of Detroit's most distressed and underserved areas. He has embodied the work of his ministry and fulfilled his mission of providing positive direction and opportunities for those in need of such guidance.

In 1976, Reverend Edwards established Joy of Jesus, Inc. a nonprofit organizations which set as its primary goal, the task of promoting positive values and healthy lifestyles as a means to help underprivileged youth become responsible citizens who can make a meaningful contribution to society. For this work, he has received national attention: a Points of Light Award and was featured in a national award-winning TV documentary entitled, ''A Neighborhood Redeemed.'' Reverend Edwards serves on the board of numerous community and civic organizations, all of which he devotes an inordinate amount of time. He is in frequent demand as a speaker on the topics of church empowerment, collaboration of churches, neighborhood revitalization, and various other community issues. He has repeatedly demonstrated his expertise is developing non-traditional partnerships and collaboratives which have had significant impact on his community and in particular, the lives of our younger generation. And, in spite of his commitment and involvement in community, he is a devoted husband and father of six adult children.

I can only hope that in Reverend Edward's retirement he finds future endeavors are as successful and fulfilling as the previous ones. For certain, he will remain active in his many church and community activities, but will have more time to dedicate to his favorite hobbies—golfing and jogging. I am pleased to join his colleagues and friends in offering my thanks for all he has accomplished in making his community a better place.

Reverend Eddie K. Edwards can take pride in his long career of service and dedication to Church, Community and Family. I invite my colleagues to join me in saluting Reverend Edwards' work, and in wishing him well in the years ahead.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, 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. 819. An act to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building''.

H.R. 1291. An act to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill.

H.R. 1753. An act to designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the ''M. Caldwell Butler 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. 154. A concurrent resolution honoring the continued commitment of the Army National Guard combat units deployed in support of Army operations in Bosnia, recognizing the sacrifices made by the members of those units while away from their jobs and families during those deployments, recognizing the important role of all National Guard and Reserve personnel at home and abroad to the national security of the United States, and acknowledging, honoring, and expressing appreciation for the critical support by employers of the Guard and Reserve.

H. Con. Res. 163. A concurrent resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of Congress that history be regarded as a means of understanding the past and solving the challenges of the future.

The message further announced that the House has passed the following bill, without amendment:

S. 1029. An act to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 41. A concurrent resolution authorizing the use of the Capitol grounds for the National Book Festival.

The message further announced that pursuant to 20 U.S.C. 4703, the majority leader appoints the following Member of the House of Representatives to the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation: Mr. STUMP of Arizona.

The message also announced that pursuant to section 303(a) of Public Law 106–286, the Speaker appoints the following Members of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. BEREUTER of Nebraska, co-Chairman; Mr. LEACH of Iowa, Mr. DREIER of California; Mr. WOLF of Virginia; and Mr. PITTS of Pennsylvania.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 819. An act to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the ''Donald J. Pease Federal Building''; to the Committee on Environment and Public Works.

H.R. 1291. An act to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill; to the Committee on Veterans' Affairs.

H.R. 1753. An act to designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the ''M. Caldwell Butler Post Office Building''; to the Committee on Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 154. Concurrent resolution honoring the continued commitment of the Army National Guard combat units deployed in support of Army operations in Bosnia, recognizing the sacrifices made by the members of those units while away from their jobs and families during those deployments, recognizing the important role of all National Guard and Reserve personnel at home and abroad to the national security of the United States, and acknowledging, honoring, and expressing appreciation for the critical support by the employers of the Guard and Reserve; to the Committee on Armed Services.

H. Con. Res. 163. Concurrent resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of Congress that history be regarded as a means of understanding the past and solving the challenges of the future; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2521. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, a draft of proposed legislation entitled ''Foreign Relations Authorization Act, Fiscal Years 2002 and 2003''; to the Committee on Foreign Relations.

EC–2522. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting , pursuant to law, a cumulative report on rescissions and deferrals dated June 14, 2001; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; the Budget; and Foreign Relations.

EC–2523. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyprodinil; Time-Limited Pesticide Tolerance'' (FRL6778–7) received on June 18, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2524. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebufenozide; Re-establish Tolerances for Emergency Exemptions'' (FRL6788–4) received on June 18, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2525. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyrudaben; Pesticide Tolerance Technical Correction'' (FRL6786–5) received on June 18, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2526. A communication from the Administrator of the Environmental Protection Agency, transmitting, a draft of proposed legislation entitled ''Amendment to Toxic Substances Control Act''; to the Committee on Environment and Public Works.

EC–2527. 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 California State Implementation Plan, Antelope Valley Air Pollution Control District'' (FRL6998–3) received on June 18, 2001; to the Committee on Environment and Public Works.

EC–2528. A communication from the Acting Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Size Eligibility Requirements for SBA Financial Assistance and Size Standards for Agriculture'' (RIN3245–AE29) received on June 18, 2001; to the Committee on Small Business.

EC–2529. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Documentation of Immigrants and Nonimmigrants Under the Immigration and Nationality Act, As Amended—Refusal of Individual Visas'' (22 CFR Parts 41 and 42) received on June 18, 2001; to the Committee on Foreign Relations.

EC–2530. A communication from the Assistant Secretary of Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, the annual report of the National Advisory Council on International Monetary and Financial Policies for Fiscal Year 1998; to the Committee on Foreign Relations.

EC–2531. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Office of Policy Development, Department of Justice, received on June 14, 2001; to the Committee on the Judiciary.

EC–2532. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Office of Justice Programs, Department of Justice, received on June 14, 2001; to the Committee on the Judiciary.

EC–2533. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Deputy Secretary, Department of the Interior, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2534. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Solicitor, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2535. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Assistant Secretary, Indian Affairs, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2536. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Secretary of the Interior, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2537. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Assistant Secretary, Policy, Management and Budget, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2538. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Director, Office of Surface Mining, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2539. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Director, Bureau of Land Management, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2540. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Director of National Park Service, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2541. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Director, Fish and Wildlife Service, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2542. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary, Land Minerals and Management, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2543. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy for the position of Commissioner-Reclamation, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2544. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary, Water and Science, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2545. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary, Fish, Wildlife and Parks, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2546. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Salisbury, MD; Correction'' ((RIN2120–AA66)(2001–0102)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2547. A communication from the Staff Attorney of the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Harmonization with the United National Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions'' (RIN2137–AD41) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2548. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list, received on June 18, 2001; to the Committee on Governmental Affairs.

EC–2549. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 to March 31, 2001; to the Committee on Governmental Affairs.

EC–2550. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 to March 31, 2001; to the Committee on Governmental Affairs.

EC–2551. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Director, Bureau of Justice Assistance, Department of Justice, received on June 14, 2001; to the Committee on the Judiciary.

EC–2552. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Criminal Division, Department of Justice, received on June 14, 2001; to the Committee on the Judiciary.

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. DURBIN (for himself and Mr. SPECTER):

S. 1065. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish an Inspector General for the Federal Bureau of Investigation, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. KERRY):

S. 1066. A bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the medicare program; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. TORRICELLI, and Mr. CRAIG):

S. 1067. A bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts; to the Committee on Finance.

By Mrs. BOXER:

S. 1068. A bill to provide refunds for unjust and unreasonable charges on electric energy; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself, Mr. KOHL, Mr. FEINGOLD, Mr. SCHUMER, Mr. JOHNSON, and Ms. STABENOW):

S. 1069. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers from the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REED:

S. 1070. A bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND:

S. 1071. 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 Environment and Public Works.

By Mr. ROBERTS:

S. 1072. A bill to extend eligibility for loan deficiency payments and payments in lieu of loan deficiency payments; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INHOFE:

S. 1073. A bill to establish a National Commission to Eliminate Waste in Government; to the Committee on Governmental Affairs.

By Mr. SCHUMER (for himself and Mr. HATCH):

S. 1074. A bill to establish a commission to review the Federal Bureau of Investigation; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. BIDEN, Mr. SMITH of Oregon, and Mr. DASCHLE):

S. 1075. A bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. REID, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 278

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 278, a bill to restore health care coverage to retired members of the uniformed services.

S. 283

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue code of 1986 to protect consumers in managed care plans and other health coverage.

S. 421

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 421, a bill to give gifted and talented students the opportunity to develop their capabilities.

S. 480

At the request of Mr. DEWINE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 480, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 550

At the request of Mr. DASCHLE, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 550, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 626

At the request of Mr. JEFFORDS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 626, a bill to amend the Internal Revenue Code of 1986 to permanently extend the work opportunity credit and the welfare-to-work credit, and for other purposes.

S. 672

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 672, a bill to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens ''age-out'' while awaiting immigration processing, and for other purposes.

S. 677

At the request of Mr. HATCH, the name of the Senator from Alaska (Mr. MURKOWSKI) 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. 697

At the request of Mr. HATCH, the names of the Senator from Florida (Mr. NELSON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 706

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 731

At the request of Mr. NELSON of Florida, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 731, a bill to ensure that military personnel do not lose the right to cast votes in elections in their domicile as a result of their service away from the domicile, to amend the Uniformed and Overseas Citizens absentee Voting Act to extend the voter registration and absentee ballot protections for absent uniformed services personnel under such Act to State and local elections, and for other purposes.

S. 732

At the request of Mr. THOMPSON, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 732, a bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain restaurant buildings, and for other purposes.

S. 778

At the request of Mr. KENNEDY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S. 801

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 860

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 860, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 950

At the request of Mr. REID, the names of the Senator from New York (Mr. SCHUMER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 950, a bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

S. 1017

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 1017, a bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes.

S. 1037

At the request of Mrs. HUTCHISON, the names of the Senator from Missouri (Mr. BOND) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1037, a bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes.

S. 1050

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1050, a bill to protect infants who are born alive.

S. RES. 68

At the request of Mr. JOHNSON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor 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 names of the Senator from Hawaii (Mr. INOUYE), the Senator from Indiana (Mr. BAYH), the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

AMENDMENT NO. 805

At the request of Mr. TORRICELLI, the names of the Senator from California (Mrs. BOXER) and the Senator from Nevada (Mr. REID) were added as cosponsors of amendment No. 805 proposed to H.R. 1, a bill to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. KERRY):

S. 1066. A bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the Medicare Program; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise to introduce the Medicare Patient Access to Preventive and Diagnostic Tests Act. This bipartisan legislation will establish new procedures under Medicare for determining the coding and payment amounts for clinical diagnostic laboratory tests. I am pleased to have my colleague, Senator JOHN KERRY, as the lead Democratic sponsor of this bill. Similar legislation has been introduced in the House of Representatives by Congresswoman JENNIFER DUNN and Congressman JIM MCDERMOTT.

Innovative clinical laboratory tests help save lives and reduce health care costs by detecting diseases, such as cancer, heart attacks, and kidney failure in their early stages, when they are more treatable. However, there are serious flaws in the way that the Center for Medicare and Medicaid Services, CMS, formally known as HCFA, currently sets reimbursement rates for diagnostic tests.

This cumbersome bureaucratic system makes it difficult for physicians and laboratories to offer these diagnostic tests to their patients who need them. Due to institutionalized flaws in the current Medicare reimbursement system, revolutionary and innovative diagnostic tests may not benefit patients for years to come. In addition, it has been shown that lower laboratory payments correlate with lower utilization. The payment rates vary significantly from region to region and State to State.

For example, in my home State of Utah, a patient is sent for blood work to test for kidney disease. Based upon the 2001 Medicare Lab Reimbursement schedule, the Utah lab would receive $2.12 for performing the test. However, labs in Arizona, Nevada, Montana, New Mexico and Wyoming, would receive $6.33 to perform the same test. This makes no economic or medical sense to me.

A recent Institute of Medicine, IoM, report stated that Medicare payments for outpatient clinical laboratory services should be based on a single, rational fee schedule. Medicare should account for market-based factors such as local labor costs and prices for goods and services in establishing the fee schedule. In addition, CMS should provide opportunities for stakeholder input and develop better communication with contractors while policies are being developed and after these policies are adopted.

Our bill, based upon the principles of this IoM report, would require CMS to establish a national fee schedule for new and current tests, based upon an open, transparent, and rational public process for incorporating new tests, as well as to provide clear explanations of the reasoning behind its reimbursement decisions. This new process would be based upon science based methodologies for setting prices for new technologies that are designed to establish fair and appropriate payment levels for these items and services.

CMS's procedures would provide that the payment amount for tests would be established under either the so-called gap-filling or cross-walking methodologies, and they would specify the rules for deciding which methodology will be used and how it will be employed. In particular, the legislation would require that if a new test is clinically similar to a test for which a fee schedule amount has already been established, through cross-walking, CMS will pay the same fee schedule amount for the new test. In determining whether tests are clinically similar, CMS will not take into account economic factors.

Finally, this new process would provide a mechanism for any laboratory or other stakeholder to challenge CMS fee schedule decisions. The cost of these changes is small in light of the significant impact on improving the quality of patient care.

I hope my colleagues will join me in cosponsoring this bill. The laudable goal of this bipartisan legislation is to establish an open and transparent public process for incorporating new laboratory tests into the Medicare program. Many seniors currently do not have full access to the medical care they need due to the antiquated process for assigning billing codes and setting reimbursement rates. We need to bridge the gap between seniors and the life-saving lab tests they need to preserve their health and promote their well-being.

I ask my colleagues to join with me in supporting this legislation and ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1066

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 ''Medicare Patient Access to Preventive and Diagnostic Tests Act''.

SEC. 2. CODING AND PAYMENT PROCEDURES FOR NEW CLINICAL DIAGNOSTIC LABORATORY TESTS UNDER MEDICARE.

(a) DETERMINING PAYMENT BASIS FOR NEW LAB TESTS.—Section 1833(h) of the Social Security Act (42 U.S.C. 1395*l*(h)) is amended by adding at the end the following new paragraph:

''(9)(A) The Secretary shall establish procedures for determining the basis for, and amount of, payment under this subsection for any clinical diagnostic laboratory test with respect to which a new or substantially revised HCPCS code is assigned on or after January 1, 2002 (in this subsection referred to as 'new tests'). Such procedures shall provide that—

''(i) the payment amount for such a test will be established only on—

''(I) the basis described in paragraph (10)(A); or

''(II) the basis described in paragraph (10)(B); and

''(ii) the Secretary shall determine whether the payment amount for such a test is established on the basis described in paragraph (10)(A) or the basis described in paragraph (10)(B) only after the process described in subparagraph (B) has been completed with respect to such test.

''(B) Determinations under subparagraph (A)(ii) shall be made only after the Secretary—

''(i) makes available to the public (through an Internet site and other appropriate mechanisms) a list that includes any such test for which the establishment of a payment amount under paragraph (10) is being considered for a year;

''(ii) on the same day such list is made available, causes to have published in the Federal Register notice of a meeting to receive comments and recommendations from the public on the appropriate basis under paragraph (10) for establishing payment amounts for the tests on such list;

''(iii) not less than 30 calendar days after publication of such notice, convenes a meeting to receive such comments and recommendations, with such meeting—

''(I) including representatives of each entity within the Health Care Financing Administration (in this paragraph referred to as 'HCFA') that will be involved in determining the basis on which payment amounts will be established for such tests under paragraph (10) and implementing such determinations;

''(II) encouraging the participation of interested parties, including beneficiaries, device manufacturers, clinical laboratories, laboratory professionals, pathologists, and prescribing physicians, through outreach activities; and

''(III) affording opportunities for interactive dialogue between representatives of HCFA and the public;

''(iv) makes minutes of such meeting available to the public (through an Internet site and other appropriate mechanisms) not later than 15 calendar days after such meeting; –

''(v) taking into account the comments and recommendations received at such meeting, develops and makes available to the public (through an Internet site and other appropriate mechanisms) a list of proposed determinations with respect to the appropriate basis for establishing a payment amount under paragraph (10) for each such code, together with an explanation of the reasons for each such determination, and the data on which the determination is based;

''(vi) on the same day such list is made available, causes to have published in the Federal Register notice of a public meeting to receive comments and recommendations from the public on the proposed determinations;

''(vii) not later than August 1 of each year, but at least 30 calendar days after publication of such notice, convenes a meeting to receive such comments and recommendations, with such meeting being conducted in the same manner as the meeting under clause (iii);

''(viii) makes a transcript of such meeting available to the public (through an Internet site and other appropriate mechanisms) as soon as is practicable after such meeting; and

''(ix) taking into account the comments and recommendations received at such meeting, develops and makes available to the public (through an Internet site and other appropriate mechanisms) a list of final determinations of whether the payment amount for such tests will be determined on the basis described in paragraph (10)(A) or the basis described in paragraph (10)(B), together with the rationale for each such determination, the data on which the determination is based, and responses to comments and suggestions received from the public.

''(C) Under the procedures established pursuant to subparagraph (A), the Secretary shall—

''(i) identify the rules and assumptions to be applied by the Secretary in considering and making determinations of whether the payment amount for a new test should be established on the basis described in paragraph (10)(A) or the basis described in paragraph (10)(B);

''(ii) make available to the public the data (other than proprietary data) considered in making such determinations; and

''(iii) provide for a mechanism under which—

''(I) an interested party may request an administrative review of an adverse determination;

''(II) upon the request of an interested party, an administrative review is conducted with respect to an adverse determination; and

''(III) such determination is revised, as necessary, to reflect the results of such review.

''(D) For purposes of this subsection—

''(i) the term 'HCPCS' refers to the Health Care Financing Administration Common Procedure Coding System; and

''(ii) a code shall be considered to be 'substantially revised' if there is a substantive change to the definition of the test or procedure to which the code applies (such as a new analyte or a new methodology for measuring an existing analyte-specific test).

''(10)(A) Notwithstanding paragraphs (1), (2), and (4), if a new test is clinically similar to a test for which a fee schedule amount has been established under paragraph (5), the Secretary shall pay the same fee schedule amount for the new test.

''(B)(i) Notwithstanding paragraphs (1), (2), (4), and (5), if a new test is not clinically similar to a test for which a fee schedule has been established under paragraph (5), payment under this subsection for such test shall be made on the basis of the lesser of—

''(I) the actual charge for the test; or

''(II) an amount equal to 60 percent (or in the case of a test performed by a qualified hospital (as defined in paragraph (1)(D)) for outpatients of such hospital, 62 percent) of the prevailing charge level determined pursuant to the third and fourth sentences of section 1842(b)(3) for the test for a locality or area for the year (determined without regard to the year referred to in paragraph (2)(A)(i), or any national limitation amount under paragraph (4)(B), and adjusted annually by the percentage increase or decrease under paragraph (2)(A)(i));

until the beginning of the third full calendar year that begins on or after the date on which an HCPCS code is first assigned with respect to such test, or, if later, the beginning of the first calendar year that begins on or after the date on which the Secretary determines that there are sufficient claims data to establish a fee schedule amount pursuant to clause (ii).

''(ii) Notwithstanding paragraphs (2), (4), and (5), the fee schedule amount for a clinical diagnostic laboratory test described in clause (i) that is performed—

''(I) during the first calendar year after clause (i) ceases to apply to such test, shall be an amount equal to the national limitation amount that the Secretary determines (consistent with clause (iii)) would have applied to such test under paragraph (4)(B)(viii) during the preceding calendar year, adjusted by the percentage increase or decrease determined under paragraph (2)(A)(i) for such first calendar year; and

''(II) during a subsequent year, is the fee schedule amount determined under this clause for the preceding year, adjusted by the percentage increase or decrease that applies under paragraph (5)(A) for such year.

''(iii) For purposes of clause (ii)(I), the national limitation amount for a test shall be set at 100 percent of the median of the payment amounts determined under clause (ii)(I) for all payment localities or areas for the last calendar year for which payment for such test was determined under clause (i).

''(iv) Nothing in clause (ii) shall be construed as prohibiting the Secretary from applying (or authorizing the application of) the comparability provisions of the first sentence of such section 1842(b)(3) with respect to amounts determined under such clause.''.

(b) ESTABLISHMENT OF NATIONAL FEE SCHEDULE AMOUNTS.—

(1) IN GENERAL.—Section 1833(h) of the Social Security Act, as amended by subsection (a), is amended—

(A) in paragraph (2), by striking ''paragraph (4)'' and inserting ''paragraphs (4), (5), and (10)'';——

(B) in paragraph (4)(B)(viii), by inserting ''and before January 1, 2002,'' after ''December 31, 1997,'';

(C) by redesignating paragraphs (5), (6), and (7), as paragraphs (6), (7), and (8), respectively; and

(D) by inserting after paragraph (4) the following new paragraph:

''(5) Notwithstanding paragraphs (2) and (4), the Secretary shall set the fee schedule amount for a test (other than a test to which paragraph (10)(B) applies) at—

''(A) for tests performed during 2002, an amount equal to the national limitation amount for that test for 2001, and adjusted by the percentage increase or decrease determined under paragraph (2)(A)(i) for such year; and

''(B) for tests performed during a year after 2002, the amount determined under this subparagraph for the preceding year, adjusted by the percentage increase or decrease determined under paragraph (2)(A)(i) for such year.''.

(2) CONFORMING AMENDMENTS.—Paragraphs (1)(D)(i) and (2)(D)(i) of section 1833(a) of the Social Security Act (42 U.S.C. 1395*l*(a)) are each amended by striking ''the limitation amount for that test determined under subsection (h)(4)(B),''.

(c) MECHANISM FOR REVIEW OF ADEQUACY OF PAYMENT AMOUNTS.—Section 1833(h) of the Social Security Act (42 U.S.C. 1395*l*(h)), as amended by subsection (b), is amended by adding at the end the following:

''(11) The Secretary shall establish a mechanism under which—

''(A) an interested party may request a timely review of the adequacy of the existing payment amount under this subsection for a particular test; and

''(B) upon the receipt of such a request, a timely review is carried out.''.

(d) USE OF INHERENT REASONABLENESS AUTHORITY.—Section 1842(b)(8) of the Social Security Act (42 U.S.C. 1395u(b)(8)) is amended by adding at the end the following:

''(E)(i) The Secretary may not delegate the authority to make determinations with respect to clinical diagnostic laboratory tests under this paragraph to a regional office of the Health Care Financing Administration or to an entity with a contract under subsection (a).

''(ii) In making determinations with respect to clinical diagnostic laboratory tests under this paragraph, the Secretary—

''(I) shall base such determinations on data from affected payment localities and all sites of care; and

''(II) may not use a methodology that assigns undue weight to the prevailing charge

levels for any 1 type of entity with a contract under subsection (a).''.

(e) PROHIBITION.—Section 1833(h) of the Social Security Act (42 U.S.C. 1395*l*(h)), as amended by subsection (c), is amended by adding at the end the following new paragraph:

''(12)(1) Notwithstanding the preceding provisions of this subsection, the Secretary may not establish a payment level for a new test that is lower than the level for an existing, clinically similar test solely on the basis that the new test may be performed by a laboratory with a certificate of waiver under section 353(d)(2) of the Public Health Service Act (42 U.S.C. 263a(d)(2)).

''(2) Nothing in paragraph (1) shall be construed to limit the authority of the Secretary to establish a payment level for a new test that is lower than the level for an existing, clinically similar test if such payment level is determined on a basis other than the basis described in such paragraph or on more than 1 basis.''.

(f) EFFECTIVE DATES.—

(1) ESTABLISHMENT OF PROCEDURES.—The Secretary of Health and Human Services shall establish the procedures required to implement paragraphs (9), (10), (11), and (12) of section 1833(h) of the Social Security Act (42 U.S.C. 1395*l*(h)), as added by this section, by not later than January 1, 2002.

(2) INHERENT REASONABLENESS.—The amendments made by subsection (d) shall apply to determinations made on or after the date of enactment of this Act.

By Mr. GRASSLEY (for himself, Mr. TORRICELLI, and Mr. CRAIG):

S. 1067. A bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today, on behalf of myself and my colleague, Senator TORRICELLI, I am introducing legislation, the Medical Savings Availability Act of 2001, which would make the availability of medical savings accounts permanent and would make it possible for any individual to purchase a medical savings account. Our bill would liberalize existing law authorizing medical savings accounts in a number of other respects.

Medical savings accounts are a good idea. They are basically IRAs, an idea everybody understands, which must be used for payment of medical expenses.

The widespread use of medical savings accounts should have several beneficial consequences.

They should reduce health care costs. Administrative costs should be lower. Consumers with MSAs should use health care services in a more discriminating manner. Consumers with MSAs should be more selective in choosing providers. This should cause those providers to lower their prices to attract medical savings account holders as patients.

Medical savings accounts can also help to put the patient back into the health care equation. Patients should make more cost-conscious choices about routine health care. Patients with MSAs would have complete choice of provider.

Medical savings accounts should make health care coverage more dependable. MSAs are completely portable. MSAs are still the property of the individual even if they change jobs. Hence, for those with MSAs, job changes do not threaten them with the loss of health insurance.

Medical savings accounts should increase health care coverage. Perhaps as many as half of the more than 40 million Americans who are uninsured at any point in time are without health insurance only for four months or less. A substantial number of these people are uninsured because they are between jobs. Use of medical savings accounts should reduce the number of the uninsured by equipping people to pay their own health expenses while unemployed.

Medical savings accounts should promote personal savings. Since pre-tax monies are deposited in them, there should be a strong tax incentive to use them.

As I understand it, there are approximately 100,000 MSA accounts covering a total of approximately 250,000. I understand also that approximately one-third of those who have set up medical savings accounts were previously uninsured.

But medical savings accounts have fallen short of their promise because of various restrictions in the authorizing law.

The present law has a sunset of December, 2001, which has discouraged insurers from offering such plans. Current MSA law prohibits around 70 percent of the working population from purchasing them because purchase is limited to the self-employed or to employees of small businesses of less than 50 employees.

The bill we are introducing today would eliminate the restrictions that have limited the availability of MSAs: First, it would remove the December, 2001, sunset provision and make the availability of MSAs permanent; second, it would repeal the limitations on the number of MSAs that can be established; third, it stipulates that the availability of these accounts is not limited to employees of small employers and self-employed individuals; fourth, it increases the amount of the deduction allowed for contributions to medical savings accounts to 100 percent of the deductible; fifth, it permits both employees and employers to contribute to medical savings accounts; sixth, it reduces the permitted deductibles under high deductible plans from $1,500 in the case of individuals to $1,000 and from $3,000 in the case of couples to $2,000; seventh, the bill would permit medical savings accounts to be offered under cafeteria plans; and finally, the bill would encourage preferred provider organizations to offer MSAs.

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. 1067

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 ''Medical Savings Account Availability Act of 2001''.

SEC. 2. EXPANSION OF AVAILABILITY OF ARCHER MEDICAL SAVINGS ACCOUNTS.

(a) REPEAL OF LIMITATIONS ON NUMBER OF MEDICAL SAVINGS ACCOUNTS.—

(1) IN GENERAL.—Subsections (i) and (j) of section 220 of the Internal Revenue Code of 1986 are hereby repealed.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 220(c) of such Code is amended by striking subparagraph (D).

(B) Section 138 of such Code is amended by striking subsection (f).

(b) AVAILABILITY NOT LIMITED TO ACCOUNTS FOR EMPLOYEES OF SMALL EMPLOYERS AND SELF-EMPLOYED INDIVIDUALS.—

(1) IN GENERAL.—Subparagraph (A) of section 220(c)(1) of such Code (relating to eligible individual) is amended to read as follows:

''(A) IN GENERAL.—The term 'eligible individual' means, with respect to any month, any individual if—

''(i) such individual is covered under a high deductible health plan as of the 1st day of such month, and

''(ii) such individual is not, while covered under a high deductible health plan, covered under any health plan—

''(I) which is not a high deductible health plan, and

''(II) which provides coverage for any benefit which is covered under the high deductible health plan.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 220(c)(1) of such Code is amended by striking subparagraph (C).

(B) Section 220(c) of such Code is amended by striking paragraph (4) (defining small employer) and by redesignating paragraph (5) as paragraph (4).

(C) Section 220(b) of such Code is amended by striking paragraph (4) (relating to deduction limited by compensation) and by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(c) INCREASE IN AMOUNT OF DEDUCTION ALLOWED FOR CONTRIBUTIONS TO MEDICAL SAVINGS ACCOUNTS.—

(1) IN GENERAL.—Paragraph (2) of section 220(b) of such Code is amended to read as follows:

''(2) MONTHLY LIMITATION.—The monthly limitation for any month is the amount equal to 1/12 of the annual deductible (as of the first day of such month) of the individual's coverage under the high deductible health plan.''.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 220(d)(1)(A) of such Code is amended by striking ''75 percent of''.

(d) BOTH EMPLOYERS AND EMPLOYEES MAY CONTRIBUTE TO MEDICAL SAVINGS ACCOUNTS.—Paragraph (4) of section 220(b) of such Code (as redesignated by subsection (b)(2)(C)) is amended to read as follows:

''(4) COORDINATION WITH EXCLUSION FOR EMPLOYER CONTRIBUTIONS.—The limitation which would (but for this paragraph) apply under this subsection to the taxpayer for any taxable year shall be reduced (but not below zero) by the amount which would (but for section 106(b)) be includible in the taxpayer's gross income for such taxable year.''.

(e) REDUCTION OF PERMITTED DEDUCTIBLES UNDER HIGH DEDUCTIBLE HEALTH PLANS.—

(1) IN GENERAL.—Subparagraph (A) of section 220(c)(2) of such Code (defining high deductible health plan) is amended—

(A) by striking ''$1,500'' in clause (i) and inserting ''$1,000''; and

(B) by striking ''$3,000'' in clause (ii) and inserting ''$2,000''.

(2) CONFORMING AMENDMENT.—Subsection (g) of section 220 of such Code is amended to read as follows:

''(g) COST-OF-LIVING ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1998, each dollar amount in subsection (c)(2) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) SPECIAL RULES.—In the case of the $1,000 amount in subsection (c)(2)(A)(i) and the $2,000 amount in subsection (c)(2)(A)(ii), paragraph (1)(B) shall be applied by substituting 'calendar year 2000' for 'calendar year 1997'.

''(3) ROUNDING.—If any increase under paragraph (1) or (2) is not a multiple of $50, such increase shall be rounded to the nearest multiple of $50.''.

(f) PROVIDING INCENTIVES FOR PREFERRED PROVIDER ORGANIZATIONS TO OFFER MEDICAL SAVINGS ACCOUNTS.—Clause (ii) of section 220(c)(2)(B) of such Code is amended by striking ''preventive care if'' and all that follows and inserting ''preventive care.''

(g) MEDICAL SAVINGS ACCOUNTS MAY BE OFFERED UNDER CAFETERIA PLANS.—Subsection (f) of section 125 of such Code is amended by striking ''106(b),''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

By Mrs. BOXER:

S. 1068. A bill to provide refunds for unjust and unreasonable charges on electric energy; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, earlier this week the Federal Energy Regulatory Commission issued an order to provide price mitigation to California's electricity market. This order is a stunning turnaround for an agency that refused to recognize that this energy crisis is a regional problem and that cost-based pricing is in order. However, FERC's order does not adequately address past grievances regarding refunds for overcharges by the generators.

Therefore, today I am introducing the Electricity Gouging Relief Act in an effort to bring much needed relief to consumers, businesses and the State of California from price gouging by electricity generators. This legislation helps to right past wrongs by providing rebates in cases where companies were engaged in gouging.

Generators' profits increased on average by 508 percent between 1999 and 2000. One company, Reliant Energy, experienced a 1,685 percent increase in profits in the same time period. This compares to a 16 percent increase in profits across the electric and gas industry and an increase in demand of only four percent.

My bill would require the Federal Energy Regulatory Commission, FERC, to order refunds for past electricity purchases in cases where FERC determined that the prices charged by the generators were ''unjust and unreasonable.'' The bill would affect electricity sales that took place between June 1, 2000—when price spikes first occurred in San Diego and June 19, 2001—the day before FERC's order became effective.

I encourage my colleagues to support this bill. FERC's actions on Monday are a step in the right direction. Now, we need to refund overcharges by the generators to consumers.

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. 1068

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 ''Electricity Gouging Relief Act of 2001''.

SEC. 2. REFUNDS FOR EXCESSIVE CHARGES.

Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the end the following:

''(e) REFUNDS FOR EXCESSIVE CHARGES.—

''(1) Notwithstanding any other provision of this section, the Commission shall, within 60 days after enactment of this subsection, order a refund for the portion of charges on the transmission or sale or electric energy that are or have been deemed by the Commission to be unjust or unreasonable. Such refunds shall included interest from the date on which the charges were paid.

''(2) The refunds ordered under paragraph (1) shall apply to charges paid between June 1, 2000 and June 19, 2001.''.

By Mr. LEVIN (for himself, Mr. KOHL, Mr. FEINGOLD, Mr. SCHUMER, Mr. JOHNSON, and Ms. STABENOW):

S. 1069. A bill to amend the Natural Trails System Act to clarify Federal authority relating to land acquisition from willing sellers from the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LEVIN. Mr. President, today I am introducing the Willing Seller Amendments of 2001 which would amend the National Trails System Act, NTSA, to provide Federal authority to acquire land from willing sellers to complete nine national scenic and historic trails authorized under the Act. The legislation gives the Federal agencies administering the trails the ability to acquire land from willing sellers only. The legislation would not commit the Federal Government to purchase any land or to spend any money but would allow managers to purchase land to protect the national trails as opportunities arise and as funds are appropriated.

For most of the national scenic and historic trails, barely one-half of their congressionally authorized length and resources are protected. Without willing seller authority, Federal trail managers' hands are tied when development threatens important links in the wild landscapes of the national scenic trails or in the sites that authenticate the stories of the historic trails. With willing seller authority, sections of trail can be moved from roads where hikers and other trail users are unsafe, and critical historic sites can be preserved for future generations to experience. Moreover, this authority protects private property rights, as landowners along the nine affected trails are currently denied the right to sell land to the Federal Government if they desire to do so.

Willing seller authority is crucial for the North Country National Scenic Trail, which runs through my home State of Michigan, because completion of the Trail faces significant challenges. These challenges which relate to development pressure and the need to cross long stretches of private and corporate held lands are common themes throughout the seven states linked by the 4,600-mile long North Country Trail.

This legislation is also vital on a national level and accomplishes several important goals. First, it restores basic property rights—Section 10 (c) of the National Trails System Act as currently written diminishes the right of thousands of people who own land along four national scenic trails and five national historic trails to sell their property or easements on their property, by prohibiting federal agencies from buying their land. Many of these landowners have offered to sell their land to the Federal Government to permanently protect important historical resources that their families have protected for generations or to maintain the continuity of a national scenic trail. Providing this authority to Federal agencies to purchase land from willing sellers along these nine trails will restore this basic property right to thousands of landowners.

Second, it restores the ability of Federal agencies to carry out their responsibility to protect nationally significant components of our nation's cultural, natural and recreational heritage. The National Trails System Act authorizes establishment of national scenic and historic trails to protect important components of our historic and natural heritage. One of the fundamental responsibilities given to the Federal agencies administering these trails is to protect their important cultural and natural resources. Without willing-seller authority, the agencies are prevented from directly protecting these resources along nine trails—nearly one-half of the National Trails System.

Third, it restores consistency to the National Trails System Act, NTSA. Congress enacted the National Trails System Act in 1968 ''. . .to provide for the ever-increasing outdoor recreation needs of an expanding population and . . . to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation . . . by instituting a national system of recreation, scenic and historic trails . . .'' The agencies are authorized to collaborate

with other Federal agencies, State and local governments and private organizations in planning, developing and managing the trails; to develop uniform standards for marking, interpreting and constructing the trails; to regulate their use; and to provide grants and technical assistance to cooperating agencies and organizations. The NTSA is supposed to provide these and other authorities to be applied consistently throughout the National Trails System. However, land acquisition authority, an essential means for protecting the special resources and continuity that are the basis for these trails, has been inconsistently applied. The Federal agencies have been given land acquisition authority for thirteen of the twenty-two national scenic and historic trails but have been denied authority to acquire land for the other nine trails. This bill restores consistency to the National Trails System Act by enabling the Federal agencies to acquire necessary land for all twenty-two national scenic and historic trails.

Finally, this legislation enables Federal agencies to respond to opportunities to protect important resources provided by willing sellers. The willing seller land acquisition authority provided for these nine trails and subsequent appropriations from the Land and Water Conservation Fund will enable the Federal agencies administering them to respond to conservation opportunities afforded by willing landowners.

I am pleased today to introduce this important legislation to restore parity to the National Trails System and provide authority to protect critical resources along the nation's treasured national scenic and historic trails.

By Mr. REED:

S. 1070. A bill to amend the XXVII of the Public Health Service Act and part 7 of subtitle B of title 1 of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am introducing legislation that I believe is very pertinent to the current debate over managed care protections. My longstanding concern has been to ensure that the needs of children in managed care are not left out of the debate. That is why I am reintroducing the Children's Health Insurance Accountability Act.

This legislation sets the standard for what kinds of protections ought to be in place for children who receive care through health maintenance organizations. Specifically, this bill provides common sense protections for children in managed care plans such as: access to necessary pediatric primary care and specialty services; appeal rights that address the special needs of children, including an expedited review if a child's life or development is in jeopardy; quality measurements of health outcomes unique to children; utilization review rules that are specific to children with evaluation from those with pediatric expertise; and child-specific information requirements that will help parents and employers choose health plans on the basis of care provided to children.

I am pleased that the major provisions of this legislation are incorporated into the McCain-Edwards-Kennedy Patient Protection bill, S. 1052. It is difficult enough to have a sick child, but to face barrier after barrier to necessary care for your child is unconscionable. Our current system is often failing our kids when they most need us. It is this simple: if we do not have health plan standards, there is no guarantee that we are providing adequate care for our children. And when it comes to our children, we should not take risks.

Not one of us can deny that managed care plays a valid role in our health care system. Managed care's emphasis on preventive care has benefits for young and old alike. And HMOs have resulted in lower co-payments for consumers and higher immunization rates for our children. However, many questions have arisen about patient access to medical services and the consequences of cost-cutting measures and other incentives under managed care.

The Children's Health Insurance Accountability Act seeks to address these concerns as they relate to children. Children are not small adults and often have very different health and developmental needs. We should be sure that we are always vigilant when it comes to their health and well-being, not only in the context of patient protection legislation, but in other policy measures we consider this year.

I am pleased that this legislation is supported by a number of children's health and advocacy organizations, including the American Academy of Pediatrics, the Children's Defense Fund and the National Association of Children's Hospitals.

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. 1070

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 ''Children's Health Insurance Accountability Act of 2001''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Children have health and development needs that are markedly different than those for the adult population.

(2) Children experience complex and continuing changes during the continuum from birth to adulthood in which appropriate health care is essential for optimal development.

(3) The vast majority of work done on development methods to assess the effectiveness of health care services and the impact of medical care on patient outcomes and patient satisfaction has been focused on adults.

(4) Health outcome measures need to be age, gender, and developmentally appropriate to be useful to families and children.

(5) Costly disorders of adulthood often have their origins in childhood, making early access to effective health services in childhood essential.

(6) More than 200 chronic conditions, disabilities and diseases affect children, including asthma, diabetes, sickle cell anemia, spina bifida, epilepsy, autism, cerebral palsy, congenital heart disease, mental retardation, and cystic fibrosis. These children need the services of specialists who have in depth knowledge about their particular condition.

(7) Children's patterns of illness, disability and injury differ dramatically from adults.

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) PATIENT PROTECTION STANDARDS.—Title XXVII of the Public Health Service Act is amended—

(1) by redesignating part C as part D; and

(2) by inserting after part B the following:

''PART C—CHILDREN'S HEALTH PROTECTION STANDARDS

''SEC. 2770. ACCESS TO CARE.

''(a) ACCESS TO APPROPRIATE PRIMARY CARE PROVIDERS.—

''(1) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for an enrollee to designate a participating primary care provider for a child of such enrollee—

''(A) the plan or issuer shall permit the enrollee to designate a physician who specializes in pediatrics as the child's primary care provider; and

''(B) if such an enrollee has not designated such a provider for the child, the plan or issuer shall consider appropriate pediatric expertise in mandatorily assigning such an enrollee to a primary care provider.

''(2) CONSTRUCTION.—Nothing in paragraph (1) shall waive any requirements of coverage relating to medical necessity or appropriateness with respect to coverage of services.

''(b) ACCESS TO PEDIATRIC SPECIALTY SERVICES.—

''(1) REFERRAL TO SPECIALTY CARE FOR CHILDREN REQUIRING TREATMENT BY SPECIALISTS.—

''(A) IN GENERAL.—In the case of a child who is covered under a group health plan, or health insurance coverage offered by a health insurance issuer and who has a mental or physical condition, disability, or disease of sufficient seriousness and complexity to require diagnosis, evaluation or treatment by a specialist, the plan or issuer shall make or provide for a referral to a specialist who has extensive experience or training, and is available and accessible to provide the treatment for such condition or disease, including the choice of a nonprimary care physician specialist participating in the plan or a referral to a nonparticipating provider as provided for under subparagraph (D) if such a provider is not available within the plan.

''(B) SPECIALIST DEFINED.—For purposes of this subsection, the term 'specialist' means, with respect to a condition, disability, or disease, a health care practitioner, facility, or center (such as a center of excellence) that has extensive pediatric expertise through appropriate training or experience to provide high quality care in treating the condition, disability or disease.

''(C) REFERRALS TO PARTICIPATING PROVIDERS.—A plan or issuer is not required under subparagraph (A) to provide for a referral to a specialist that is not a participating provider, unless the plan or issuer

does not have an appropriate specialist that is available and accessible to treat the enrollee's condition and that is a participating provider with respect to such treatment.

''(D) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a plan or issuer refers a child enrollee to a nonparticipating specialist, services provided pursuant to the referral shall be provided at no additional cost to the enrollee beyond what the enrollee would otherwise pay for services received by such a specialist that is a participating provider.

''(E) SPECIALISTS AS PRIMARY CARE PROVIDERS.—A plan or issuer shall have in place a procedure under which a child who is covered under health insurance coverage provided by the plan or issuer who has a condition or disease that requires specialized medical care over a prolonged period of time shall receive a referral to a pediatric specialist affiliated with the plan, or if not available within the plan, to a nonparticipating provider for such condition and such specialist may be responsible for and capable of providing and coordinating the child's primary and specialty care.

''(2) STANDING REFERRALS.—

''(A) IN GENERAL.—A group health plan, or health insurance issuer in connection with the provision of health insurance coverage of a child, shall have a procedure by which a child who has a condition, disability, or disease that requires ongoing care from a specialist may request and obtain a standing referral to such specialist for treatment of such condition. If the primary care provider in consultation with the medical director of the plan or issuer and the specialist (if any), determines that such a standing referral is appropriate, the plan or issuer shall authorize such a referral to such a specialist. Such standing referral shall be consistent with a treatment plan.

''(B) TREATMENT PLANS.—A group health plan, or health insurance issuer, with the participation of the family and the health care providers of the child, shall develop a treatment plan for a child who requires ongoing care that covers a specified period of time (but in no event less than a 6-month period). Services provided for under the treatment plan shall not require additional approvals or referrals through a gatekeeper.

''(C) TERMS OF REFERRAL.—The provisions of subparagraph (C) and (D) of paragraph (1) shall apply with respect to referrals under subparagraph (A) in the same manner as they apply to referrals under paragraph (1)(A).

''(c) ADEQUACY OF ACCESS.—For purposes of subsections (a) and (b), a group health plan or health insurance issuer in connection with health insurance coverage shall ensure that a sufficient number, distribution, and variety of qualified participating health care providers are available so as to ensure that all covered health care services, including specialty services, are available and accessible to all enrollees in a timely manner.

''(d) COVERAGE OF EMERGENCY SERVICES.—

''(1) IN GENERAL.—If a group health plan, or health insurance coverage offered by a health insurance issuer, provides any benefits for children with respect to emergency services (as defined in paragraph (2)(A)), the plan or issuer shall cover emergency services furnished under the plan or coverage—

''(A) without the need for any prior authorization determination;

''(B) whether or not the physician or provider furnishing such services is a participating physician or provider with respect to such services; and

''(C) without regard to any other term or condition of such coverage (other than exclusion of benefits, or an affiliation or waiting period, permitted under section 2701).

''(2) DEFINITIONS.—In this subsection:

''(A) EMERGENCY MEDICAL CONDITION BASED ON PRUDENT LAYPERSON STANDARD.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

''(B) EMERGENCY SERVICES.—The term 'emergency services' means—

''(i) a medical screening examination (as required under section 1867 of the Social Security Act) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate an emergency medical condition (as defined in subparagraph (A)); and

''(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 of such Act to stabilize the patient.

''(3) REIMBURSEMENT FOR MAINTENANCE CARE AND POST-STABILIZATION CARE.—A group health plan, and health insurance issuer offering health insurance coverage, shall provide, in covering services other than emergency services, for reimbursement with respect to services which are otherwise covered and which are provided to an enrollee other than through the plan or issuer if the services are maintenance care or post-stabilization care covered under the guidelines established under section 1852(d) of the Social Security Act (relating to promoting efficient and timely coordination of appropriate maintenance and post-stabilization care of an enrollee after an enrollee has been determined to be stable).

''(e) PROHIBITION ON FINANCIAL BARRIERS.—A health insurance issuer in connection with the provision of health insurance coverage may not impose any cost sharing for pediatric specialty services provided under such coverage to enrollee children in amounts that exceed the cost-sharing required for other specialty care under such coverage.

''(f) CHILDREN WITH SPECIAL HEALTH CARE NEEDS.—A health insurance issuer in connection with the provision of health insurance coverage shall ensure that such coverage provides special consideration for the provision of services to enrollee children with special health care needs. Appropriate procedures shall be implemented to provide care for children with special health care needs. The development of such procedures shall include participation by the families of such children.

''(g) DEFINITIONS.—In this part:

''(1) CHILD.—The term 'child' means an individual who is under 19 years of age.

''(2) CHILDREN WITH SPECIAL HEALTH CARE NEEDS.—The term 'children with special health care needs' means those children who have or are at elevated risk for chronic physical, developmental, behavioral or emotional conditions and who also require health and related services of a type and amount not usually required by children.

"SEC. 2771. CONTINUITY OF CARE.

''(a) IN GENERAL.—If a contract between a health insurance issuer, in connection with the provision of health insurance coverage, and a health care provider is terminated (other than by the issuer for failure to meet applicable quality standards or for fraud) and an enrollee is undergoing a course of treatment from the provider at the time of such termination, the issuer shall—

''(1) notify the enrollee of such termination, and

''(2) subject to subsection (c), permit the enrollee to continue the course of treatment with the provider during a transitional period (provided under subsection (b)).

''(b) TRANSITIONAL PERIOD.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the transitional period under this subsection shall extend for at least—

''(A) 60 days from the date of the notice to the enrollee of the provider's termination in the case of a primary care provider, or

''(B) 120 days from such date in the case of another provider.

''(2) INSTITUTIONAL CARE.—The transitional period under this subsection for institutional or inpatient care from a provider shall extend until the discharge or termination of the period of institutionalization and shall include reasonable follow-up care related to the institutionalization and shall also include institutional care scheduled prior to the date of termination of the provider status.

''(3) PREGNANCY.—If—

''(A) an enrollee has entered the second trimester of pregnancy at the time of a provider's termination of participation, and

''(B) the provider was treating the pregnancy before date of the termination,

the transitional period under this subsection with respect to provider's treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

''(4) TERMINAL ILLNESS.—

''(A) IN GENERAL.—If—

''(i) an enrollee was determined to be terminally ill (as defined in subparagraph (B)) at the time of a provider's termination of participation, and

''(ii) the provider was treating the terminal illness before the date of termination, the transitional period under this subsection shall extend for the remainder of the enrollee's life for care directly related to the treatment of the terminal illness.

''(B) DEFINITION.—In subparagraph (A), an enrollee is considered to be 'terminally ill' if the enrollee has a medical prognosis that the enrollee's life expectancy is 6 months or less.

''(c) PERMISSIBLE TERMS AND CONDITIONS.—An issuer may condition coverage of continued treatment by a provider under subsection (a)(2) upon the provider agreeing to the following terms and conditions:

''(1) The provider agrees to continue to accept reimbursement from the issuer at the rates applicable prior to the start of the transitional period as payment in full.

''(2) The provider agrees to adhere to the issuer's quality assurance standards and to provide to the issuer necessary medical information related to the care provided.

''(3) The provider agrees otherwise to adhere to the issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan approved by the issuer.

"SEC. 2772. CONTINUOUS QUALITY IMPROVEMENT.

''(a) IN GENERAL.—A health insurance issuer that offers health insurance coverage for children shall establish and maintain an ongoing, internal quality assurance program that at a minimum meets the requirements of subsection (b).

''(b) REQUIREMENTS.—The internal quality assurance program of an issuer under subsection (a) shall—

''(1) establish and measure a set of health care, functional assessments, structure, processes and outcomes, and quality indicators that are unique to children and based on nationally accepted standards or guidelines of care;

''(2) maintain written protocols consistent with recognized clinical guidelines or current consensus on the pediatric field, to be used for purposes of internal utilization review, with periodic updating and evaluation by pediatric specialists to determine effectiveness in controlling utilization;

''(3) provide for peer review by health care professionals of the structure, processes, and outcomes related to the provision of health services, including pediatric review of pediatric cases;

''(4) include in member satisfaction surveys, questions on child and family satisfaction and experience of care, including care to children with special needs;

''(5) monitor and evaluate the continuity of care with respect to children;

''(6) include pediatric measures that are directed at meeting the needs of at-risk children and children with chronic conditions, disabilities and severe illnesses;

''(7) maintain written guidelines to ensure the availability of medications appropriate to children;

''(8) use focused studies of care received by children with certain types of chronic conditions and disabilities and focused studies of specialized services used by children with chronic conditions and disabilities;

''(9) monitor access to pediatric specialty services; and

''(10) monitor child health care professional satisfaction.

''(c) UTILIZATION REVIEW ACTIVITIES.—

''(1) COMPLIANCE WITH REQUIREMENTS.—

''(A) IN GENERAL.—A health insurance issuer that offers health insurance coverage for children shall conduct utilization review activities in connection with the provision of such coverage only in accordance with a utilization review program that meets at a minimum the requirements of this subsection.

''(B) DEFINITIONS.—In this subsection:

''(i) CLINICAL PEERS.—The term 'clinical peer' means, with respect to a review, a physician or other health care professional who holds a non-restricted license in a State and in the same or similar specialty as typically manages the pediatric medical condition, procedure, or treatment under review.

''(ii) HEALTH CARE PROFESSIONAL.—The term 'health care professional' means a physician or other health care practitioner licensed or certified under State law to provide health care services and who is operating within the scope of such licensure or certification.

''(iii) UTILIZATION REVIEW.—The terms 'utilization review' and 'utilization review activities' mean procedures used to monitor or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings for children, and includes prospective review, concurrent review, second opinions, case management, discharge planning, or retrospective review specific to children.

''(2) WRITTEN POLICIES AND CRITERIA.—

''(A) WRITTEN POLICIES.—A utilization review program shall be conducted consistent with written policies and procedures that govern all aspects of the program.

''(B) USE OF WRITTEN CRITERIA.—A utilization review program shall utilize written clinical review criteria specific to children and developed pursuant to the program with the input of appropriate physicians, including pediatricians, nonprimary care pediatric specialists, and other child health professionals.

''(C) ADMINISTRATION BY HEALTH CARE PROFESSIONALS.—A utilization review program shall be administered by qualified health care professionals, including health care professionals with pediatric expertise who shall oversee review decisions.

''(3) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—

''(A) IN GENERAL.—A utilization review program shall provide for the conduct of utilization review activities only through personnel who are qualified and, to the extent required, who have received appropriate pediatric or child health training in the conduct of such activities under the program.

''(B) PEER REVIEW OF ADVERSE CLINICAL DETERMINATIONS.—A utilization review program shall provide that clinical peers shall evaluate the clinical appropriateness of adverse clinical determinations and divergent clinical options.

''SEC. 2773. APPEALS AND GRIEVANCE MECHANISMS FOR CHILDREN.

''(a) INTERNAL APPEALS PROCESS.—A health insurance issuer in connection with the provision of health insurance coverage for children shall establish and maintain a system to provide for the resolution of complaints and appeals regarding all aspects of such coverage. Such a system shall include an expedited procedure for appeals on behalf of a child enrollee in situations in which the time frame of a standard appeal would jeopardize the life, health, or development of the child.

''(b) EXTERNAL APPEALS PROCESS.—A health insurance issuer in connection with the provision of health insurance coverage for children shall provide for an independent external review process that meets the following requirements:

''(1) External appeal activities shall be conducted through clinical peers, a physician or other health care professional who is appropriately credentialed in pediatrics with the same or similar specialty and typically manages the condition, procedure, or treatment under review or appeal.

''(2) External appeal activities shall be conducted through an entity that has sufficient pediatric expertise, including subspeciality expertise, and staffing to conduct external appeal activities on a timely basis.

''(3) Such a review process shall include an expedited procedure for appeals on behalf of a child enrollee in which the time frame of a standard appeal would jeopardize the life, health, or development of the child.

''SEC. 2774. ACCOUNTABILITY THROUGH DISTRIBUTION OF INFORMATION.

''(a) IN GENERAL.—A health insurance issuer in connection with the provision of health insurance coverage for children shall submit to enrollees (and prospective enrollees), and make available to the public, in writing the health-related information described in subsection (b).

''(b) INFORMATION.—The information to be provided under subsection (a) shall include a report of measures of structures, processes, and outcomes regarding each health insurance product offered to participants and dependents in a manner that is separate for both the adult and child enrollees, using measures that are specific to each group.''.

(b) APPLICATION TO GROUP HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

''SEC. 2707. CHILDREN'S HEALTH ACCOUNTABILITY STANDARDS.

''(a) IN GENERAL.—Each health insurance issuer shall comply with children's health accountability requirement under part C with respect to group health insurance coverage it offers.

''(b) ASSURING COORDINATION.—The Secretary of Health and Human Services and the Secretary of Labor shall ensure, through the execution of an interagency memorandum of understanding between such Secretaries, that—

''(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which such Secretaries have responsibility under part C (and this section) and section 714 of the Employee Retirement Income Security Act of 1974 are administered so as to have the same effect at all times; and

''(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.''.

(2) CONFORMING AMENDMENT.—Section 2792 of the Public Health Service Act (42 U.S.C. 300gg–92) is amended by inserting ''and section 2707(b)'' after ''of 1996''.

(c) APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended by inserting after section 2752 the following:

''SEC. 2753. CHILDREN'S HEALTH ACCOUNTABILITY STANDARDS.

''Each health insurance issuer shall comply with children's health accountability requirements under part C with respect to individual health insurance coverage it offers.''.

(d) MODIFICATION OF PREEMPTION STANDARDS.—

(1) GROUP HEALTH INSURANCE COVERAGE.—Section 2723 of the Public Health Service Act (42 U.S.C. 300gg–23) is amended—

(A) in subsection (a)(1), by striking ''subsection (b)'' and inserting ''subsection (b) and (c)'';

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

(C) by inserting after subsection (b) the following new subsection:

''(c) SPECIAL RULES IN CASE OF CHILDREN'S HEALTH ACCOUNTABILITY REQUIREMENTS.—Subject to subsection (a)(2), the provisions of section 2707 and part C, and part D insofar as it applies to section 2707 or part C, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such provisions.''.

(2) INDIVIDUAL HEALTH INSURANCE COVERAGE.—Section 2762 of the Public Health Service Act (42 U.S.C. 300gg–62) is amended—

(A) in subsection (a), by striking ''subsection (b), nothing in this part'' and inserting ''subsections (b) and (c)''; and

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

''(c) SPECIAL RULES IN CASE OF CHILDREN'S HEALTH ACCOUNTABILITY REQUIREMENTS.—Subject to subsection (b), the provisions of section 2753 and part C, and part D insofar as it applies to section 2753 or part C, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such section.''.

SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

''SEC. 714. CHILDREN'S HEALTH ACCOUNTABILITY STANDARDS.

''(a) IN GENERAL.—Subject to subsection (b), the provisions of part C of title XXVII of the Public Health Service Act shall apply under this subpart and part to a group health plan (and group health insurance coverage offered in connection with a group health

plan) as if such part were incorporated in this section.

''(b) APPLICATION.—In applying subsection (a) under this subpart and part, any reference in such part C—

''(1) to health insurance coverage is deemed to be a reference only to group health insurance coverage offered in connection with a group health plan and to also be a reference to coverage under a group health plan;

''(2) to a health insurance issuer is deemed to be a reference only to such an issuer in relation to group health insurance coverage or, with respect to a group health plan, to the plan;

''(3) to the Secretary is deemed to be a reference to the Secretary of Labor;

''(4) to an applicable State authority is deemed to be a reference to the Secretary of Labor; and

''(5) to an enrollee with respect to health insurance coverage is deemed to include a reference to a participant or beneficiary with respect to a group health plan.''.

(b) MODIFICATION OF PREEMPTION STANDARDS.—Section 731 of the Employee Retirement Income Security Act of 1974 (42 U.S.C. 1191) is amended—

(1) in subsection (a)(1), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)'';

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

(3) by inserting after subsection (b) the following new subsection:

''(c) SPECIAL RULES IN CASE OF PATIENT ACCOUNTABILITY REQUIREMENTS.—Subject to subsection (a)(2), the provisions of section 714, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on group health plans and health insurance issuers in connection with group health insurance coverage as the requirements imposed under such provisions.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 714''.

(2) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

''Sec. 714. Children's health accountability standards.''.

SEC. 4. STUDIES.

(a) BY SECRETARY.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall conduct a study, and prepare and submit to Congress a report, concerning—

(1) the unique characteristics of patterns of illness, disability, and injury in children;

(2) the development of measures of quality of care and outcomes related to the health care of children; and

(3) the access of children to primary mental health services and the coordination of managed behavioral health services.

(b) BY GAO.—

(1) MANAGED CARE.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall conduct a study, and prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report, concerning—

(A) an assessment of the structure and performance of non-governmental health plans, medicaid managed care organizations, plans under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and the program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) serving the needs of children with special health care needs;

(B) an assessment of the structure and performance of non-governmental plans in serving the needs of children as compared to medicaid managed care organizations under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(C) the emphasis that private managed care health plans place on primary care and the control of services as it relates to care and services provided to children with special health care needs.

(2) PLAN SURVEY.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report that contains a survey of health plan activities that address the unique health needs of adolescents, including quality measures for adolescents and innovative practice arrangement.

By Mr. INHOFE:

S. 1073. A bill to establish a National Commission to Eliminate Waste in Government; to the Committee on Government Affairs.

Mr. INHOFE. Mr. President, today I rise to bring attention to an issue that affects all Americans, government waste. As we all know, the Federal Government is infamous for its profligate programs and approaches to problem solving. In the last decade, we have seen inefficiency of mammoth proportions within the government.

As a result, I have introduced legislation that would establish a national commission to eliminate government waste. This act would resurrect President Reagan's work to find an equitable way to enact fiscal responsibility and accountability within the government. During the Reagan Administration, a private sector study of government was commissioned to dispose of Federal waste, mismanagement, and abuse. Led by industrialist J. Peter Grace, the Grace Commission produced 47 reports with 2,478 recommendations. As a result of this study, President Reagan issued executive orders that saved the Federal Government more than $110 billion.

Today, many Federal agencies still use cumbersome bureaucratic procedures. The National Commission to Eliminate Waste in Government Act would establish a commission to conduct a private sector survey on management and cost control within the government. It would also provide an opportunity for the commission to review existing reports on government waste. Because the commission would be funded, staffed, and equipped by the private sector, it would not cost the government one dime.

I urge my colleagues to support this end to government waste and the beginning of discipline and efficiency within our government.

By Mr. GRASSLEY (for himself, Mr. BIDEN, Mr. SMITH of Oregon, and Mr. DASCHLE):

S. 1075. A bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation to re-authorize the Drug Free Communities Act. I am pleased to be joined by my colleagues Senator BIDEN, Senator Smith, and Senator DASCHLE in introducing this legislation which will continue for another 5 years the successes that we have found with Drug Free Communities Program. In addition, it builds upon the successes that coalitions have had by encouraging them to establish a coalition mentoring program for nearby communities. Finally, this act will authorize funding for the National Anti-Drug Coalition Institute, which will provide education, training, and technical assistance to leaders of community coalitions.

Substance abuse remains a problem in communities across the country. Substance abuse is the cause of or associated with many of today's problems, but is a preventable behavior. Community anti-drug coalitions are implementing long-term strategies to address the problem of substance abuse in their communities. By bringing together a cross-section of the community to address a common problem, community coalitions are discovering and implementing unique community solutions to reduce and prevent the incidence of substance abuse in their communities. And that idea, that communities are best suited to address their own problems, is the underlying premise that has been proven with the success of the Drug Free Communities program.

There are three key features to the Drug Free Communities Act. First, communities must take the initiative. In order to receive support, a community coalition must demonstrate that there is a long-term commitment to address teen-drug use. It must have a sustainable coalition that includes the involvement of representatives from a wide variety of community activists.

In addition, every coalition must show that it can sustain itself. Community coalitions must be in existence for at least 6 months before applying. They are only eligible to receive support if they can match these donations dollar for dollar with non-Federal funding, up to $100,000 per coalition.

An Advisory Commission, consisting of local community leaders, and State and national experts in the field of substance abuse, has worked closely with the Office of National Drug Control Policy to oversee the successful management and growth of this grant program. Because of this partnership, grants have gone to communities and programs that can make a difference in the lives of our children.

Today, we have better evidence that coalitions are working, that they are making a difference. A recent study sponsored by the Annie E. Casey Foundation documented the difference that

eight community coalitions, all of which have received funding through the Drug Free Communities program, from around the country have made in their communities.

In addition to continuing this successful program, this re-authorization legislation adds the possibility for a supplemental grant to the Drug-Free Communities Grant Program. The supplemental grant is available to any coalition that has been in existence for at least 5 years, achieved measurable results in youth substance abuse prevention and treatment, have staff or Coalition members willing to serve as mentors for persons interested in starting or expanding a Coalition in their community, identified demonstrable support from members of the identified community, and have created a detailed plan for mentoring either newly formed or developing Coalitions.

Coalitions receiving the supplemental grant must use these funds to support and encourage the development of new, self-supporting community coalitions focused on the prevention and treatment of substance abuse in the new coalition's community. This supplemental grant can be renewed provided the recipient coalition continues to meet the underlying criteria and has made progress in the development of new coalitions.

Starting a new anti-drug coalition is a difficult exercise, which makes the success of these coalitions I mentioned earlier all the more remarkable. But I also know this from personal experience. For the past 4 years, I have worked with leaders from across my State of Iowa to start and grow the Face It Together Coalition, a Statewide, anti-drug coalition designed to bring together people from all walks of life, business leaders, doctors and nurses, law enforcement, school professionals, members of the media, and so on, to work together toward a common goal: keeping kids drug free.

In working with FIT, it has become clear that by working together, everyone can accomplish more. This is a solid, grass-roots initiative that can work. But it hasn't been an easy process, and it will continue to require the dedication and commitment of all of our board members. One of the biggest challenges that we face has not been finding ideas of what to do, or even finding effective ongoing projects in the State, but identifying and securing funding to support the expansion of our activities. Much can and has been done by volunteers, and through the networking connections that the Board members are able to bring to the table.

In addition, this legislation will authorize $2 million in federal funding for two years for the National Community Anti-Drug Coalition Institute. Modeled after the success we have seen from the National Drug Court Institute, this national non-profit organization will represent, provide technical assistance and training, and have special expertise and broad, national-level experience in community anti-drug coalitions.

The funding for the Institute will be to 1. provide education, training, and technical assistance to key members of community anti-drug coalitions, 2. develop and disseminate evaluation tools, mechanisms, and measures to assess and document coalition performance, and 3. bridge the gap between research and practice by providing community coalitions with practical information based on the most current research on coalition-related issues. The Institute is expected to last for more than 2 years, and to pursue and obtain additional funding from sources other than the Federal Government.

In conclusion, I encourage all of my colleagues to join me in supporting this legislation. It is supported by the Administration. It has the support of communities all across the Nation. The Drug Free Communities Program works. I look forward to working with my colleagues here and in the House to ensure quick passage.

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. 1075

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

SECTION 1. EXTENSION OF DRUG-FREE COMMUNITIES SUPPORT PROGRAM.

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

(1) In the next 15 years, the youth population in the United States will grow by 21 percent, adding 6,500,000 youth to the population of the United States. Even if drug use rates remain constant, there will be a huge surge in drug-related problems, such as academic failure, drug-related violence, and HIV incidence, simply due to this population increase.

(2) According to the 1994–1996 National Household Survey, 60 percent of students age 12 to 17 who frequently cut classes and who reported delinquent behavior in the past 6 months used marijuana 52 days or more in the previous year.

(3) The 2000 Washington Kids Count survey conducted by the University of Washington reported that students whose peers have little or no involvement with drinking and drugs have higher math and reading scores than students whose peers had low level drinking or drug use.

(4) Substance abuse prevention works. In 1999, only 10 percent of teens saw marijuana users as popular, compared to 17 percent in 1998 and 19 percent in 1997. The rate of past-month use of any drug among 12 to 17 year olds declined 26 percent between 1997 and 1999. Marijuana use for sixth through eighth graders is at the lowest point in 5 years, as is use of cocaine, inhalants, and hallucinogens.

(5) Community Anti-Drug Coalitions throughout the United States are successfully developing and implementing comprehensive, long-term strategies to reduce substance abuse among youth on a sustained basis. For example:

(A) The Boston Coalition brought college and university presidents together to create the Cooperative Agreement on Underage Drinking. This agreement represents the first coordinated effort of Boston's many institutions of higher education to address issues such as binge drinking, underage drinking, and changing the norms surrounding alcohol abuse that exist on college and university campuses.

(B) The Miami Coalition used a three-part strategy to decrease the percentage of high school seniors who reported using marijuana at least once during the most recent 30-day period. The development of a media strategy, the creation of a network of prevention agencies, and discussions with high school students about the dangers of marijuana all contributed to a decrease in the percentage of seniors who reported using marijuana from more than 22 percent in 1995 to 9 percent in 1997. The Miami Coalition was able to achieve these results while national rates of marijuana use were increasing.

(C) The Nashville Prevention Partnership worked with elementary and middle school children in an attempt to influence them toward positive life goals and discourage them from using substances. The Partnership targeted an area in East Nashville and created after school programs, mentoring opportunities, attendance initiatives, and safe passages to and from school. Attendance and test scores increased as a result of the program.

(D) At a youth-led town meeting sponsored by the Bering Strait Community Partnership in Nome, Alaska, youth identified a need for a safe, substance-free space. With help from a variety of community partners, the Partnership staff and youth members created the Java Hut, a substance-free coffeehouse designed for youth. The Java Hut is helping to change norms in the community by providing a fun, youth-friendly atmosphere and activities that are not centered around alcohol or marijuana.

(E) Portland's Regional Drug Initiative (RDI) has promoted the establishment of drug-free workplaces among the city's large and small employers. More than 3,000 employers have attended an RDI training session, and of those, 92 percent have instituted drug-free workplace policies. As a result, there has been a 5.5 percent decrease in positive workplace drug tests.

(F) San Antonio Fighting Back worked to increase the age at which youth first used illegal substances. Research suggests that the later the age of first use, the lower the risk that a young person will become a regular substance abuser. As a result, the age of first illegal drug use increased from 9.4 years in 1992 to 13.5 years in 1997.

(G) In 1990, multiple data sources confirmed a trend of increased alcohol use by teenagers in the Troy community. Using its ''multiple strategies over multiple sectors'' approach, the Troy Coalition worked with parents, physicians, students, coaches, and others to address this problem from several angles. As a result, the rate of twelfth grade students who had consumed alcohol in the past month decreased from 62.1 percent to 53.3 percent between 1991 and 1998, and the rate of eighth grade students decreased from 26.3 percent to 17.4 percent. The Troy Coalition believes that this decline represents not only a change in behavior on the part of students, but also a change in the norms of the community.

(H) In 2000, the Coalition for a Drug-Free Greater Cincinnati surveyed more than 47,000 local seventh through twelfth graders. The results provided evidence that the Coalition's initiatives are working. For the first time in a decade, teen drug use in Greater Cincinnati appears to be leveling off. The data collected from the survey has served as a tool to strengthen relationships between

schools and communities, as well as facilitate the growth of anti-drug coalitions in communities where they had not existed.

(6) Despite these successes, drug use continues to be a serious problem facing communities across the United States. For example:

(A) According to the Pulse Check: Trends in Drug Abuse Mid-Year 2000 report—

(i) crack and powder cocaine remains the most serious drug problem;

(ii) marijuana remains the most widely available illicit drug, and its potency is on the rise;

(iii) treatment sources report an increase in admissions with marijuana as the primary drug of abuse—and adolescents outnumber other age groups entering treatment for marijuana;

(iv) 80 percent of Pulse Check sources reported increased availability of club drugs, with ecstasy (MDMA) and ketamine the most widely cited club drugs and seven sources reporting that powder cocaine is being used as a club drug by young adults;

(v) ecstasy abuse and trafficking is expanding, no longer confined to the ''rave'' scene;

(vi) the sale and use of club drugs has grown from nightclubs and raves to high schools, the streets, neighborhoods, open venues, and younger ages;

(vii) ecstasy users often are unknowingly purchasing adulterated tablets or some other substance sold as MDMA; and

(viii) along with reports of increased heroin snorting as a route of administration for initiates, there is also an increase in injecting initiates and the negative health consequences associated with injection (for example, increases in HIV/AIDS and Hepatitis C) suggesting that there is a generational forgetting of the dangers of injection of the drug.

(B) The 2000 Parent's Resource Institute for Drug Education study reported that 23.6 percent of children in the sixth through twelfth grades used illicit drugs in the past year. The same study found that monthly usage among this group was 15.3 percent.

(C) According to the 2000 Monitoring the Future study, the use of ecstasy among eighth graders increased from 1.7 percent in 1999 to 3.1 percent in 2000, among tenth graders from 4.4 percent to 5.4 percent, and from 5.6 percent to 8.2 percent among twelfth graders.

(D) A 1999 Mellman Group study found that—

(i) 56 percent of the population in the United States believed that drug use was increasing in 1999;

(ii) 92 percent of the population viewed illegal drug use as a serious problem in the United States; and

(iii) 73 percent of the population viewed illegal drug use as a serious problem in their communities.

(7) According to the 2001 report of the National Center on Addiction and Substance Abuse at Columbia University entitled ''Shoveling Up: The Impact of Substance Abuse on State Budgets'', using the most conservative assumption, in 1998 States spent $77,900,000,000 to shovel up the wreckage of substance abuse, only $3,000,000,000 to prevent and treat the problem and $433,000,000 for alcohol and tobacco regulation and compliance. This $77,900,000,000 burden was distributed as follows:

(A) $30,700,000,000 in the justice system (77 percent of justice spending).

(B) $16,500,000,000 in education costs (10 percent of education spending).

(C) $15,200,000,000 in health costs (25 percent of health spending).

(D) $7,700,000,000 in child and family assistance (32 percent of child and family assistance spending).

(E) $5,900,000,000 in mental health and developmental disabilities (31 percent of mental health spending).

(F) $1,500,000,000 in public safety (26 percent of public safety spending) and $400,000,000 for the state workforce.

(8) Intergovernmental cooperation and coordination through national, State, and local or tribal leadership and partnerships are critical to facilitate the reduction of substance abuse among youth in communities across the United States.

(9) Substance abuse is perceived as a much greater problem nationally than at the community level. According to a 2001 study sponsored by The Pew Charitable Trusts, between 1994 and 2000—

(A) there was a 43 percent increase in the percentage of Americans who felt progress was being made in the war on drugs at the community level;

(B) only 9 percent of Americans say drug abuse is a ''crisis'' in their neighborhood, compared to 27 percent who say this about the nation; and

(C) the percentage of those who felt we lost ground in the war on drugs on a community level fell by more than a quarter, from 51 percent in 1994 to 37 percent in 2000.

(b) EXTENSION AND INCREASE OF PROGRAM.—Section 1024(a) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1524(a)) is amended—

(1) by striking ''and'' at the end of paragraph (4); and

(2) by striking paragraph (5) and inserting the following new paragraphs:

''(5) $50,600,000 for fiscal year 2002;

''(6) $60,000,000 for fiscal year 2003;

''(7) $70,000,000 for fiscal year 2004;

''(8) $70,000,000 for fiscal year 2005;

''(9) $75,000,000 for fiscal year 2006; and

''(10) $75,000,000 for fiscal year 2007.''.

(c) EXTENSION OF LIMITATION ON ADMINISTRATIVE COSTS.—Section 1024(b) of that Act (21 U.S.C. 1524(b)) is amended by striking paragraph (5) and inserting the following new paragraph (5):

''(5) 8 percent for each of fiscal years 2002 through 2007.''.

(d) ADDITIONAL GRANTS.—Section 1032(b) of that Act (21 U.S.C. 1533(b)) is amended by adding at the end the following new paragraph (3):

''(3) ADDITIONAL GRANTS.—

''(A) IN GENERAL.—Subject to subparagraph (F), the Administrator may award an additional grant under this paragraph to an eligible coalition awarded a grant under paragraph (1) or (2) for any first fiscal year after the end of the 4-year period following the period of the initial grant under paragraph (1) or (2), as the case may be.

''(B) SCOPE OF GRANTS.—A coalition awarded a grant under paragraph (1) or (2), including a renewal grant under such paragraph, may not be awarded another grant under such paragraph, and is eligible for an additional grant under this section only under this paragraph.

''(C) NO PRIORITY FOR APPLICATIONS.—The Administrator may not afford a higher priority in the award of an additional grant under this paragraph than the Administrator would afford the applicant for the grant if the applicant were submitting an application for an initial grant under paragraph (1) or (2) rather than an application for a grant under this paragraph.

''(D) RENEWAL GRANTS.—Subject to subparagraph (F), the Administrator may award a renewal grant to a grant recipient under this paragraph for each of the fiscal years of the 4-fiscal year period following the fiscal year for which the initial additional grant under subparagraph (A) is awarded in an amount not to exceed amounts as follows:

''(i) For the first and second fiscal years of that 4-fiscal year period, the amount equal to 80 percent of the non-Federal funds, including in-kind contributions, raised by the coalition for the applicable fiscal year.

''(ii) For the second, third, and fourth fiscal years of that 4-fiscal year period, the amount equal to 67 percent of the non-Federal funds, including in-kind contributions, raised by the coalition for the applicable fiscal year.

''(E) SUSPENSION.—If a grant recipient under this paragraph fails to continue to meet the criteria specified in subsection (a), the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

''(F) LIMITATION.—The amount of a grant award under this paragraph may not exceed $100,000 for a fiscal year.''.

(e) DATA COLLECTION AND DISSEMINATION.—Section 1033(b) of that Act (21 U.S.C. 1533(b)) is amended by adding at the end the following new paragraph:

''(3) CONSULTATION.—The Administrator shall carry out activities under this subsection in consultation with the Advisory Commission and the National Community Antidrug Coalition Institute.''.

(f) LIMITATION ON USE OF CERTAIN FUNDS FOR EVALUATION OF PROGRAM.—Section 1033(b) of that Act, as amended by subsection (e) of this section, is further is amended by adding at the end the following new paragraph:

''(4) LIMITATION ON USE OF CERTAIN FUNDS FOR EVALUATION OF PROGRAM.—Amounts for activities under paragraph (2)(B) may not be derived from amounts under section 1024(a), except for amounts that are available under section 1024(b) for administrative costs.''.

SEC. 2. SUPPLEMENTAL GRANTS FOR COALITION MENTORING ACTIVITIES UNDER DRUG-FREE COMMUNITIES SUPPORT PROGRAM.

Subchapter I of chapter 2 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1531 et seq.) is amended by adding at the end the following new section:

''SEC. 1035. SUPPLEMENTAL GRANTS FOR COALITION MENTORING ACTIVITIES.

''(a) AUTHORITY TO MAKE GRANTS.—As part of the program established under section 1031, the Director may award an initial grant under this subsection, and renewal grants under subsection (f), to any coalition awarded a grant under section 1032 that meets the criteria specified in subsection (d) in order to fund coalition mentoring activities by such coalition in support of the program.

''(b) TREATMENT WITH OTHER GRANTS.—

''(1) SUPPLEMENT.—A grant awarded to a coalition under this section is in addition to any grant awarded to the coalition under section 1032.

''(2) REQUIREMENT FOR BASIC GRANT.—A coalition may not be awarded a grant under this section for a fiscal year unless the coalition was awarded a grant or renewal grant under section 1032(b) for that fiscal year.

''(c) APPLICATION.—A coalition seeking a grant under this section shall submit to the Administrator an application for the grant in such form and manner as the Administrator may require.

''(d) CRITERIA.—A coalition meets the criteria specified in this subsection if the coalition—

''(1) has been in existence for at least 5 years;

''(2) has achieved, by or through its own efforts, measurable results in the prevention and treatment of substance abuse among youth;

''(3) has staff or members willing to serve as mentors for persons seeking to start or expand the activities of other coalitions in the prevention and treatment of substance abuse;

''(4) has demonstrable support from some members of the community in which the coalition mentoring activities to be supported by the grant under this section are to be carried out; and

''(5) submits to the Administrator a detailed plan for the coalition mentoring activities to be supported by the grant under this section.

''(e) USE OF GRANT FUNDS.—A coalition awarded a grant under this section shall use the grant amount for mentoring activities to support and encourage the development of new, self-supporting community coalitions that are focused on the prevention and treatment of substance abuse in such new coalitions' communities. The mentoring coalition shall encourage such development in accordance with the plan submitted by the mentoring coalition under subsection (d)(5).

''(f) RENEWAL GRANTS.—The Administrator may make a renewal grant to any coalition awarded a grant under subsection (a), or a previous renewal grant under this subsection, if the coalition, at the time of application for such renewal grant—

''(1) continues to meet the criteria specified in subsection (d); and

''(2) has made demonstrable progress in the development of one or more new, self-supporting community coalitions that are focused on the prevention and treatment of substance abuse.

''(g) GRANT AMOUNTS.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the total amount of grants awarded to a coalition under this section for a fiscal year may not exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

''(2) INITIAL GRANTS.—The amount of the initial grant awarded to a coalition under subsection (a) may not exceed $75,000.

''(3) RENEWAL GRANTS.—The total amount of renewal grants awarded to a coalition under subsection (f) for any fiscal year may not exceed $75,000.

''(h) FISCAL YEAR LIMITATION ON AMOUNT AVAILABLE FOR GRANTS.—The total amount available for grants under this section, including renewal grants under subsection (f), in any fiscal year may not exceed the amount equal to five percent of the amount authorized to be appropriated by section 1024(a) for that fiscal year.''.

SEC. 3. FIVE-YEAR EXTENSION OF ADVISORY COMMISSION ON DRUG-FREE COMMUNITIES.

Section 1048 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1548) is amended by striking ''2002'' and inserting ''2007''.

SEC. 4. AUTHORIZATION FOR NATIONAL COMMUNITY ANTIDRUG COALITION INSTITUTE.

(a) IN GENERAL.—The Director of the Office of National Drug Control Policy may, using amounts authorized to be appropriated by subsection (d), make a grant to an eligible organization to provide for the establishment of a National Community Antidrug Coalition Institute.

(b) ELIGIBLE ORGANIZATIONS.—An organization eligible for the grant under subsection (a) is any national nonprofit organization that represents, provides technical assistance and training to, and has special expertise and broad, national-level experience in community antidrug coalitions under section 1032 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1532).

(c) USE OF GRANT AMOUNT.—The organization receiving the grant under subsection (a) shall establish a National Community Antidrug Coalition Institute to—

(1) provide education, training, and technical assistance for coalition leaders and community teams;

(2) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes; and

(3) bridge the gap between research and practice by translating knowledge from research into practical information.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of activities under this section, including the grant under subsection (a), amounts as follows:

(1) For each of fiscal years 2002 and 2003, $2,000,000.

(2) For each of fiscal years 2004, 2005, 2006, and 2007, such sums as may be necessary for such activities.

Mr. BIDEN. Mr. President, today I introduce legislation to reauthorize the Drug Free Communities Act, a program which currently funds more than 300 community coalitions across the country that work to reduce drug, alcohol, and tobacco use.

Four years ago, I worked with Senator GRASSLEY, Representatives Sandy Levin and Rob Portman, and others to create this important program to fund coalitions of citizens—parents, youth, businesses, media, law enforcement, religious organizations, civic groups, doctors, nurses, and others—working to reduce youth substance abuse.

Community coalitions across the country—including two in my home State of Delaware—are galvanizing tremendous support for prevention efforts. They are helping fellow citizens make a difference in their communities. And they are helping all sectors of the community send a consistent message about alcohol, drugs, and tobacco.

I have been fighting for this type of anti-drug program for local communities for over a decade because I believe that prevention is a critical—but too often overlooked—part of an effective drug strategy.

Substance abuse is one of our Nation's most pervasive problems. Addiction is a disease that does not discriminate on the basis of age, gender, socioeconomic status, race or creed. And while we tend to stereotype drug abuse as an urban problem, the steadily growing number of heroin and methamphetamine addicts in rural villages and suburban towns shows that is simply not the case.

We have nearly 15 million drug users in this country, 4 million of whom are hard-core addicts. We all know someone—a family member, neighbor, colleague or friend—who has become addicted to drugs or alcohol. And we are all affected by the undeniable correlation between substance abuse and crime—an overwhelming 80 percent of the 2 million men and women behind bars today have a history of drug and alcohol abuse or addiction or were arrested for a drug-related crime.

All of this comes at a hefty price. Drug abuse and addiction cost this Nation $110 billion in law enforcement and other criminal justice expenses, medical bills, lost earnings and other costs each year. Illegal drugs are responsible for thousands of deaths each year and for the spread of a number of communicable diseases, including AIDS and Hepatitis C. And a study by the National Center on Addiction and Substance Abuse at Columbia University (CASA) shows that 7 out of 10 cases of child abuse and neglect are caused or exacerbated by substance abuse and addiction.

Another CASA study recently revealed that for each dollar that States spend on substance-abuse related programs, 96 cents goes to dealing with the consequences of substance abuse and only 4 cents to preventing and treating it. Investing more in prevention and treatment is cost-effective because it will decrease much of the street crime, child abuse, domestic violence, and other social ills that can result from substance abuse.

If we can get kids through age 21 without smoking, abusing alcohol, or using drugs, they are unlikely to have a substance abuse problem in the future. But there are still those who shrug their shoulders and say ''kids are kids—they are going to experiment.'' Others find the thought of keeping kids drug-free too daunting a task, and they give up too soon.

But the truth is that we are learning more and more about drug prevention as researchers isolate the so-called ''risk'' and ''protective'' factors for drug use. In other words, we now know that if a child has low self-esteem or emotional problems; has a substance abuser for a parent; is a victim of child abuse; or is exposed to pro-drug media messages, that child is at a higher risk of smoking, drinking and using illegal drugs. But the good news is that we are also learning what decreases a child's risk of substance abuse.

The Drug Free Communities program allows coalitions to put prevention research into action in cities and towns nationwide by funding initiatives tailored to a community's individual needs.

In my home State of Delaware, both the New Castle County Community Partnership and the Delaware Prevention Coalition's Southern Partnership are working to prevent youth substance abuse by helping kids do better in school, addressing their behavioral problems, and teaching them the dangers associated with drug, alcohol, and tobacco use. The Delaware coalitions know that teachers who have high expectations of their students and help them develop good social skills also help to prevent substance use. And they know that if kids think that drugs, alcohol, and tobacco are bad for them, they will be less likely to use them.

Other coalitions are working to engage the religious community. In Florida, the Miami Coalition for a Safe and Drug Free Community has developed a substance abuse manual for religious leaders so that they will know how to identify substance abuse and help people who need treatment find it. They are also teaching religious leaders how to incorporate messages about substance abuse into their sermons.

Still other groups are working with the business community. A coalition in Troy, MI, is working with the Chamber of Commerce to form an Employee Assistance Program for a consortium of small businesses who could not otherwise afford to have one.

These are just a few examples of the efforts that are making a difference and just a few of the reasons why I am proud to support community coalitions.

Drug abuse plagues the entire community. We all feel the consequences—crime, homelessness, domestic violence, child abuse, despair—and we all need to do something about it. Prevention messages must come from all sectors of the community, from a number of different voices. Coalitions bring those groups together, give them information they need, help develop programs that work, and nurture them to success.

I believe that the Drug Free Communities program is a powerful prevention initiative and I urge my colleagues to support its reauthorization.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

Mr. SMITH of Oregon. Mr. President, I rise today to join my distinguished colleagues to support the reauthorization of the Drug-Free Communities Support Program. Drug-Free Community grants have had an extremely positive impact on my home State of Oregon, and I know that the program has benefitted a great number of communities all across this country. I am proud to be an original cosponsor of this important bill.

Federal Drug-Free Community grants serve programs in 14 Oregon communities in urban, suburban, and rural areas alike. All Drug-Free Community grants go directly to communities to support a wide variety of innovative drug-abuse prevention programs, ranging from community education programs and after-school programs to parenting classes and youth camps. Communities are invested in the process through a dollar-for-dollar match requirement, ensuring their interest in getting results, and they are getting results. With help from Federal Drug-Free Community dollars, Oregon drug abuse prevention groups are increasing citizen participation and they have produced a measurable decrease in both adult and youth substance abuse.

Portland's Regional Drug Initiative, RDI, for example, has promoted the establishment of drug-free workplaces among the city's large and small employers. Over 3,000 employers have attended an RDI training session, and of those, 92 percent have instituted drug-free workplace policies, resulting in a 5.5 percent decrease in positive workplace drug tests. At the Southern Oregon Drug Awareness program in Medford, OR, 320 young people have participated in its violence prevention course, and upon completion, two-thirds of those students report having no additional discipline referrals in school. These are two fine examples of how the Drug-Free Communities Support Program is directly responsible for positively impacting lives in Oregon and all across our Nation.

This bill will reauthorize the Drug-Free Communities Support Program to provide grants for an additional five years. The bill will also authorize the creation of a National Community Anti-Drug Coalition Institute, which will serve as a valuable information clearing house for programs seeking to improve themselves by using the best practices of other successful community programs. The bill also establishes a new coalition mentoring program which will enable established coalitions like the Oregon Partnership to help communities develop their own local drug prevention coalitions.

Substance prevention works, and drug abuse is becoming less common through community prevention efforts, but this is no time to rest on our laurels. Over the next fifteen years, the youth population in the United States will grow by 21 percent, and we must ensure that the programs are in place to prevent these youths from succumbing to drug-related problems, such as academic failure, drug-related violence, and HIV infection. The Drug-Free Communities Support Program is an important partner in local efforts to prevent these problems, and I urge my colleagues to join me in supporting its reauthorization.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on June 26, 2001, at 10:30 a.m. in room 485 Russell Senate Building to conduct a hearing to receive testimony on the goals and priorities of the Great Plains Tribes for the 107th session of the Congress.

Those wishing additional information may contact committee staff at 202/224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on June 28, 2001, at 10:00 a.m. in room 485 Russell Senate Building to conduct a hearing to receive testimony on the goals and priorities of the Montana Wyoming Tribal Leaders Council for the 107th session of the Congress.

Those wishing additional information may contact committee staff at 202/224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 20, 2001, at 4 p.m., in executive session to meet with NATO Secretary General the Right Honorable Lord Robertson of Port Ellen to discuss alliance matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 20, 2001, to conduct a hearing on ''The Condition of the U.S. Banking System.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 20 at 9:30 a.m. to conduct a hearing. The committee will consider the nominations of Patricia Lynn Scarlett to be an Assistant Secretary of the Interior (for Policy, Management, and Budget); William Gerry Myers III to be the Solicitor of the Department of the Interior; and Bennett William Raley to be an Assistant Secretary of the Interior (for Water and Science).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, June 20, 2001, to hear testimony regarding Trade Promotion Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 20, 2001 at 10 a.m. to hold a hearing titled, ''U.S. Security Interests in Europe'' as follows:

''U.S. Security Interests in Europe,'' Wednesday, June 20, 2001, 10 a.m., SD–419.

Witness: The Honorable Colin Powell, Secretary of State, Department of State, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 20, 2001 at 9:30 a.m. for a hearing to examine the Role of the Federal Energy Regulatory Commission Associated with the Restructuring of Energy Industries.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, June 20, 2001, at 1:00 p.m. in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 20, 2001 at 2:30 p.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Madam President, I ask unanimous consent that Diane Baker, a fellow in my office, be granted floor privileges during the consideration of S. 1052, the Patients' Bill of Rights.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I ask unanimous consent that Lauren Wilcox and Clara Filice be granted floor privileges for the duration of the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Anne Ekedahl DiBiasi, a fellow in Senator DASCHLE's office, the majority leader, be granted the privilege of the floor during debate on S. 1052.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the following staff members of the Senate Finance Committee be granted access to the Senate floor for the duration of the debate on S. 1052: Legislative fellows Traci Gleason and Gary Swilley; Interns Annabelle Bartsch, Liz Liebschutz, and Emilie Klein, Law clerk Jonathan Selib.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNATION OF MURDER IN INDONESIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 67, S. Res. 91.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 91) 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.

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Foreign Relations with an amendment and an amendment to the preamble, as follows:

Whereas on September 6, 2000, a paramilitary mob in the West Timor town of Atambua brutally killed 3 United Nations aid workers, including United States citizen Carlos Caceres, in an unprovoked attack;

Whereas Caceres, an attorney originally from San Juan, Puerto Rico, whose family now resides in the State of Florida, had e-mailed a plea for help saying that ''the militias are on their way,'' and that ''we sit here like bait'' before he and the others were killed;

Whereas on May 4, 2001, an Indonesian court in Jakarta handed down only token sentences to the murderers of Carlos Caceres and the other United Nations workers, and failed to allot any punishment to the Indonesian military personnel alleged to have sanctioned this attack;

Whereas these token sentences were condemned as ''wholly unacceptable'' by United Nations Secretary General Kofi Annan, and described by the Department of State as acts that ''call into question Indonesia's commitment to the principle of criminal accountability'';

Whereas the self-confessed killer of Carlos Caceres, a pro-government militia member named Julius Naisama, was sentenced to spend not more than 20 months in jail, and remarked afterwards, ''I accept the sentence with pride'';

Whereas the murders of Carlos Caceres and the other United Nations workers fit a pattern of killings perpetrated, sanctioned, or condoned by certain elements within the Indonesian military in Timor, both during and since the end of the Suharto regime;

Whereas, despite the stated intent of the Government of Indonesian to put into place a system of increased judicial accountability, since the initiation of democratic rule in Indonesia in 1998, no senior military official has been put on trial for human rights abuses, extrajudicial killings, torture, or incitement to mob violence; and

Whereas the Government of Indonesia could probably have prevented both the murder of the United Nations workers and the subsequent miscarriage of justice if the government had—

(1) upheld its explicit commitment, made after the August, 1999, referendum in East Timor, to ensure that Indonesian military forces would safeguard United Nations workers and Timorese refugees from attacks by the paramilitary militias on the island who had killed approximately 1,000 East Timorese civilians in the preceding weeks;

(2) brought charges of murder or manslaughter against the 6 men who admitted to killing the United Nations workers, rather than only the lesser charge of conspiring to foment violence; and

(3) brought charges against senior military commanders who, according to the United Nations, the Department of State, and the Government of Indonesia itself, are suspected of arming and directing the paramilitary militias responsible for the carnage on Timor: Now, therefore, be it

Resolved, That (a) the Senate—

(1) condemns the brutal murder of Carlos Caceres, a United States citizen, and the other United Nations aid workers, and offers condolences to their families, friends, and colleagues;

(2) decries the inadequately disproportionate sentences handed down by the Indonesian court to the self-confessed killers of the United Nations aid workers;

(3) calls on the prosecutorial organs of the Government of Indonesia to indict and bring to trial the senior military commanders described in a September 1, 2000, statement by that government as suspects in the mass killings following the August, 1999, East Timor referendum.

(b) It is the sense of the Senate that—

(1) officials of the Department of State should, at every appropriate meeting with officials of the Government of Indonesia, stress the importance of ending the climate of impunity that shields those individuals, including senior members of the Indonesian military, suspected of perpetrating, collaborating in, or covering up extra-judicial killings and abuses of human rights in Indonesia; and

(2) the President should consider the willingness of the Government of Indonesia to make substantive progress in judicial reform, and in the criminal accountability of those responsible for human rights abuse on the island of Timor, among those factors taken into account when determining the level of financial support provided by the United States to Indonesia, whether directly or through international financial institutions.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. NELSON of Florida. Mr. President, I, along with my colleagues Senators FEINGOLD, HARKIN, and LEAHY, have introduced S. Res. 91, a resolution that condemns the brutal murder of Carlos Caceres, an American citizen, decries the inadequately disproportionate sentences given by the Indonesian judicial system to the self-confessed killers of the three U.N. aid workers, and offers condolences to the family, friends and colleagues of Carlos Caceres and the other victims of the September 6 attack.

This resolution also expresses the sense of the Senate that:

(1) the officials at the U.S. Department of State should, at every appropriate meeting with officials of the Indonesian government, stress the importance of ending the climate of impunity which shields those individuals, including senior members of the Indonesian military, suspected of perpetrating, collaborating in, or covering up extrajudicial killings, and other abuses of human rights.

(2) the President should consider the willingness of the government of Indonesia to make rapid and substantive progress in judicial reform, and in the criminal accountability of those responsible for human rights abuses on the island of Timor, among those factors taken into account when determining the level of U.S. financial support provided to Indonesia, whether directly or through international financial institutions.

On September 6, 2000, a paramilitary mob killed three United Nations aid workers, including the United States citizen Carlos Caceres, in the West Timor town of Atambua. Mr. Caceres and the other victims were stabbed and hacked to death with exceptional brutality, and their bodies were then set on fire and dragged through the streets. Mr. Caceres previously had emailed a plea for help saying that ''The militias are on their way'' and that ''we sit here like bait.''

Several weeks ago, an Indonesian court in Jakarta meted out only token sentences to the murderers of Carlos Caceres and the other U.N. workers, and failed to allot any punishment whatsoever to the Indonesian military commanders alleged to have sanctioned this attack. In addition, the self-confessed killer of Carlos Caceres, a pro-government militia member was sentenced to spend no more than 20 months in jail, and remarked afterwards, ''I accept the sentence with pride.''

The murders of Carlos Caceres and the other U.N. workers fit a pattern of killings perpetrated or sanctioned by the Indonesian military in Aceh, Irian Jaya, and other parts of the nation. Despite government promises of judicial accountability, since the initiation of democratic rule in Indonesia in 1998 no senior military official has yet been put on trial for human rights abuses, extrajudicial killings, torture, or incitement of mob violence. I propose that the U.S. Senate go on record to stress the importance of ending the climate of impunity which shields those individuals—especially senior members of the Indonesian military—suspected of perpetrating, collaborating in, or covering up extrajudicial killings, torture, and other abuses of human rights. The Senate urges the President and Congress to make every effort to consider the need for reform when determining policy towards Indonesia.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the resolution, as amended, be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Res. 91), as amended, was agreed to.

The preamble, as amended, was agreed to.

ORDERS FOR THURSDAY, JUNE 21, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:15 a.m. on Thursday, June 21. 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 proceed to the consideration of the motion to proceed to S. 1052, the Patients' Bill of Rights, with the time until 9:30 equally divided between the managers of the bill or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as announced, we are going to convene at 9:15 a.m. tomorrow. We will have about 10 minutes of debate equally divided between the proponents and opponents of this legislation. Following the vote on the motion to proceed, there will be approximately 2 hours for debate equally divided between the leaders or their designees.

At 12 noon, Senator LOTT, or his designee, will be recognized to offer an amendment in regard to this legislation, S. 1052.

As has been indicated several times, we are going to conclude this legislation prior to the Fourth of July recess. As indicated, Senators are advised and their staffs should be making alternative arrangements in case we have to work through the weekend.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:03 p.m., adjourned until Thursday, June 21, 2001, at 9:15 a.m.

NOMINATIONS

Executive Nominations received by the Senate June 20, 2001:

THE JUDICIARY

JOHN D. BATES, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE STANLEY S. HARRIS, RETIRED.

REGGIE B. WALTON, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE STANLEY SPORKIN, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. KEITH B. ALEXANDER, 0000
BRIG. GEN. ELDON A. BARGEWELL, 0000
BRIG. GEN. DAVID W. BARNO, 0000
BRIG. GEN. JOHN R. BATISTE, 0000
BRIG. GEN. PETER W. CHIARELLI, 0000
BRIG. GEN. CLAUDE V. CHRISTIANSON, 0000
BRIG. GEN. ROBERT T. DAIL, 0000
BRIG. GEN. PAUL D. EATON, 0000
BRIG. GEN. KARL W. EIKENBERRY, 0000
BRIG. GEN. ROBERT H. GRIFFIN, 0000
BRIG. GEN. JOHN W. HOLLY, 0000
BRIG. GEN. DAVID H. HUNTOON JR., 0000
BRIG. GEN. JAMES C. HYLTON, 0000
BRIG. GEN. GENE M. LACOSTE, 0000
BRIG. GEN. DEE A. MCWILLIAMS, 0000
BRIG. GEN. RAYMOND T. ODIERNO, 0000
BRIG. GEN. VIRGIL L. PACKETT II, 0000
BRIG. GEN. JOSEPH F. PETERSON, 0000
BRIG. GEN. DAVID H. PETRAEUS, 0000
BRIG. GEN. MARILYN A. QUAGLIOTTI, 0000
BRIG. GEN. MICHAEL D. ROCHELLE, 0000
BRIG. GEN. DONALD J. RYDER, 0000
BRIG. GEN. HENRY W. STRATMAN, 0000
BRIG. GEN. JOE G. TAYLOR JR., 0000
BRIG. GEN. N. ROSS THOMPSON III, 0000
BRIG. GEN. JAMES D. THURMAN, 0000
BRIG. GEN. THOMAS R. TURNER II, 0000
BRIG. GEN. JOHN M. URIAS, 0000
BRIG. GEN. MICHAEL A. VANE, 0000
BRIG. GEN. WILLIAM G. WEBSTER JR., 0000

EXTENSIONS OF REMARKS

TRIBUTE TO REVEREND DR. WILLIS T. GOODWIN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Reverend Dr. Willis T. Goodwin, Pastor of Washington United Methodist Church in Charleston, South Carolina, and New Frances Brown United Methodist Church in North Charleston.

On May 15, Reverend Dr. Goodwin was awarded the prestigious ''National Service Award'' by the Washington Times Foundation. This ''Salute to a National Hero'' was presented at the third annual National Service Awards Banquet, here in Washington, DC, and I was honored to be present for the occasion.

Reverend Dr. Goodwin was honored for his outstanding record of humanitarian service. Faith-based community leaders from all 50 states were recognized for the wonderful contributions they have made to our society. Reverend Goodwin has spent a lifetime helping the sick, the disposesssed, and the less fortunate of this world, and I am pleased to see that this kind of commitment is recognized and commended.

Mr. Speaker, please join me in paying tribute to Reverend Dr. Willis T. Goodwin for his many years of unselfish service to God and Country.

RECOGNIZING HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. RODRIGUEZ. Madam Speaker, today marks an important date in our Nation's history. Today, the bells of freedom ring in our consciousness and our hearts as we celebrate Juneteenth, the oldest known celebration of the ending of slavery.

On June 19th, 1865, two years following the Emancipation Proclamation issued by President Abraham Lincoln, Major General Gordon Granger of the Union Army read General Order #3 in Galveston, Texas. This order began most significantly with:

> The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer.

This profound news inspired immediate jubilation and happiness. African-Americans, previously bonded to their owners in slavery, were now united in their freedom and liberty. Juneteenth, celebrated every June 19th, commemorates this day of emancipation in Texas.

Since 1865, Juneteenth celebrations have taken place throughout the United States. Large celebrations on June 19, 1866 marked the first anniversary of African-American independence day. Many of these events mirrored Fourth of July festivities. In these early days, the celebration included a prayer service, speakers with inspirational messages, reading of the Emancipation Proclamation and stories from former slaves.

Juneteenth festivals spread from Texas to neighboring states as freed African-Americans migrated in search of work and to re-unite families separated by the slave trade. Celebration of Juneteenth revived in 1950 at the Texas State Fair Grounds in Dallas. Legislation passed in the 66th Texas legislature declared June 19 Emancipation Day in Texas, beginning January 1, 1980. Since that time, the celebration of Juneteenth continues across the state of Texas.

Laws can set the stage for change, but actual progress can be slow. As Juneteenth takes on a more national and global perspective, the events in 1865 in Texas cannot be forgotten, for on this fertile soil the inalienable rights of life, liberty and the pursuit of happiness which Jefferson so eloquently crafted and championed in the Declaration of Independence were ultimately made possible—in law though not always in fact—for the former slaves. Today, Juneteenth celebrates African-American freedom while encouraging self-development and respect for all cultures. As we continue to move forward as a nation, we must continue to strive for equality. As Dr. Martin Luther King Jr. states on August 28, 1963 on the steps of the Lincoln memorial:

> This will be the day when all of God's children will be able to sing with a new meaning, ''My country, 'tis of thee, sweet land of liberty, of thee I sing. Land where my fathers died, land of the pilgrim's pride, from every mountainside, let freedom ring.'' And if America is to be a great nation, this must become true.

And so today, let us continue to ring the bell of freedom and renew our commitment to the principles of equality and freedom—in fact not just in law—for all.

TRIBUTE TO THE ACADEMIC QUIZ BOWL TEAM FROM NORTHSIDE HIGH SCHOOL IN FORT SMITH, ARKANSAS

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. HUTCHINSON. Mr. Speaker, I rise to pay tribute to the Academic Quiz Bowl Team from Northside High School in Fort Smith, Arkansas, who recently earned the title of National Quiz Bowl Champions. The students defeated a field of 64 teams last month to win the 15th Annual Scholastic Tournament of Champions in Chicago.

The Grizzlies, led by Coach Larry Jones, have dominated the quiz bowl circuit this year—placing first in 10 out of 11 tournament appearances. Bringing home the national title has been a year-long quest for team captain Shawn Standefer and senior members Colin Drolshagen and my son, Seth Hutchinson; juniors, Ryan Marsh, Willie Reyenga and Jill Hoang.

The team had a special chemistry from the very beginning as Shawn, Colin and Seth have been best friends since junior high school. The whole team has dedicated countless hours to studying everything from the classics to history to the latest developments in DNA.

After the team won the state championship, I asked my son, Seth, what the plan was for the national competition. Seth replied that the team members all decided to give something up in order to concentrate on preparation for the national championship. I thought to myself, ''What do these teens value the most and are willing to sacrifice?'' Mr. Speaker, it wasn't television. It wasn't sports. My son told me they were going to give up their personal reading time!

Like the members of the team, Coach Jones also sacrificed a great deal to bring home the title. Without extra compensation or recognition, Mr. Jones has gone the extra mile for this team. He has given up his afternoons, evenings, days, and weekends to help them train. He is a career-minded, student-oriented teacher who has made a difference in the lives of these young people. This team came to the table with a great deal of talent—but it was Mr. Jones who brought them together and inspired a team capable of competing at the national level.

Mr. Speaker and fellow colleagues, please join me in congratulating the Northside High School Quiz Bowl team as they enjoy their reign as national champions. They have made their school, their town, their state and, especially their parents, proud.

HONORING TOM STEARNS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the memory of Tom Stearns for his faithful dedication to improving the lives of others. Mr. Stearns died in a Missoula, Montana hospital on Sunday, May 27, 2001 after suffering a major heart attack.

Tom had an extensive career in public service. Mr. Stearns began his career as a member of the Clovis City Council in 1983 and was named Mayor for two years starting in 1988. In addition to his public service, Mr. Stearns was president of the Clovis Rodeo Association, and represented the city of Clovis on he

San Joaquin Valley Air Pollution Control District. Mr. Stearns also served as president of the San Joaquin Division of the League of California Cities from 1991–1992. While dedicating much of his time to public service and private organizations, Mr. Stearns was employed by Pacific Gas & Electric Co. until his retirement in 1993.

Mr. Speaker, I am pleased to honor Tom Stearns for his dedication to improving the lives of others in the local community. I urge my colleagues to join me in honoring the memory of Mr. Stearns.

TRIBUTE TO DR. DAVID W. NELSON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Ms. BALDWIN. Mr. Speaker, I rise today to extend congratulations to Dr. David W. Nelson from Middleton, Wisconsin. On June 30, 2001, Dr. Nelson will be inducted as the 80th president of the American Optometric Association at its 104th Annual Congress in Boston, Massachusetts. Dr. Nelson's commitment and contributions to his profession have earned him this prestigious recognition.

Dr. Nelson has an impressive record of service at the local, state, and national level showing his dedication and leadership in the field of optometry. He was first elected to the American Optometric Association Board in 1994 and held the elective offices of Secretary-Treasurer and Vice President. He also served as chair of the Membership Development Committee and Computer Network Task Force.

Dr. Nelson is also past president of the Wisconsin Optometric Association (WOA) and the Madison Area Optometric Society. His professional leadership began during his optometric doctorate studies as president of the American Optometric Student Association, a national organization of 5,200 members representing optometry students' interest in their four-year post-graduate programs.

Dr. Nelson has been recognized with the Optometric Recognition Award in 1989 and the Legislative Achievement Award in 1989, 1990, and 1994. He also was named Wisconsin Young Optometrist of the Year in 1995.

In looking at Dr. Nelson's past achievements, it is apparent that his devotion and motivation will meet the leadership demands of the American Optometric Association. I join his many friends and professional colleagues in congratulating him and wishing him well as the new president of the American Optometric Assocation.

PAYING TRIBUTE TO THE MICHIGAN STATE UNIVERSITY CLASS OF 2001

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. ROGERS of Michigan. Mr. Speaker I rise today to pay tribute to the 2001 graduating class of Michigan State University. Due to their hard work and dedication, they are now prepared to make significant contributions to the State of Michigan and the United States of America.

As graduates from the first land grant University in the United States, whatever endeavors the Michigan State class of 2001 may pursue, success is certain to follow.

Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in recognizing the Michigan State University Class of 2001. May this only be the beginning of the great accomplishments they will achieve in their lifetime.

60TH ANNIVERSARY OF THE FIRST UAW CONTRACT WITH FORD MOTOR COMPANY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. BONIOR. Mr. Speaker, we are fortunate to live in a country which protects our freedoms and liberties—the right to free speech, freedom of assembly, and free association.

The right to safe working conditions, an 8 hour workday, a 40 hour workweek, the weekend . . . are things prior generations fought, bled and even died for—and we should never forget that.

On the 60th Anniversary of the first United Auto Worker contract with Ford Motor Company, we need to recognize the difference the UAW has made in the lives of working families.

Prior to their UAW contract, Ford workers had no health and safety protections, no sickness and accident benefits, no grievance procedures, and no respect.

When Walter Reuther and Richard Frankensteen led UAW workers in the Battle of the Overpass in 1937, where they were beaten repeatedly, they began the process of bringing Ford Motor Company to the table to recognize the importance of quality union workforce.

The years 1937 to 1940 were full of similar battles where workers fought, and some died, to bring dignity to their workplace and to build a better community.

Back then, every Congress of Industrial Organizations member in the Detroit area was asked to sign up to the Ford worker ''who lives next door or goes to the same church or is married to your . . . second cousin.''

On December 30, 1940, 1,000 men organized a strike in the Rouge River tool-and-die department over rest periods. Ford tried to discharge the UAW leaders, but the National Labor Relations Board ordered 22 of them reinstated. When the union members heard the news, they marched triumphantly back into the plant wearing their CIO buttons . . . something they would not have dared to do just a few weeks earlier.

Then in April, 1941, the company refused to meet with any union committees and followed this up by firing eight committeemen. When word of these discharges passed through the River Rouge plant, one worker shouted ''strike!'' Another voice took up the cry, ''strike!'' And soon, louder and bolder, the cries rolled through the plants ''strike! strike!'' There had never been anything like it in Ford history. Workers left their lathes and benches. Assembly lines ground to a halt. Workers began walking out, first in trickles, then soon in columns, and they marched from the Rouge River plant to a union hall, half a mile away. By nightfall , the hall was filled. The Ford workers couldn't believe what they had done—Ford Motor Company was shut down.

On April 10th, the strike came to an end, as quickly as it had started, it finished. Henry Ford, for the first time in his life, agreed to negotiate with a labor union. On June 20th, the first 24-page contract between the UAW and Ford was signed.

In contract after contract, the UAW has been able to improve upon that original document—in terms of wages, benefits, job protections, pensions, etc.,—to the point where the UAW contract with Ford Motor Company ranks among the best in the world.

Today, we should remember those who fought so hard for that first contract 60 years ago . . . and we should draw strength from their perseverance so that 60 years from now our children will look back and see the exponential progress made by current generations.

HONORING ARMY NATIONAL GUARD COMBAT UNITS DEPLOYED IN SUPPORT OF ARMY OPERATIONS IN BOSNIA

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. RODRIGUEZ. Madam Speaker, it is with great pleasure that we honor the continued commitment of the Army National Guard in supporting peacekeeping operations in Bosnia, as well as recognize the sacrifices made by these brave men and women who so valiantly serve our country. H. Con. Res. 154 commends the gallantry and dedication of these soldiers who have not only restored peace to the Balkans but have facilitated the recent democratization of the former Yugolslavia.

With such distinguished units as the 49th Armored Division, Texas Army National Guard, and the other National Guard combat units deployed to Bosnia in support of the NATO peacekeeping mission, we have met our obligation to our European allies while serving our national interest in maintaining calm and promoting democracy in this part of the world. We must continue our commitment to providing the necessary resources to ensure the continued readiness of the National Guard and Reserve in the future.

The National Guard and Reserve personnel at home and abroad play an instrumental role in the national security of the United States. I am honored to commemorate their efforts with this resolution.

TRIBUTE TO CARRIE SINKLER-PARKER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a dear friend, Carrie Sinkler-

Parker upon her appointment to the board of Friends of HelpAged—Ghana International.

Friends of HelpAged—Ghana is a member of HelpAged International, a nongovernmental association established in 1988. Their goal is to assist older persons who are poor, marginalized, or isolated with their daily needs. They seek to promote adequate health care treatment and medicinal availability in rural regions. They work to provide vital services to older persons without care, and enlist volunteers to visit with isolated persons in their homes.

Ms. Sinkler-Parker holds a Graduate Certificate in Gerontology and a Masters in Public Health from the University of South Carolina. Throughout the course of her career, Ms. Sinkler-Parker has focused on eliminating barriers to obtaining quality health care and on addressing social issues that significantly impact older persons. Ms. Sinkler-Parker has been very valuable to me and my staff and I am certain she will use her experiences, dedication, and knowledge to help shape our world views and understanding of the aging population.

Mr. Speaker, please join me in wishing Ms. Carrie Sinkler-Parker good luck and Godspeed in her new position and in honoring her for the incredible service she continues to provide to elderly citizens around the world.

INTRODUCTION OF THE WOMEN IMMIGRANTS SAFE HARBOR ACT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. LEVIN. Mr. Speaker, today we join the world community in the first observance of ''World Refugee Day.'' On this day we express solidarity and support for the world's refugees and recognize the contributions refugees make to their newly adopted countries. Against this backdrop, I am pleased to join with my colleagues CONNIE MORELLA, ILLEANA ROS-LEHTINEN, and NANCY PELOSI in introducing the ''Women Immigrants' Safe Harbor Act (WISH).'' The WISH Act provides help to women and children who are focused to seek refuge not from an oppressive political regime, but from members of their own families. Victims of domestic violence, like victims of political oppression, are often forced to flee with little other than their children and the clothes on their backs. Battered immigrant women, who are often far from their families and have limited English skills, are particularly alone and vulnerable.

Public benefits have long been a key avenue of escape from family violence. Victims of abuse are generally economically and socially isolated. Many of them believe they cannot leave their abusers because doing so will expose them and their children to economic hardship—in fact, a recent study found that more than two-thirds of battered immigrant women still trapped in abusive relationships said lack of money was the biggest obstacle to leaving. Programs like Medicaid, Food Stamps, and Temporary Assistance to Needy Families help them care for their children until they can get back on their feet. These programs also expand the capacity of our nation's domestic violence shelters and safe houses by providing partial support to their residents.

The economic hardship is compounded because many abuse victims are initially unable to work because they must remain in hiding from their abusers. Congress specifically recognized this barrier in the 1996 welfare reform law, which provided states with a ''family violence option'' to exempt victims of domestic violence from work requirements. Somewhere between one-third and half of domestic abuse victims are harassed by their abusers while at work. For that reason, some of them have no choice but to avoid the workplace until the abuser is brought justice.

The WISH Act would restore access to critical public programs for a vulnerable group of battered women, many of whom have U.S. citizen children. It would also remove the threat of deportation for those who sought help to protect themselves and their children. Passing the WISH Act would provide these women with a safe harbor from the violence that plagues their families and the kind of fresh start the United States has always offered to refugees of all kinds. I hope my colleagues will join me in celebrating ''World Refugee Day'' and in supporting an escape route for battered women.

TRIBUTE TO GLORIA FELDT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mrs. LOWEY. Mr. Speaker, I rise today to congratulate Gloria Feldt on five years of remarkable service as the president of the Planned Parenthood Federation of America, the world's largest and most trusted voluntary family planning organization.

Like me, most of my colleagues know Gloria very well. She is a knowledgeable and thoughtful leader who works closely with Members, and has repeatedly testified before Congress in the fight to ensure and protect the health of all women and their families. That is why People magazine called her ''the voice of experience'' and Vanity Fair named her one of ''America's 200 Legends, Leaders, and Trailblazers.''

Gloria's work deserves our honor and applause. Since becoming president in 1996, she has led Planned Parenthood Federation through a dramatic revitalization. Under Gloria's direction, the organization kicked off the Responsible Choices Action Agenda, a comprehensive advocacy and service campaign to prevent unintended pregnancy, improve the quality of reproductive health care, and ensure access to safe, legal abortion.

In addition, she has been the driving force behind dynamic public awareness campaigns, which have helped put the issue of insurance coverage for contraception on the map, and brought widespread attention to the need for responsible, medically accurate sexuality education in America's schools.

Gloria is a dedicated leader, an inexhaustible activist, and an inspiring role model for all women. We wish her many more successful years as she continues to advocate for women's health and women's rights.

THANKS, TONY ARMSTRONG, FOR A HEALTHY FUTURE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor my close friend, Anthony W. Armstrong, for a truly outstanding and highly commendable tenure as President and Chief Executive Officer of Bay Health in Bay City, Michigan. Tony has held key leadership positions with Bay Health since 1985 and has been a major force in making it one of the premier medical facilities in the region.

After the merger of four hospitals in the 1970s and 1980s, Bay Health became the pre-eminent full-service medical facility for Bay County and many surrounding communities. Since first joining Bay Health, Tony's guiding hand has continued to shepherd vital expansions in widening the scope of medical services offered to the greater community. In the process, he also has been resolute and careful in those efforts never to sacrifice the quality of care provided to patients.

Today, Tony Armstrong and the dedicated professionals who make up Bay Health can be proud of their great success in providing the best and most affordable health care possible. Organizations such as Bay Health depend upon the direction, talent and dedication of those at the helm and Tony's lead-by-example approach has put Bay Health on the right path for a hale and hearty future.

In addition to Tony's significant successes in health care, it is also noteworthy to mention that his contributions to the whole community have gone far beyond his work-related duties. His involvement has extended to a wide spectrum of community endeavors, including Past Chairman of the Bay Area Chamber of Commerce and Chairman of the Alliance for Bay County Schools. He also has drawn high praise for his work with the Lake Huron Area Boy Scouts Council, including spearheading an Explorers program to give high school students exposure to the health care profession. Clearly, he has been a tremendous asset to the civic health of his community; efforts that he certainly could not have accomplished without the love and support of his wife, Barbara, their son, Travis, and daughter, Alicia.

Mr. Speaker, I ask my colleagues to join me in congratulating Tony Armstrong for his strong and admirable record of enhancing and encouraging the good health of his community. I am confident that Tony's legacy will ensure that Bay Health will continue for many years to offer a healing hand to those who need care.

LUKE ROBERT WALLACE JACKSON MAKES HIS MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate Clay and Anna Jackson on the birth of their first child, Master Luke Robert Wallace Jackson. Luke was born on Friday, May 11th, 2001 and he weighed 8 pounds and

7 ounces. My wife Faye and my son Brian join me in wishing Clay and Anna great happiness during this very special time in their lives.

As a father of three, I know the immeasurable pride and rewarding challenge that children bring into your life. The birth of a child changes your perspective on life and opens the world to you a fresh, new way. Their innocence keeps you young-at-heart. A little miracle, a new baby holds all the potential of what human beings can achieve.

With great happiness, I welcome young Luke into the world and wish Clay and Anna all the best as they raise him.

TRIBUTE TO WELDON WILHOIT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to Colonel Weldon Wilhoit, former Superintendent of the Missouri State Highway Patrol, for the service he has given to the state of Missouri for over 30 years.

Colonel Wilhoit graduated from Shelbina High School in 1962. He honorably served in the United States Army from 1962 until 1965 and attended Central Missouri State University. In 1969, he began a long and distinguished career with the Missouri State Highway Patrol.

Colonel Wilhoit's first assignment was with Troop H, serving there from 1970 until 1987. Nine years after his first assignment he was promoted to the rank of Corporal and was also designated the Assistant Zone Commander. In 1985, he was promoted to Sergeant and designated Zone Commander. Col. Wilhoit was promoted to Lieutenant and transferred to Troop B in 1987. He attended the FBI National Academy in Quantico, Virginia, from January 1991 through March 1991 and in April of 1992, Col. Wilhoit was promoted, to Captain and designated Commanding Officer of Troop B.

In 1993, Col. Wilhoit was promoted to the rank of Major and was transferred to General Headquarters, Field Operation Bureau. In 1996, he was promoted to Lieutenant Colonel and designated Assistant Superintendent, and in September 1997, Governor Mel Carnahan appointed Col. Wilhoit as Superintendent of the Missouri State Highway Patrol.

Mr. Speaker, Col. Wilhoit has dutifully served for four years as the Superintendent of the Missouri State Highway Patrol.

As he prepares to spend more time with his wife Helen and his children, Mark, Brian, Angela, and Kelly, I know the Members of the House, will join me in expressing appreciation for his dedication to the people of Missouri.

HONORS YALE-NEW HAVEN HOSPITAL ON THEIR 175TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to one of our Nation's oldest and finest medical institutions. Yale-New Haven Hospital. For one hundred and seventy five years, Yale-New Haven has been at the forefront of medical care.

Chartered in 1826 as the General Hospital of Connecticut, it was the first hospital in the State of Connecticut and the fifth in the nation. Throughout its proud history, Yale-New Haven Hospital has enriched the lives of millions of patients and has become a true national landmark. Though we have come a long way from the days of horse-drawn ambulances and physicians carrying little black bags as they made house calls, Yale-New Haven has never lost sight of their original message: to serve those in need.

Over the course of their 175 year history, Yale-New Haven has developed some of the most significant advances in medical research. Their remarkable work has not only made a difference in the New Haven community, but in the lives of millions across the globe. Yale-New Haven Hospital has long been known for its pioneering efforts in medical technology. They were the first hospital in the western hemisphere to use both penicillin and chemotherapy and the first in the nation to offer rooming-in and one of the first to offer natural child-birth. Other firsts have included the first artificial heart pump which is now housed in the Smithsonian Institute and the world's first intensive care unit for newborns. These contributions have changed the course of medical history and made possible the continued advancement of many medical technologies.

More than their contributions to the medical science, Yale-New Haven Hospital has always had a very special relationship with the New Haven community, which I am sure it will work to continue. Their home since the beginning, Yale-New Haven continues to work hard to ensure the growth and development of the New Haven area. Partnering with New Haven schools, they initiated the Partners in Education Program which offers career exploration and volunteer service opportunities for students. In addition, each year the Partners in Education program provides five four-year scholarships to minority students furthering their education in health-related fields. Yale-New Haven also lends its support to a number of local and non-profit organizations. Their numerous contributions to such organizations as the Ronald McDonald House, Habitat for Humanity, the New Haven Public Education Fund, the New Haven Boys & Girls Club, and the Anti-Defamation League have gone a long way in helping them achieve their respective missions in the community.

Yale-New Haven Hospital also offers the New Haven community access to a variety of life-saving tests for cancer. As a cancer survivor myself, I can tell you that these screenings are an invaluable tool in the fight against this devastating disease. The Yale-New Haven Mammography Van has been operating for over a year now, providing mammograms to several under served groups throughout the community. Yale-New Haven is also one of only sixteen sites in Connecticut that offers comprehensive breast and cervical cancer screening programs free of charge to eligible women over age forty. Their consistent commitment and dedication to ensuring service to those most in need has left an indelible mark on our community.

For its invaluable contributions to medicine and to the New Haven community, I am proud to rise today to pay tribute to Yale-New Haven Hospital as they celebrate their 175th Anniversary. It is with sincere thanks and appreciation that I extend my congratulations and best wishes on this very special occasion.

TRIBUTE TO WILLIAM L. PORTEOUS OF REED CITY, MICHIGAN

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to William L. Porteous of Reed City, Michigan, who recently received the Reed City High School Distinguished Alumni Award. Mr. Porteous was recognized with this honor because he embodies the characteristics that school districts would like to instill in young people today: dedication to educational excellence and life-long learning; motivation to success; integrity in one's chosen field; commitment to serve the community one resides in; and recognition by one's peers of abilities far beyond ordinary.

I would like to congratulate Mr. Porteous and draw the attention of my colleagues in the U.S. House of Representatives and my constituents in the 4th Congressional District to Mr. Porteous' distinguished life and career as well as his extraordinary community involvement.

After graduating from Reed City High School in 1937, Mr. Porteous attended Michigan State University, where he earned a Bachelor of Arts degree in Business Administration. Then in 1941, he joined the United States Army serving during World War II. After he was discharged from the military, he enrolled at the University of Michigan earning a Masters of Business Administration.

In 1948, Mr. Porteous returned to Reed City with his wife Mable and began his 42-year banking career at the Reed City State Bank, where he eventually became the president and Chairman of the Board. Under his leadership, the small community bank grew to one with nearly $60 million in assets which Mr. Porteous successfully merged with the First Michigan Bank of Zeeland.

While Mr. Porteous was a success in his professional life, he also made a significant impact on the Reed City community and its children. Mr. Porteous always took a leading role whenever a new school had to be built or when a school building needed improvements. Not only was he generous with his time and talents, but with his financial resources as well.

Mr. Porteous also must be commended for serving his community by volunteering through numerous organizations, including the Boy Scouts, Reed City VFW Post, Rotary International, Eagle Village, Inc. and other civic organizations.

I am honored today to recognize Mr. Porteous as an outstanding citizen whose admirable qualities make him an outstanding role model for his community.

TRIBUTE TO RABBI JACOB FRIEDMAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. PALLONE. Mr. Speaker, Temple Beth Torah of Ocean Township, New Jersey will be losing a leader, friend, and rabbi of over 36 years to retirement next weekend. Rabbi Jacob Friedman has been with Temple Beth Torah since its establishment and has seen his congregation expand to well over five hundred area families.

Rabbi Jacob Friedman was born in Jersey City, New Jersey on January 14, 1933. After graduating high school, he received his rabbinical education from the Rabbi Jacob Joseph School at Yeshiva University in New York City. After five years of service as Chaplain with the army and army reserves, Rabbi Friedman returned to his birth city to become the youth director and assistant rabbi at the Congregation Sons of Israel. Then, in 1965 he relocated to Ocean Township and has since served as rabbi of Temple Beth Torah.

During his years in Ocean Township, Rabbi Friedman has been the President of the Shore Area Board of Rabbis, a member of the board of the Monmouth Jewish Federation, and Vice President and President of the American Association of Rabbis. As a member of the Jewish War Veterans, he worked his way from Post 125 Chaplain to New Jersey Department Chaplain to National Deputy Chaplain, and finally served as National Chaplain from 1985 to 1986. While never losing sight of the importance of Jewish youth, he served on the Youth Commission, International Youth Commission, and the International Kadime Commission at the United Synagogues of America from 1966 to 1981. Using education as his tool to reach out to young people, he was a founding member of the Solomon Shechter Academy of Monmouth and Ocean Counties and served as dean of the academy from 1971 to 1974.

I ask my colleagues to join me in congratulating Rabbi Jacob Friedman for his hard work and dedication to his community and congregation.

HONORING CAROLINA SOUTHERN RAILROAD

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. BROWN of South Carolina. Mr. Speaker, I rise today in honor of the Carolina Southern Railroad for its efforts and achievements in restoring the Blue Bastille drawbridge spanning the Intra Coastal Waterway in the First District of South Carolina. After one and a half decades standing idle, the giant drawbridge, built in 1935, will finally be lowered. Three vintage Pullman cars pulled by a super chief type locomotive at the Historic Carolina Southern Railroad Conway Depot will travel to Myrtle Beach where the bridge will be crossed by the first passenger train since 1953. The train will then continue to the Myrtle Beach Depot that is currently undergoing restoration by the All Aboard Committee. The Carolina Southern connects Myrtle Beach to Conway, Loris, Tabor City, Chadbourn, Whiteville, Mullins and the National railroad network beyond. I commend the Carolina Southern Railroad's Road Master, John Allison Gore, and his 20 man track crew who have been working feverishly to refurbish the abandoned two and a half miles of track into the city. I also recognize the Pippin family for its instrumental role in renovating the track and depot of the Carolina Southern Railroad. I again applaud the historic reopening by the Carolina Southern Railroad and acknowledge the benefits it will provide the citizens of South Carolina.

RECOGNIZING CONTRIBUTIONS, ACHIEVEMENTS, AND DEDICATED WORK OF SHIRLEY ANITA CHISHOLM

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in strong support of H. Res. 97 honoring Shirley Chisholm, a woman whose self-confidence and faith propelled her to the heights of a pacesetter and trailblazer. She was never afraid to speak out on any issue she felt adverse to. An inspiration to all women, Shirley Chisholm was the first Black woman to be elected to the U.S. House of Representatives as a Democrat in 1968, and was the first Black woman to seek the bid for the Democratic presidential nomination in 1972. Adversity has never been an issue with Ms. Chisholm. Throughout her life she faced diversity, not only for her ethnicity but also for her gender. Undaunted, Shirley Chisholm refused to allow discrimination to deter her mission for equality and justice. In fact, discrimination proved to be a tool she used in motivating her to devote her life to being a civil rights reformer and an ardent equal rights activist.

Ms. Chisholm sought a life of public service primarily to bring an honest and a more vocal servant to her district in Brooklyn, New York. She was such a popular figure among her constituents that she won her seat in each election by substantial margins. Throughout her tenure in Congress Shirley Chisholm was an active member of the Congressional Black Caucus and an outspoken advocate for the interest of the urban poor.

In times of inequality, her persistence led to monumental accomplishments, noteworthy of this historical recognition. She introduced legislation to establish publicly supported daycare centers and to extend unemployment insurance to domestic workers. During the Vietnam War she gained attention as a vocal critic, while most other Members remained quiet. While faced with enormous criticism, she continued to demonstrate strong advocacy of her beliefs.

Mr. Speaker, I'd like to close with an excerpt from ''Journey to Justice,'' the literary work of the late Audre Lorde, an African American woman, saying:

Remain steadfast in the journey to justice
Strip the blindfold from the eyes of justice
Let her see the tears that fall because Justice ignores inequities looming in plain sight
. . . Remember that we are the seeds of great queens, the Daughters of Teresa of Avila and Nerfertiti Sisters of Rosa and Winnie Mothers and aunts of Nia and Imani—those we love and strive To live the meanings of their names

We can be who we are—Bold to create our own dignity Ready to transform words into action Armed with courage and commitment Steadfast and straight ahead on the —Journey to justice

These words exemplify the strong legacy of Shirley Chisholm. She has given our little girls another role model to emulate and has inspired them and all of us to dream without boundaries.

TRIBUTE TO TOM HUBBARD

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Mr. Tom Hubbard of Limon, Colorado, this year's recipient of the Fred Steinmark High School Athlete of the Year award. The Steinmark Award honors an individual who makes a positive and lasting difference in the lives of others while at the same time achieving excellence in athletics. The award is a fitting tribute to a young man who has given of himself immeasurably during the course of his young life.

For four years, Tom Hubbard has achieved excellence. Not many can match his drive and dedication. As a student he graduated valedictorian with a 4.0 grade-point average. While Football is Tom's main sport, for which he has earned all-state honors for the past two years, he has also excelled in track, baseball, and basketball being named to the all-state squad for each sport. Even with all his success Tom has remained humble, finding time to do the necessary chores on his family's ranch as well as being a role model in the Limon community.

In the fall, Tom will be attending the University of Colorado where he will surely continue to push for excellence in academics and athletics. ''In high school sports and academics I have strived to keep the importance of each in perspective,'' said Tom in a recent Rocky Mountain News article ''My love of competition has helped me to use my God-given talents in a positive way. But talented teammates and classmates, dedicated coaches and teachers have helped me have an unforgettable high school career.'' In addition to being an excellent student-athlete Tom is also a natural leader. Tom was senior class vice president, a peer counselor, president of the letterman's club, and participated in the Fellowship of Christian Athletes, all the time helping his family host numerous foreign exchange students from around the world.

Mr. Speaker, Tom Hubbard is a role model to which people of all ages can and should look up to. I think that we all owe him a debt of gratitude for his service and dedication to the community.

Tom's community, state and nation are proud of him and grateful for his leadership.

TO HONOR THE NATIONAL HISPANIC JOURNALISTS ASSOCIATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. PASTOR. Mr. Speaker, I rise before you today to bring my colleagues' attention to an exciting event that is occurring in my district for the first time ever. On June 20–23, 1,500 members of the National Association of Hispanic Journalists will gather in the Valley of the Sun for the group's 19th Annual Convention: Our Time is Now, Imagenes Y Voces de Nuestro Tiempo.

I'm proud that my district will be the site where hundreds of Hispanic journalists and media professionals will converge to continue to promote the mission of this organization dedicated to the recognition and professional advancement of Hispanics in the news industry. NAHJ endeavors to increase the number of Hispanic journalists in print, broadcast and new media industries. The organization works to improve coverage of Hispanic communities so they are accurately portrayed in the news. The annual convention gives members the opportunity to be revitalized by workshop issues on industry trends and ideas that affect careers and the way news is covered. It also gives members the chance to network, train and encourage journalists of the future.

Some of you may be aware that NAHJ has been a leader in improving the quality of journalism as it is now practiced in the United States. Organizations such as NAHJ have been instrumental in assuring that the media accurately reflect the communities they serve, not only through the hiring of diverse personnel, but through their news coverage. Therefore, NAHJ has been a significant force in assuring that media are practicing good and better quality journalism.

Established in April 1984, NAHJ created a national voice and unified vision for all Hispanic journalists. NAHJ is governed by a 16-member board of directors that consists of executive officers and regional directors who represent geographic areas of the United States and the Caribbean. The national office is located in the National Press Building in Washington, D.C.

NAHJ has approximately 1,500 members, including working journalists, journalism students, other media-related professionals and academic scholars. In addition to employment and career development, NAHJ works to organize and provide mutual support for Hispanic journalists in English, Spanish and bilingual media; encourage the study and practice of journalism and mass communication by Hispanics; promote fair treatment of Hispanics by the news media; and foster greater understanding of the culture, interests and concerns of Hispanic journalists.

Besides the national convention and career expo, the organization has dozens of exciting projects and programs, which include mid-career and professional development programs, an online job bank, journalism awards, internship and fellowship listings, student journalism workshops, a newsletter and scholarships.

As you can see, the National Association of Hispanic Journalists is a strong professional organization that has provided genuine leadership and continues to advocate for Hispanics in the news industry. I congratulate NAHJ on the occasion of its 19th Annual Conference, and I ask my colleagues to please join me in wishing them a successful event and best wishes for the future.

HONORING HOPE NANCARROW FOR HER SERVICE TO THE MENTALLY ILL

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. GEKAS. Mr. Speaker, today I rise to honor Hope Nancarrow of Harrisburg, Pennsylvania, who has dedicated her life to improving the emotional and mental condition of hospital patients. Since the early 1960's, Hope has helped to improve the quality of life for countless patients at the Harrisburg State Hospital. With her innovative therapy methods, she has helped many mentally ill individuals.

As a volunteer at a time when hospitals often ignored the emotional needs of the mentally ill, Hope set out to help those interned at the state hospital. With hymns and Bible readings, Hope lifted the patients' spirits. As the years progressed, Hope found more diverse therapies for dealing with patients.

Her use of pets in the hospital has brought joy to so many patients who yearn for the companionship and love they can only receive from familiar animals. She reached patients who no one else could with her understanding and incredible love for people. In addition to her work at the hospital, Hope helps to enrich the lives of other challenged groups. For example, Hope is a weekly reader at the Tri-County Association of the Blind.

Hope is the epitome of self-sacrifice and devotion to humankind. She has an intense appreciation for the human condition. She strives to personally help as many hospital patients as possible. With her keen insight into the kind of treatment mentally ill individuals need and deserve, she continues to make a difference in the lives of many.

I know that the entire House of Representatives will join me in celebrating the efforts of this outstanding woman for her care of the mentally ill. Hope Nancarrow stands as a guiding light of inspiration for all of us.

A PROCLAMATION RECOGNIZING ROBERT L. DILENSCHNEIDER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Robert L. Dilenschneider on the 13th day of May, 2001 was awarded a Doctorate of Public Service, conferred upon him by the Muskingum College Board of Trustees; and

Whereas, Robert Dilenschneider as a foremost expert in the fields of public communications and strategic counseling, has influenced the representation of historic events on the world's stage; and

Whereas, Mr. Dilenschneider provides vital guidance for organizations as they disseminate information to international, national and regional communities; and

Whereas, Mr. Dilenschneider inspires cross-cultural exchanges and facilitates diverse educational opportunities through his leadership in the Institute on International Education, the governing body for the Fulbright Program; and

Whereas, Mr. Dilenschneider has demonstrated a commitment to improving the lives of those around him by serving on the Board of Governors for the American Red Cross and the advisory board for New York Presbyterian Hospital; and

Whereas, Mr. Dilenschneider has maintained a resolute commitment to education through scholarship as reflected in his publication of numerous best-selling books and his willingness to serve as a commentator in the media; and

Therefore, I ask my colleagues to join me in recognizing the impressive accomplishments of Robert Dilenschneider.

A TRIBUTE TO MICHAEL TARIQ MOODY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Michael Tariq Moody for his tremendous dedication to his church and community during his brief life on the occasion of the Mike Moody and Darian Williams Memorial Basketball Game.

Michael attended the New York City Public School System, graduating from Boys and Girls High School in February of 1998. Immediately prior to his death, he had intended to further his education at St. Augustine's College in Raleigh, North Carolina.

''Mike,'' the younger of two sons born to Harold and Deborah Moody, was often compared to Andrew in the Bible because he professed and put God first in his life starting at a young age. He believed in the commandment ''Honor thy Father and Mother'' with deep conviction. He always honored, respected and loved his mother. Michael was an active member of Victory Christian Tabernacle Church.

Michael displayed incredible charisma throughout his teenage years. Mike, an extraordinary basketball player, used his skills on the court not only to win the game, but to help others. Playing for teams such as Black Men Who Care, Bethelite Deacons, ABC Metro Basketball Team and the Hydro Tech League, Michael filled his home with trophies and honors awarded to him for his excellence in basketball.

Mr. Speaker, Michael Tariq Moody devoted his short life to serving his community and church. As such, both he and his family are more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in remembering and honoring the life of this remarkable man.

IN MEMORY OF MR. TINO FULIMENI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a great man, Mr. Tino Fulimeni, for his years of dedicated service to the Cleveland and world community.

Mr. Fulimeni, originally from Vestaburg, Pennsylvania, hitchhiked to Cleveland after high school and found a job with Republic Steel Corporation. After joining the union he spent some time in the Army and later married Yvonne, another native from his hometown. The two soon settled in Berea, Ohio and he returned to the steel mill to serve on union committees.

In 1977, Mr. Fulimeni became a full-time staff representative for the United Steelworkers of America. He spent a great deal of time working with women and racial minorities to provide and ensure equality for all steelworkers. He represented over 21,000 steelworkers after he became director of the union's District 28. His hard work and dedication to the rights of workers did not go unnoticed. Mr. Fulimeni soon thereafter was appointed special assistant to the union's international president.

Mr. Fulimeni is truly a man of the people. His dedication and loyalty to all steelworkers earned him the respect of all his colleagues. He was known as a tough negotiator, a strong co-worker, and a close friend to many. In addition to his union work, Mr. Fulimeni was active in the American Legion. His strong leadership and patriotism were apparent to his peers who elected him post commander three times.

Mr. Speaker, please join me in honoring and remembering a truly great man, Mr. Tino Fulimeni. He has touched the Cleveland community and helped many steelworkers. He will be greatly missed.

HONORING TOM HAMILTON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Ms. BALDWIN. Mr. Speaker, I rise today to recognize Mr. Tom Hamilton, who has been with the Forest Service for the past 37 years. Mr. Hamilton is retiring from federal service after serving as the Director of the Forest Products Laboratory, the nation's leading wood research institute located in Madison, Wisconsin.

Tom has led the Forest Products Laboratory (FPL) in its dedication to solving societal problems related to the forest and its products by using the best scientific resources available. While some may not be aware, FPL is the public side of the public-private partnership needed to create technology for the long-terrn sustainability of our forests.

Originally from Westfield, Wisconsin, Tom later graduated from UW-Madison, with a B.S., M.S. and Ph.D. from the UW's Department of Agricultural Economics. He spent much of his career with the Forest Service at various forest research stations, and later with the Forest Service Washington Office. In 1994, Tom was appointed Director of FPL.

As Director, Tom has led more than 250 scientists and support staff conduct research on expanded and diverse aspects of wood use, including pulp and paper products, housing and structural uses of wood, wood preservation, wood and fungi identification, and finishing and restoration of wood products. In addition to traditional lines of research, Under Tom's leadership, the Forest Products Laboratory has responded to environmental pressures on forest resources by using cutting-edge techniques to study recycling, developing environmentally friendly technology, and broadening the nation's understanding of ecosystem-based forest management.

Through Tom's initiative, work is now ongoing at FPL towards new recycling technology, creating a new fiber resource, and reducing pressure on our precious forests.

Tom's leadership of this important research resource has been a national treasure, and his many years of service with FPL and the Forest Service are commendable. As he transitions to a new phase of life following his retirement from public service, he will truly be missed.

HONORING LILLIAN TICK ON HER 100TH BIRTHDAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. ACKERMAN. Mr. Speaker, I rise today to ask all my colleagues to join me in honoring Lillian Tick on the occasion of her 100th Birthday.

Lillian Tick was born Lillian Ostrega, the oldest of five children to Isadore (Ichimayer) and Frieda (Frima) Ostrega, in the city of Wyshkov, Poland on the third day of July 1901.

Mr. Speaker, Isadore Ostrega left Poland for the United States in 1908 to search for a better life for himself and his family. In 1912, after years of hard work, he was able to bring his wife, Frieda, to join him. When Frieda left Europe, it was Lillian who obtained and supplied food for her family. It took eight years before Lillian's parents were finally able to save enough money to bring their children to America. Lillian, her three brothers—Louis, David and Hyman—and her sister, Dora, all arrived at Ellis Island in 1920.

Lillian eventually met and married Morris Tick, a lansman emigre from Poland. They had three children: Irving, who passed away in 1988, Theodore (Ted) and Natalie.

Mr. Speaker, Lillian Tick is affectionately called Mama Lilly by all who know her and cherish her. Mama Lily's many friends and admirers include Rabbi Dr. H. Joseph Simckes, and Cantor Sol Zim and the other congregants and employees of the Hollis Hills Jewish Center, where she is nearly a permanent fixture.

Mama Lily is a four-foot-nine-inch bundle of energy. To this day, she still cleans and dusts to the level of her own height, maintains her own room, and insists on doing the dishes each evening, as well as the family ironing, despite having fractured both hips and walking with the aid of a quadruped cane.

Mama Lilly reads the newspapers everyday, and attends Shabbat and High Holiday services regularly. When she is able, she observes the various Yahrtzeit memorials in honor of her dear departed.

Mr. Speaker, if you ask Mama Lilly how she feels, the response is invariably, ''I'm fine.'' When you meet Lillian Tick for the first time, you find a universal mother and grandmother. From then on you will always address her as, and you will always have, a ''Mama Lilly.''

The Hollis Hills Jewish Center is celebrating Lillian's 100th Birthday on June 23, 2001, so that all of Mama's many friends can share in this joyful occasion. She is beloved by all; her search for a new and better life in America, her independent spirit, and her life of hard work is the essence of our great nation: a land of immigrants yearning to breathe free.

Mr. Speaker, I ask all my colleagues in the House of Representatives to rise and join me now in honoring the 100th Birthday of Lillian Tick, who has touched the lives of so many people during her glorious years with us.

IN HONOR OF WALTER J. BRANT, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Officer Walter J. Brant, Jr. for his dedication and devotion to his community.

Walter Brant, born in the Bronx, relocated to Long Island where he graduated from North Babylon High School in 1980. Officer Brant joined the New York City Police Department in August of 1993. Upon completion of the academy he was assigned to Police Service Area #2 where he has served the Cypress Hills Development Community for the last seven years.

While serving as a Community Policing Officer, Walter implemented the C.P.R. Bike Ride, which involved both the community youth, and Officers. Officer Brant has also participated in the 1999 City Wide Recruitment Campaign. He is presently active in the N.Y.P.D. after school program, A.S.P.I.R.E., and is involved with providing protection for the community's senior citizens. In addition, Walter has received the Law Enforcement and Community Achievement Awards and the CPR Award recognizing him for his commitment to the principles of Courtesy, Professionalism, and Respect.

Walter enjoys spending his free time with his friends and family. He devotes himself to the love of his life, Angela and their two children Jaclyn and Christopher. He also enjoys boating, carpentry and coaching his son's Little League baseball team.

Mr. Speaker, Officer Walter J. Brant, Jr. has devoted much of his life to serving his community through his duty as a police officer. He is a very dedicated individual who for many years has devoted himself to the youth of his community. As such, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

''A PROCLAMATION RECOGNIZING JAMES MAHONEY''

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, James Mahoney on the 12th day of May, 2001 was awarded a Doctorate of Public Service, conferred upon him by the Muskingum College Board of Trustees; and

Whereas, Dr. James Mahoney has profoundly influenced the educational experiences of thousands of students in Ohio as an elementary school teacher, a principal, and now as a school superintendent; and

Whereas, Dr. Mahoney successfully orchestrated the merger of three county educational service centers, creating the Muskingum Valley Educational Service Centers for which he serves as superintendent; and

Whereas, Dr. Mahoney was named ''Educator of the Year'' in January 2001 by the Ohio Association of Superintendents, illustrating his significant impact on the development of more than 25,000 students in his charge; and

Whereas, Dr. Mahoney has maintained a rigorously scholarly agenda during his twenty year career, authoring numerous publications on diverse topics in the educational arena;

Therefore, I ask my colleagues to join with me in recognizing the impressive accomplishments of James Mahoney, an outstanding citizen of Ohio whom I am proud to call a constituent.

HEALTHY SOLUTIONS FOR AMERICA'S HARDWORKING FAMILIES

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Ms. SOLIS. Mr. Speaker, for centuries immigrants from all over the world have helped make the United States one of the most powerful and wealthiest nations in the world. I am proud to represent a congressional district that is home to a large and vibrant immigrant community.

I am very concerned about the lack of access to health care for immigrants. A recent study by the Kaiser Family Foundation states that low-income immigrants are twice as likely to be uninsured as low-income citizens. Almost 59 percent of our nation's 9.8 million low-income non-citizens had no health insurance in 1999, and only 15 percent received Medicaid.

We need to do more to ensure that our nation's immigrants obtain quality health care. Preventive measures are much more cost effective than allowing individuals to become seriously ill due to lack of access to adequate healthcare services. We can and must provide better outreach to immigrant communities in their languages in order to reduce the barriers that currently make it difficult for immigrants to access health care.

Immigrants pay millions of dollars in local and state taxes and they deserve some form of health care. In fact, according to the National Academy of Sciences, immigrants pay approximately $1,800 per year more in taxes than they use in services, yet they never access public health services.

I support the ''Healthy Solutions for America's Hardworking Families'' Agenda which will remedy some of the problems faced by immigrant communities. That agenda includes the Legal Immigrant Children's Health Improvement Act (H.R. 1143), which will give states the option of allowing low-income legal immigrant children and pregnant women access to Medicaid and the State Children's Health Insurance Program (S-CHIP). This bill has wide support in Congress, as well as from the American Medical Association and the National Governors Association. Allowing children and pregnant women access to federal health care programs is simply sound public health policy.

The Women Immigrants Safe Harbor Act is another key piece of legislation. This measure would allow legal immigrants who are victims of domestic violence to apply for critical safety net services such as medical and food assistance. Immigrants who are victims of domestic violence are frequently economically dependent on their abusers and isolated from their support networks. Immigrants are even more dependent and isolated because of restrictions passed in the 1996 welfare reform law, which prevent a battered immigrant from access to the resources she needs to leave the abuser.

I also support the Nutrition Assistance for Working Families and Seniors Act (H.R. 2142) which would restore food stamp eligibility for low-income legal immigrants and improve the food stamp program overall. Many tax-paying legal immigrants work low-wage jobs and they need the additional support that food stamps provide.

We must not leave the immigrant community behind, especially the women, children, and elderly who so desperately need appropriate health care. I encourage my colleagues to support the ''Healthy Solutions for America's Hardworking Families'' Agenda to help the immigrant community. Our great country, as you might recall, was founded upon the great sacrifices that immigrants made for our democracy and economic prosperity.

SHAME ON MR. NATSIOS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Ms. SCHAKOWSKY. Mr. Speaker, it is a disgrace that a high ranking U.S. government official is still collecting taxpayer dollars after making disparaging, discriminatory, and inaccurate comments about the people of Africa who are suffering from the ravages of HIV/AIDS. President Bush should dismiss Andrew Natsios, the new Administrator of the U.S. Agency for International Development at once.

Instead of offering the United States' assistance to help the infected people of Africa receive the treatment they desperately need, Mr. Natsios stated that our efforts will not work because Africans ''don't know what Western time is,'' and thus cannot take drugs at proper times. He went on to say that if you ask Africans to take medicine at a certain time, they ''do not know what you are talking about.'' How disgraceful. The Administrator of our nation's lead agency for international development and assistance should educate himself about AIDS treatment and about the peoples of the world before he reveals astonishing ignorance as well as prejudice. It's time for Mr. Natsios to go and for the Bush Administration to instead appoint a real leader who will bring honor back to this distinguished agency.

I wish to share with my colleagues an op-ed, which appeared in the Washington Post on Friday, June 15, 2001 by Amir Attaran, Dr. Kenneth A. Freedberg, and Martin Hirsch, respected experts in the field of AIDS research and international development. They comment on Mr. Natsios' remarks and proposed plans for U.S. funding and involvement in Africa and they make a very persuasive case for Mr. Natsios' immediate dismissal.

[From the Washington Post, June 15, 2001]

DEAD WRONG ON AIDS

(By Amir Attaran, Kenneth A. Freedberg and Martin Hirsch)

Andrew Natsios, the Bush administration's new chief of the U.S. Agency for International Development (USAID), has made a very bad start with regard to one of his agency's primary missions: dealing with the scourge of AIDS in Africa. Natsios has made comments recently on the prevention and treatment of the disease in Africa that are, to say the least, disturbing, if not alarming.

His comments appeared last week in the Boston Globe and in testimony before the House International Relations Committee. On both occasions he argued strenuously against giving antiretroviral drug treatment (the AIDS treatment used in the United States today) to the 25 million Africans infected with HIV.

Although Natsios agrees that AIDS is ''decimating entire societies,'' when it comes to treating Africans, he says that USAID just ''cannot get it done.'' As Natsios sees it, the problem lies not with his agency but with African AIDS patients themselves, who ''don't know what Western time is'' and thus cannot take antiretroviral drugs on the proper schedule. Ask Africans to take their drugs at a certain time of day, said Natsios, and they ''do not know what you are talking about.''

In short, he argues that there is not a great deal the agency he leads can do to help HIV-positive Africans. Under his guidance, USAID will not offer antiretroviral treatment but will emphasize ''abstinence, faithfulness and the use of condoms'' as the essence of HIV prevention. (He also supports distribution of a drug that blocks transmission of the disease from mother to child, and drugs to fight secondary infections.) While this might save some of those not yet infected with the virus, it in effect would condemn 25 million people to death, and their children to orphanhood.

As the administration's man in charge of international assistance, including helping Africans with AIDS, Natsios should know better. His views on AIDS are incorrect and fly in the face of years of detailed clinical experience.

Take the issue of whether AIDS should be dealt with by prevention or treatment. In backing prevention to the total exclusion of treatment, Natsios favors only modest changes in the strategies that USAID has relied on for the past 15 years, which by themselves have clearly failed to stem the pandemic. This is why expert consensus now agrees that prevention and treatment are inseparable—or, in the authoritative words of the UNAIDS expert committee, ''their effectiveness is immeasurably increased when they are used together.''

The same conclusion has been reached by countless other experts, including 140 Harvard faculty members who recently published a blueprint of how antiretroviral treatment could be accomplished. Harvard physicians are now treating patients in Haiti, and others are achieving similar treatment successes in Cote d'Ivoire, Senegal and Uganda.

It is also disturbing that Natsios chooses to exaggerate the difficulties of AIDS treatment, as if to singlehandedly prove it would be impossible throughout Africa. Whether Africans can tell ''Western time'' or not is irrelevant; nearly all antiretroviral drugs are taken only twice a day—morning and evening. Sunrise and sunset are just as good as a watch in these circumstances. Nor is Natsios correct when he says the drugs have to be ''kept frozen and all that.'' Not a single antiretroviral drug on the market today needs freezing. In fact, some bear warnings not to freeze them.

Natsios also said that ''the problem with [delivering] antiretrovirals . . . is that there are no roads, or the roads are so poor.'' In fact, millions of AIDS patients live in cities such as Cape Town, Dakar or Lagos, where the streets are teeming with cars.

Natsios says that antiretroviral drugs are ''extremely toxic,'' so that as many as ''forty percent of people . . . who are HIV positive do not take the drugs . . . because they get so sick from the drugs that they cannot survive.'' This is a view shared by no one in the medical establishment today. Clinical and epidemiological studies by the Centers for Disease Control and the National Institutes of Health have shown that these drugs are safe for most people and prolong life by many years.

Two facts are clear.

The first is that, in Abidjan and Johannesburg, as in Manhattan, AIDS prevention and treatment must go hand in hand. And we can accomplish this if the Bush administration contributes adequately to an international trust fund for that purpose (it has so far promised only $200 million, or just 72 cents per American).

The second fact is that Andrew Natsios, by virtue of his unwillingness to acknowledge the first fact and his willingness to distort the true situation in Africa before Congress, is unfit to lead USAID and should resign.

HONORING THE COURAGE OF MELISSA HOLLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor a woman that is the picture of courage, Melissa Holley. Melissa is an inspiration to all, with her determination and desire. She has overcome an enormous obstacle and although the struggle is far from over, Melissa continues to push herself.

On June 25, 2000 Melissa's life was permanently altered. Melissa was involved in a rollover accident on U.S. Highway 550 a mile south of Ridgway, Colorado. The car damaged Melissa's vital spinal nerves and crushed two vertebrae. Melissa lost all feeling below her chest. The doctor's at St. Mary's Hospital in Grand Junction, Colorado said that her paralysis was irreversible. After a 48-hour search, her father, Rob Holley, found a radical new procedure that regenerates nerve cells, It was a long shot at best, but Melissa showed her courage by saying, ''Only shot I had, what have I got to lose.''

On July 9, 2000, Melissa was flown to the Sheba Medical Center in Tel Aviv, Israel and underwent surgery. The doctors braced her spinal cord, and injected her with microphages to promote healing. Melissa's recovery from surgery has been a slow and painful process. She continues to use a wheelchair, and exercises twice a week in a swimming pool. There has been a visible improvement, and Melissa now stands for an hour each day. This remarkable young lady is returning to college this spring at Harding University in Searcy, Arkansas. Melissa has not only managed to take a long shot and turn it to her advantage, but this year she helped prepare another young man for this procedure.

Throughout this experience Melissa has managed to stay upbeat and determined. She has impressed doctors with her attitude and perseverance, and inspired many with her strength of character. Melissa has shown courage that is rare, and for that, Mr. Speaker, she deserves the praise of Congress.

A TRIBUTE TO DARIAN LEE WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor and tribute to Darian Lee Williams for his devotion to his community during his brief life on the occasion of the Mike Moody and Darian Williams Memorial Basketball Game.

Throughout his entire education, Darian attended public schools within the New York City School System. He graduated from Erasmus High School in 1995. Darian continued his education after high school by pursuing a degree at Manhattan Community College and most recently attended a Technical Computer Institute.

In addition to playing trumpet in the school band, Darian loved playing sports. He played basketball for the Black Men Who Care team in addition to many other out-of-school athletic programs. Darian was also a member of the Erasmus Hall High School Varsity Basketball team. Throughout high school, Darian received numerous awards and trophies for his excellence in both basketball and football.

Through his childhood friend Ernest Glover, Darian was introduced to the Mount Sinai Baptist Church. He became a member and was baptized in 1997.

''Disco'' was known by his friends as having lived and enjoyed life to its fullest. He loved to socialize with his many friends and was adored by all the people who met him.

Mr. Speaker, Darian Lee Williams devoted his short life to serving his community and church. As such, both he and his family are more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in remembering and honoring the life of this remarkable young man.

A PROCLAMATION RECOGNIZING MARTHA C. MOORE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Martha C. Moore on the 13th day of May 2001 was awarded a Doctorate of Public Service, conferred upon her by the Muskingum College Board of Trustees; and

Whereas, Ms. Martha Moore has throughout her lifetime, demonstrated a steadfast commitment to teaching and public service across the nation, within the state of Ohio, and in scores of local communities; and,

Whereas, Ms. Moore has exerted principled influence on significant policy initiatives through her role as state and national party committee woman with the Republican Party; and

Whereas, Ms. Moore has encouraged young women to assume important roles in the American political process through her work with The Ohio Federation of Republican Women—work that ultimately generated the Martha C. Moore Mentoring Project; and

Whereas, Ms. Moore's devotion to education and civic responsibility resulted in her induction into the Ohio Women's Hall of Fame; and

Therefore, I ask my colleagues to join with me in recognizing the impressive accomplishments of Martha C. Moore, a citizen of Ohio whom I am proud to call a constituent.

PROVIDING FOR CONSIDERATION OF H.R. 2052, SUDAN PEACE ACT

SPEECH OF

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2052) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan:

Mr. PITTS. Mr. Chairman, the people of Sudan have suffered terrible devastation in recent history, and even today as we sit in this Chamber.

One report tells of a woman who asked visitors surveying the destruction in her village, ''Why do people in the West care about saving the dolphins, but not about saving us?''

A poignant, sharp statement asked out of great need for help—A good question about why people in the West for so long have ignored the plight of those sold into slavery, those whose villages, hospitals, schools and churches are bombed by the Khartoum regime that says it wants peace, but does not act that way.

Studies have shown that the devastation and destruction of tribes and peoples in Sudan is genocidal.

Statistics show that over 2 million people have died in Sudan—Do we not care?

I care—and that is precisely why I stand in firm support of Congressman TANCREDO and the Sudan Peace Act. I urge other Members to vote for this act to support the people of Southern Sudan, to fight against the destruction of entire tribes of people, and to fight against slavery that exists today.

A TRIBUTE TO JUDGE STANLEY MOSK

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. LANTOS. Mr. Speaker, it is with a heavy heart that I rise today and pay tribute to a dear friend and a legend of the California Supreme Court, Stanley Mosk, who passed away in his San Francisco home yesterday, June 19, 2001.

Justice Mosk, grew up in San Antonio, Texas and attended the University of Chicago as an undergraduate and law student, before receiving his Juris Doctorate from Southwestern University in Los Angeles in 1935. Judge Mosk's long career as a public servant began in 1939 when he was appointed Executive Secretary to California Governor Calbert L. Olson. After serving the Governor for four years, Stanley Mosk was named Justice of the Superior Court at the age of 31, making him the youngest Superior Court Judge in California.

Mr. Speaker, after serving in this position for 15 years, Judge Mosk sought political office, running for California's Attorney General in 1958. He easily won and received more votes than anyone else on the statewide ballot. Judge Mosk's victory was the first for Jewish person on a statewide ballot in California. During his six year tenure as Attorney General, he established a civil rights section, promoted police training and brought landmark anti-trust and consumer actions to trial. He also argued for California water rights before the U.S. Supreme Court. After deciding against running for Senate, Judge Mosk was appointed to the California Supreme Court by Governor Pat Brown. For the past thirty-seven years, he has been a fixture of the state Supreme Court, becoming its longest serving member in the Court's 151 year old history.

Mr. Speaker, Judge Mosk was recently described by the Los Angeles Times as the ''the influential, widely acclaimed and contentiously independent senior member of the Court.'' He was a vigorous advocate of individual liberties and wrote more than 600 opinions that included dozens of landmark rulings that left a unique and far-reaching imprint on both civil and criminal law. Among his most controversial and more famous opinions was the Regents of the University of California vs. Bakke. In this landmark case, Judge Mosk found that race-based university admissions were unconstitutional, a ruling which has influenced public policy for the last twenty-five years. Despite the criticism he received for his ruling Judge Mosk never wavered from his decision.

Mr. Speaker, Judge Stanley Mosk was a true legend of California and he will be sorely missed. I urge all of my colleagues to join me in paying tribute to this outstanding public servant.

IN HONOR OF SPEAKER SHELDON SILVER, ON THE OCCASION OF HIS 25TH YEAR OF SERVICE AS A MEMBER OF THE NEW YORK STATE ASSEMBLY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to the Hon. Sheldon Silver. Mr. Silver is one of New York's greatest public servants, representing Manhattan's Lower East Side in the New York State Assembly for 25 years where he currently serves as Speaker. Speaker Silver has worked diligently to improve the lives of his constituents, as well as the lives of all New Yorkers. His outstanding legislative achievements will serve as a model for future members of the New York State Assembly for years to come.

In 1976, Speaker Silver was first elected to the Assembly. In 1985, Speaker Silver was named chair of the Assembly Election Law Committee and served as co-chair of the Temporary State Commission on Voting Machine Equipment and Voter Registration Systems. In 1987 he became chair of the prestigious Assembly Committee on Codes. In 1992 Speaker Silver was appointed chair of the Assembly Ways and Means Committee, and on February 11, 1994 he was elected Speaker of the New York State Assembly. Speaker Silver is dedicated to re-establishing the Assembly as the guardian of New York's middle-class and working families.

During his tenure in office, Speaker Silver has had many significant legislative achievements. He has always made education a priority, and his education initiative, LADDER (Learning, Achievement, Development by Directing Educational Resources), led to the enactment of the first statewide prekindergarten program for all 4-year old children in the nation. In addition, LADDER emphasized educational standards to ensure that all students received proper and complete education. It also focused on reducing class sizes to improve teacher to student ratios and reduces overcrowding. Many of us in Congress continue to advocate for these educational policies, Mr. Speaker, but Sheldon Silver of New York implemented them for our state years ahead of the curve.

Additionally, Speaker Silver has made a strong effort to curb drug usage in New York. Under his leadership, the Safe Streets-Safe Cities Program was enacted, which established harsher penalties for drug-related crimes. It also declared money laundering illegal in order to assist law enforcement in their battle against organized crime.

Speaker Silver has also been a vocal supporter of women's health issues, as well as reducing energy costs. He has also been a national leader in ensuring religious freedom for all people. These are just a few examples of literally hundreds of positive legislative actions that Speaker Silver has taken to improve the lives of all New Yorkers.

Mr. Speaker, I salute the life and work of Speaker Silver, and I ask my fellow Members of Congress to join me in recognizing his extraordinary contributions to the State of New York and to our great nation.

HONORING MARK DICARLO, DELAWARE COUNTY'S FATHER OF THE YEAR

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. WELDON. Mr. Speaker, with Father's Day weekend just behind us, I'd like to take a moment to congratulate one special dad from my congressional district. Mark DiCarlo of Brookhaven, was recently named the Delaware County Daily Times ''Father of the Year.'' Mark DiCarlo has 3 children, Mark Jr. 11 years old, Danielle 8 and Tara 4. He and his wife Joan have been married for 13 years. In reading the letter that his family sent to the Times, it is clear that Mark shows the dedication and the commitment that it takes to raise a loving and caring family.

Mark DiCarlo's family wrote to the Times stating all of the things that he, Mark, never forgets to do. Such as, coming home from work and helping the kids with their homework, playing with them, and making sure that chores around the house are completed. Mark's family also stated that he is always teaching them new things and working to ensure a bright future for all his children.

But the most important thing Mark does comes last every night. Mark always, each and every night, tells his children, ''Daddy loves you.'' As a father of five myself, I know how important it is for children to hear that simple sentence each and every day. Children need to know that they have the full support and love of their parents. Through his simple decency and dedication to his family, Mark DiCarlo has shown us the true meaning of father's day. By his words and deeds, he has given us an example that all dads can follow.

It is an honor to represent someone like Mark DiCarlo. He is an example for others to follow and no matter what, will always be one to his family.

TIMES DAD OF THE YEAR'S A POSITIVE GUY

(By Bette Alburger)

Brookhaven—Who's the happiest person in the DiCarlo household?

It's a toss-up between the father of the family, 44-year-old Mark, his wife and the couple's three young children.

Mark DiCarlo was chosen as this year's ''Daily Times Father of the Year,'' based on the essay his son and two daughters entered in the newspaper's second annual award competition. He said he was ''in total shock'' when he learned that their entry was judged the best of at least 500 submitted.

He had no idea they'd nominated him for the honor.

His wife of 13 years, Joan, said 11-year-old Mark Jr., 8-year-old Danielle and 4-year-old Tara decided on a different twist for their essay containing the stipulated maximum 300 words.

''Most kids feel their father deserves to be honored because of all the things he does,'' she said. ''But the children said they thought their daddy should be 'Father of the Year' because of all the things he never does.''

For instance, the youngsters pointed out in their essay, their dad never says he's too tired to play with them or help with a school project. He never lets their mom do all the housework and he never sits around the house on his day off doing nothing.

He never loses patience with his family, and he never stops teaching them new

things. He never stops worrying about their future, either, or how he can make his kids' childhood happy and full of good memories.

But most of all, the children wrote, he never forgets to tell them how much he loves them. Every night when he tucks them in and every morning before their day begins, he says the same thing: ''Daddy loves you.''

The children ended their essay by noting that ''if every daddy were as special as ours, then the world would be a better place.''

Their winning effort could be called their love note to their father. ''It's pretty flattering,'' said DiCarlo after reading what they wrote. ''I guess they really do love me.''

Employed in a family business, Delaware County's Number One Dad is a lifelong county resident. He was born and reared in Chester, graduated from St. James High School in 1975 and from Widener University in 1980.

It's the first time anyone in his family has ever won a contest, he said. And that makes everyone in the family very happy.

As the grand prize winner of the ''Father of the Year'' contest, DiCarlo receives a gas grill from Boscov's in Granite Run Mall, a barbecue pack from Roy Tweedy's, dinner at O'Flagherty's Restaurant, a $20 gift certificate from Zac's Hamburgers and a massage from Relaxed of Norweek.

He'll throw the first pitch out on the mound at a Wilmington Blue Rocks game, where he and his family will be guests of honor. He'll also get a personal handyman for four hours, courtesy of CountyWide Home Improvement.

First runner-up Garland Johnson of Chester gets a gas grill from Home Depot in Upper Darby. Second runner-up Ken Cilinski of Aldan receives a $100 gift certificate from Granite Run Mall and third runner-up, John Aldins of Media, gets a $100 gift certificate from MacDade Mall.

The runners-up also receive an hour of simulated golf from 3G Golf.

TRIBUTE TO JAMES P. BECKWOURTH MOUNTAIN CLUB

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to the men and women of the James P. Beckwourth Mountain Club. The James P. Beckwourth Mountain Club is a Denver-based outdoor organization that works with and exposes urban youth to the outdoors through a number of education programs. The group takes inner city children to national parks and wilderness areas to allow them to experience first hand the joys and the challenges of nature. This experience teachers them an appreciation for the natural world that they might not otherwise ever gain.

Those of us fortunate enough to grow up experiencing the outdoors know the invaluable education that can be obtained through these adventures. As director of the Colorado Outward Bound School, I have been fortunate enough to see directly the benefits that young people can take away from their outdoor experiences. The challenges that they face in these types of programs can provide them with the self-respect and sense of accomplishment that are antidotes for much of the anger and frustration that all too often erupts in violence. Groups like the Beckwourth Mountain Club are instrumental in ensuring that our urban youth are exposed to more positive, character-building experiences.

The James P. Beckwourth Mountain Club is part of the Rocky Mountain National Park's Corps of Discovery Program. This program has allowed the group to develop a close, working relationship with the park where numerous youths have participated in hikes, snowshoe walks, and camping trips. As a result of their outstanding work and their ongoing partnership with the national park, the James P. Beckwourth Mountain Club recently was awarded the ''Shoulder-to-Shoulder Award'' by the National Park Service.

Mr. Speaker, I ask today that my colleagues join me in applauding the efforts of the James P. Beckwourth Mountain Club. At a time when our children are bombarded with images of violence, the James P. Beckwourth Mountain Club strives to replace those images with traits that will allow our children to peacefully coexist with one another. Mr. Speaker, I am attaching a copy of the National Park Service's press materials about this award and the Club.

NATIONAL PARK SERVICE PRESENTS ''SHOULDER-TO-SHOULDER AWARD'' TO THE JAMES P. BECKWOURTH MOUNTAIN CLUB

DENVER. On May 16, 2001, Ms. Cheryl Armstrong, Executive Director, and Mr. Michael Richardson, Program Director with The James P. Beckwourth Mountain Club, were presented a ''Shoulder-to-Shoulder Award'' in recognition for their valued partnership with the National Park Service.

The James P. Beckwourth Mountain Club is a Denver-based outdoor organization named in honor of famed 19th century trapper and trader, James P. Beckwourth. Born in 1798 in Virginia, the son of a slavewoman in the early 1800's, Beckwourth was unwilling to accept the confines of slavery. Instead he set out to make a small place in history for himself. Beckwourth went west into the wilderness of the Rocky Mountains and joined a western expedition led by General William H. Ashley. This was the beginning of his fantastic career as an explorer, Indian scout, fur trapper, prospector, and War Chief of the Crow Indian Nation. His name is memorialized in California where he pioneered a trail in the Sierra Nevada range known as Beckwourth Pass.

The James P. Beckwourth Mountain Club works with and exposes urban youth to the outdoors through a number of programs including educational opportunities and field trips. The Club opened The James P. Beckwourth Outdoor Education Center in 1998. As part of Rocky Mountain National Park's Corps of Discovery Program, The James P. Beckwourth Mountain Club has developed and maintained a close working relationship with Rocky Mountain National Park, where a number of youth and adults have participated in numerous field trips, hikes, snowshoe walks, and camping trips in the park. As a result of this program, children of Denver's African American neighborhoods have had the opportunity to enjoy our national parks, and have gained a good understanding of life and history of James P. Beckwourth.

''I am proud to recognize The James P. Beckwourth Mountain Club as a valued partner of the National Park Service as well as for their hard work in breaking new trails for our children and helping us keep national parks meaningful and relevant to a new generation of Americans,'' stated Regional Director Karen Wade.

The ''Shoulder-to-Shoulder Award'' was presented to Ms. Cheryl Armstrong and Mr. Michael Richardson, on behalf of The James P. Beckwourth Mountain Club in Keystone, Colorado, where leaders and managers of the National Park Service met with partners, tribal representatives, sister agencies of the federal and state government, cooperating associations, foundation and university representatives, and private citizens during the Intermountain Region's General Conference entitled ''Stewardships: The Art of Collaboration.'' Awards were presented to a number of individuals and partners who have worked long and hard with the National Park Service towards accomplishing the common goals of preservation and protection of natural and cultural resources within our national parks.

FCC—A BLACK HOLE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. SESSIONS. Mr. Speaker, seven years ago some enterprising Texans came to the FCC seeking approval to deploy their innovative wireless technology. Alas, all these years later, they still await a ruling from the FCC. Once licensed, Northpoint Technology could offer consumers a low-cost service that would provide multi-channel video programming—including all local television stations—and high-speed access to the Internet.

As many of my colleagues know, incumbent DBS operators carry some local channels, but only in the largest television markets, and in no market do they carry all local stations on a must carry basis. My Congressional District, for instance, falls within two local television markets. My constituents in the seventh-ranked Dallas market can get four stations from DBS carriers, but that's less than one-third of the stations in the market. My constituents in the 94th ranked Waco market are unable to get any local stations from DBS carriers. If the FCC would grant licenses to Northpoint, all the stations in the Dallas and Waco markets would become available to consumers.

I would like to submit for the RECORD an editorial that appeared recently in the Wall Street Journal that examines Northpoint's struggle to obtain regulatory approval but raises broader issues. Namely, are our telecom regulators and regulations serving the New Economy or burdening it? At least in the case of Northpoint, I think we can all agree that regulators should not take seven years to approve the entry of a new competitor into the marketplace.

REVIEW & OUTLOOK: SPACE INVADERS

[From the Wall Stree Journal June 5, 2001]

Space, as every Star Trek fan knows, is the final frontier, but Federal regulators behave as though it's already been conquered. All of it.

This behavior takes the form of spectrum allocation, a process by which the Federal Communications Commission decides who gets to use—and even how they must use—the invisible electromagnetic wavelengths that transmit radio, television, satellite and wireless phone signals.

The allocation system may have worked well enough when it was designed 80 years ago to broadcast first radio and later TV. But a proliferation of wireless innovations has led to increased demand for spectrum space, and the current method of doling it out, like all attempts at central planning, has resulted in an artificial shortage.

Wireless technologies, we'll add here, are but another way to shake America's thirst

for broadband Internet access, and we suspect that the slothful deployment of broadband has played a significant role in Nasdaq's struggles of late and the dot-com skid in general. In effect, government control of the airwaves has helped to create virtual queues.

One way that industry has responded to the FCC's frequency-hoarding is by developing ways to increase the capacity and efficiency of available spectrum. The idea is to share and reuse bandwidth with existing spectrum occupants, and without drowning out what's already being transmitted over the same frequency.

Northpoint Technology, for example, wants to offer a low-cost alternative to DirecTV and EchoStar, the direct broadcast satellite giants. Northpoint's plan is to use part of its capacity to offer channels like MTV and HBO, while using the other part to offer high-speed Internet and other data services. But before any of this can happen. Northpoint needs access to the spectrum. DirecTV and EchoStar, which already occupy the spectrum and would have to compete with Northpoint, are defending their turf. That's understandable, even if their claim that Northpoint's signal would interfere with theirs is largely bogus. Repeated independent studies and field tests have provided no evidence of anything extraordinary.

What we don't understand is the behavior of the FCC, which says it's still thinking about it. Northpoint first applied for the license in 1994, so the FCC has been thinking about it for seven years.

A provision of the 1996 Telecommunications Act requires the FCC to act on new technology within 12 months, but never mind that. If fundamental reform of the allocation process isn't in the cards right now, the very least that regulators can do is allow the Northpoints out there to make innovative use of the available spectrum.

The larger issue is whether our telecom regulators and our telecom regulations are serving the New Economy or burdening it. How many would-be innovators have looked at Northpoint's ordeal and concluded, why bother? And how much longer must we wait for mass deployment of broadband? something is in the way of all this happening sooner rather than later, and it's certainly not the technology.

FCC Commissioner Michael Powell has at least signaled an awareness of these problems. Last month, he told House appropriators that spectrum allocation ''is on the top of my agenda'' and that broadband deployment is a priority. Industry and consumers alike have reason to hope he means it.

WORLD REFUGEE DAY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. COYNE. Mr. Speaker, I am honored today to join in this special order. In honor of this important occasion and to recognize the contributions of hard working immigrants who have formed the backbone of this great country, I would like to take this opportunity to highlight the importance of restoring food stamp benefits for legal immigrants.

For over 30 years, food stamp eligibility was based solely on need. However, due to the 1996 Welfare Reform legislation, people became disqualified for food stamps based on the immigration status. While this was partially repealed in 1998, there are stail many immigrants, which include taxpaying parents working low-income jobs, children, disabled people, and many elderly people who arrived after 1996 and are ineligible for food stamps, In a country as great as the United States and where resources are plentiful, hardworking immigrants should not be denied crucial work supports such as food stamps.

As well, many citizen children of legal immigrants are hurt because of these eligibility restrictions. The vast majority of immigrant families are mixed status families that often include at least one U.S. Citizen, which is typically a child. There is a great deal of confusion about who is eligible for benefits and this deters immigrant families with children who are citizens from applying for food stamps. In fact, participation by these children with legal permanent resident parents declined 70% from 1994 to 1998, from 1.35 million to 350,000, more than twice the overall rate of participation decline for this period. A recent study by the Urban Institute reported that nationwide, 37 percent of all children of immigrants lived in families worried about or encountering difficulties affording food. Children are the future of this country and it is a tragedy that the greatest nation in the world would allow them to go hungry.

Congressman WALSH and Congresswoman CLAYTON recently introduced the Nutrition Assistance for Working Families and Seniors Act, which I fully support. This bill would restore Food Stamp Program eligibility to all legal immigrants and make other modest improvements in the program for working families. This legislation is a step in the right direction in fighting the hunger problem in America and I would urge my colleagues to support this bill.

Our country is a nation of immigrants and we should recognize the important contribution they make to this country by restoring food stamp benefits to them. Mr. Speaker, thanks for allowing me to join with my colleagues to speak on this special order.

A SPECIAL TRIBUTE TO THE 202ND COMBAT ENGINEERS, COMPANY B

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. GILLMOR. Mr. Speaker, I rise today to recognize a group of World War II Veterans who helped change the course of history in Europe. Their contribution to the American war efforts is significant and they should be recognized for their contribution.

The 202nd Combat Engineers, Company B, was a unique group that was made up of young men from Ohio and the American Midwest. Trained as engineers at Camp Shelby in Mississippi, they preceded the infantry, during invasions, to cut roads, blow up pillboxes, remove mines and build bridges so the infantry could advance. The success of the ground forces was directly linked to the success or failure of the engineers.

During their assignment to the European Theater, the 202nd contributed to some of the most notable battles of World War II. Omaha Beach, Normandy, Battle for Breast, the Break Out of St. Lo, Crossing the Rhine, and the Battle of the Bulge, were just a few of the famous battles in which these men served.

In one battle at Carhaix, France, the 202nd constructed a bridge more than 40 miles ahead of the infantry. This bridge is particularly noteworthy because it was the longest treadway pontoon bridge in the world, spanning 1152 feet. They accomplished this feat all while under heavy enemy fire.

This year the members of the 202nd will be awarded the 'Spirit of Liberty Award' from the French government for their efforts in liberating France during the Second World War. The presentation will take place on June 23, 2001, during a reunion of the 202nd in Middletown Ohio.

Mr. Speaker, this great group of men, in part, were responsible for bringing the conflict in Europe to an end. We thank them for the service to their country and to the world.

TRIBUTE TO DICK GORBY AND ROCKY BARKER

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. WALDEN of oregon. Mr. Speaker, I rise today to commend the good works of two of the residents of my district, Dick Gorby and Rocky Barker, who together make up the staff of the Veterans Employment Office in Bend, Oregon. I could not be more pleased that the efforts of these two dedicated public servants have earned their tiny, yet effective, office of the International Association of Personnel in Employment Security award of ''Best Veterans Unit'' for the year 2000.

Mr. Speaker, the Bend Veterans Employment Office assists local veterans in finding meaningful employment. But of course, it does much more. It reminds the men and women who have worn America's uniform that their nation and community are grateful for their service. The tireless efforts of Dick Gorby and Rocky Barker have sent this message loud and clear to the veterans in and around Bend. Their success has meant the difference between frustrating unemployment and a sense of dignity and purpose for the thousands of veterans they serve. I salute their commitment to Oregon's veterans and thank them for their selfless devotion on behalf of the men and women who have served our nation so honorably.

TRIBUTE TO JOHN WADE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to an environmental champion and respected leader—John Wade. On Thursday, May 17, 2001, John passed away from injuries he sustained from a fall during a hiking trip in the mountains of Colorado. He was 81. All those in Colorado who respect the natural world and our duties to the environment will greatly miss John and his passion for people and the landscape.

John was a Presbyterian pastor and a university counselor. He had a pastorate in Utah and Colorado. During his time as a university

counselor in Utah, he provided guidance to young men during the Vietnam War and organized the first Earth Day celebration on the University of Utah campus. After that, John returned to his native state of Colorado where he became director of the San Luis Valley Christian Community Services in Alamosa. He retired to Pueblo, Colorado in 1984 and later moved to Denver. But he never slowed down, not even in retirement.

John carried his strong spirit of public service and his belief in the spiritual component of environmentalism into his retirement. He was the living embodiment of the connection between spiritual growth and caring and respect for the natural environment. He understood that these two concepts and ways of acting are complimentary and in fact work in concert. He made it his mission to help others understand this connection and take action to fulfill man's obligations to the natural world. As a result, he joined local Colorado chapters of the Sierra Club where he volunteered vast amounts of his time and energies. In so doing, he became a leader in conservation work for the Sierra Club in Colorado.

John also was a member of the Presbyterians for Restoring Creation, a national group which, among other things, works to place environmental educators in each of the nation's 175 Presbyterian leadership groups. It was John's goal to see this accomplished. John himself described the importance of this goal, not only for Presbyterians but all faiths, when he said, ''Conservation is an integral part of Christian discipleship, and the scriptures teach us to both till and keep the earth.'' In keeping with these beliefs, John was also chair of the Colorado Council of Churches' Environmental Commission, which continues to help instill greater awareness of the preservation of the environment as a spiritual obligation in denominations throughout Colorado.

In addition to his work with the Sierra Club and religious groups on environmental efforts, John's strong sense of civic responsibility was demonstrated in other ways. He was outspoken on social justice issues through his work on university campuses throughout the Southwest. He jointed marches for labor and human rights—especially as those issues arise in connection with the growing, interconnected global economy. He was concerned about urban sprawl and growth and its attendant impacts to the environment and communities. In addition, he served on a panel, created by Governor Roy Romer in 1994, to address issues related to the grazing of livestock on the federal public lands. His work here, along with the other members of the group, helped steer a new course on these issues and led to the successful creation of public advisory boards which provide input to the U.S. Bureau of Land Management on resource management issues. He did all of this and more in retirement.

Especially impressive was John's energy and vigor. He climbed 32 of Colorado's 54 fourteen thousand-foot peaks. He continued to hike, march and contribute right up until his unfortunate accident. His robust condition and positive outlook clearly helped shape his views and helped inspire many to join his causes.

John died doing what he loved—enjoying the splendor and beauty of the natural world. His legacy rests with those who knew him, shared his beliefs and were influenced by his teachings, inspiration and leadership. In the heated debates over environmental polices and issues, the underlying—and overarching—principle of stewardship and our spiritual relationship to the Earth is too often overlooked. John understood this spiritual connection implicitly. He understood that the health, sustainability and stewardship of the environment not only sustains and enriches our lives, but brings us closer to our obligations under religious teaching to care for and not squander the natural bounty that has been entrusted unto us. John's life stands as a reminder that we cannot forget the importance of our place in the world and our obligations to it and to provide an enhanced environment for future generations to inherit.

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 21, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 22

9:30 a.m.

Armed Services

To hold hearings on the nomination of Alberto Jose Mora, to be General Counsel and William A. Navas, Jr., to be Assistant Secretary for Manpower and Reserve Affairs, both of Virginia, both of the Department of the Navy; the nomination of Diane K. Morales, of Texas, to be Deputy Under Secretary for Logistics and Materiel Readiness and the nomination of Michael W. Wynne, of Florida, to be Deputy Under Secretary for Acquisition and Technology, both of the Department of Defense; and the nomination of Steven John Morello, Sr., of Michigan, to be General Counsel of the Department of the Army.

SR–222

JUNE 26

10 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine International Democracy Programs.

SD–192

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Donald E. Powell, of Texas, to be a Member and Chairman of the Board of Directors of the Federal Deposit Insurance Corporation.

SD–538

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine federal funding allocated to fight diabetes, the impact of the disease on society and current research opportunities to find a cure.

SH–216

Armed Services

Strategic Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on the Department of Energy's Office of Environmental Management.

SR–222

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

11 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Architect of the Capitol.

SD–124

11:15 a.m.

Foreign Relations

To hold hearings on the nomination of Pierre-Richard Prosper, of California, to be Ambassador at Large for War Crimes Issues; the nomination of William A. Eaton, of Virginia, to be Assistant Secretary for Administration; and the nomination of Francis Xavier Taylor, of Maryland, to be Coordinator for Counterterrorism, all of the Department of State.

SD–419

2:30 p.m.

Foreign Relations

To hold hearings on the nomination of Margaret DeBardeleben Tutwiler, of Alabama, to be Ambassador to the Kingdom of Morocco; the nomination of C. David Welch, of Virginia, to be Ambassador to the Arab Republic of Egypt; the nomination of Robert D. Blackwill, of Kansas, to be Ambassador to India; and the nomination of Wendy Jean Chamberlin, of Virginia, to be Ambassador to the Islamic Republic of Pakistan.

SD–419

JUNE 27

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business, to be followed immediately by a hearing on the nomination of Vicky A. Bailey, of Indiana, to be Assistant Secretary of Energy for International Affairs and Domestic Policy; and the nomination of Frances P. Mainella, of Florida, to be Director of the National Park Service, Department of the Interior.

SD–366

10 a.m.

Judiciary

To hold hearings to examine the protection of the innocent, focusing on competent counsel in death penalty cases.

SD–226

Budget

To hold hearings to examine the outlook of the U.S. economy.

SD–608

Banking, Housing, and Urban Affairs

Economic Policy Subcommittee

To hold hearings on proposed legislation authorizing funding for the Defense Production Act.

SD–538

10:30 a.m.

Rules and Administration

To hold hearings to examine a report from the U.S. Commission on Civil Rights regarding the November 2000 election and election reform in general.

SR–301

2:30 p.m.

Intelligence

To hold closed hearings on intelligence matters.

SH–219

JUNE 28

10 a.m.

Rules and Administration

To hold hearings to examine election reform issues.

SR–301

CANCELLATIONS

JUNE 26

10 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine concerns of ideology relative to the judicial nominations of 2001.

SD–226

Daily Digest

HIGHLIGHTS

The House passed H.R. 2216, Supplemental Appropriations Act for Fiscal Year 2001.

House Committees ordered reported 11 sundry measures, including the Transportation appropriations for fiscal year 2002.

Senate

Chamber Action

Routine Proceedings, pages S6463–S6532

Measures Introduced: Eleven bills were introduced, as follows: S. 1065–1075. **Pages S6517–18**

Measures Passed:

Condemning U.S. Citizen Murder: Senate agreed to S. Res. 91, 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, after agreeing to a committee amendment in the nature of a substitute. **Pages S6531–32**

Patients' Bill of Rights: Senate continued consideration of the motion to proceed to consideration of S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage. **Pages S6463–S6506**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at 9:15 a.m., on Thursday, June 21, 2001. **Page S6532**

By prior unanimous-consent, Senate will vote on the motion to proceed to consideration of the bill at 9:30 a.m., on Thursday, June 21, 2001, and that at 12 noon the Republican manager, or his designee be recognized to offer an amendment.

Nominations Received: Senate received the following nominations:

John D. Bates, of Maryland, to be United States District Judge for the District of Columbia.

Reggie B. Walton, of the District of Columbia, to be United States District Judge for the District of Columbia.

30 Army nominations in the rank of general. **Page S6532**

Executive Communications: **Pages S6516–17**

Messages From the House: **Page S6516**

Measures Referred: **Page S6516**

Statements on Introduced Bills: **Pages S6519–30**

Additional Cosponsors: **Pages S6518–19**

Additional Statements: **Page S6516**

Notices of Hearings: **Page S6530**

Authority for Committees: **Pages S6530–31**

Privilege of the Floor: **Page S6531**

Adjournment: Senate met at 10 a.m., and adjourned at 6:03 p.m., until 9:15 a.m., on Thursday, June 21, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6532.)

Committee Meetings

(Committees not listed did not meet)

NAVY BUDGET OVERVIEW

Committee on Appropriations: Subcommittee on Defense concluded hearings on the budget overview for fiscal year 2002 for the Navy, after receiving testimony from Gordon R. England, Secretary of the Navy; Adm. Vernon E. Clark, USN, Chief of Naval Operations; and Gen. James L. Jones, USMC, Commandant of the Marine Corps.

NATO ALLIANCES

Committee on Armed Services: Committee met in closed session to discuss North Atlantic Treaty Organization (NATO) alliance matters with Lord George Robertson, Secretary General, NATO.

U.S. BANKING SYSTEM

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine issues related to the condition of the United States banking system, including the effects of the suggested deteriorating bank asset quality, and improved risk management and control systems needed to respond to changing economic events, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System; John D. Hawke, Jr., Comptroller of the Currency, and Ellen Seidman, Director, Office of Thrift Supervision, both of the Department of the Treasury; and Donna Tanoue, Chairman, Federal Deposit Insurance Corporation.

NOMINATION

Committee on Energy and Natural Resources: Committee concluded hearings on the nominations of Patricia Lynn Scarlett, of California, to be Assistant Secretary for Policy, Management, and Budget, William Gerry Myers III, of Idaho, to be Solicitor, and Bennett William Raley, of Colorado, to be Assistant Secretary for Water and Science, all of the Department of the Interior, after the nominees testified and answered questions in their own behalf. Ms. Scarlett was introduced by Representative Capps, and Mr. Raley was introduced by Senators Campbell and Allard.

TRADE PROMOTION AUTHORITY

Committee on Finance: Committee held hearings to examine the possible extension of fast track negotiating authority to open foreign trade markets as part of a trade policy that will advance U.S. national interest, receiving testimony from Representatives Rangel and Levin; John J. Sweeney, American Federation of Labor and Congress of Industrial Organizations, Peter L. Scher, Mayer, Brown and Platt, former U.S. Special Trade Negotiator, Alan W. Wolff, Dewy Ballantine, former Deputy U.S. Trade Representative, and Clayton Yeutter, Hogan and Hartson, former U.S. Trade Representative, all of Washington, D.C.; Harold McGraw III, McGraw-Hill Companies, on behalf of the Emergency Committee for American Trade, and Robert D. Hormats, Goldman Sachs International, former Deputy U.S. Trade Representative, both of New York, New York; Chuck Merja, National Association of Wheat Growers, Sun River, Montana; and Mark Van Putten, National Wildlife Federation, Reston, Virginia.

Hearings continue tomorrow.

U.S./EUROPE SECURITY INTERESTS

Committee on Foreign Relations: Committee concluded hearings to examine United States security interests in Europe in order to ensure global peace and prosperity, and successfully address the global challenges of terrorism, HIV/AIDS, drug trafficking, environmental degradation, and weapons proliferation, after receiving testimony from Colin L. Powell, Secretary of State.

ELECTRICITY MARKET RESTRUCTURING

Committee on Governmental Affairs: Committee concluded hearings to examine the state of retail and wholesale electricity markets in the West, focusing on the role of the Federal Energy Regulatory Commission regarding the restructuring of California's electricity market and its implications for other States and regions, after receiving testimony from Senators Cantwell, Murkowski, and Murray; Curt L. Hebert, Jr., Chairman, and Linda K. Breathitt, Nora Mead Brownell, William L. Massey, and Pat Wood III, each a Commissioner, all of the Federal Energy Regulatory Commission, Department of Energy; California Governor Gray Davis, Sacramento; North Dakota Governor John Hoeven, Bismarck; Montana Governor Judy Martz, Helena; Washington Attorney General Christine O. Gregoire, Olympia; and Roy Hemmingway, Oregon Public Utility Commission, Salem.

FEDERAL BUREAU OF INVESTIGATION

Committee on the Judiciary: Committee concluded oversight hearings to examine the current state of the Federal Bureau of Investigation, focusing on constructive reforms to make the Bureau more effective, better managed and more accountable, after receiving testimony from former Senator John Danforth; Glenn A. Fine, Inspector General, Department of Justice; Norman J. Rabkin, Managing Director, Tax Administration and Justice Issues, General Accounting Office; and Michael R. Bromwich, Fried, Frank, Harris, Shriver and Jacobson, former Inspector General, Department of Justice, and William Webster, Milbank, Tweed, Hadley, and McCoy, both of Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again on Wednesday, June 27.

House of Representatives

Chamber Action

Bills Introduced: 17 public bills, H.R. 2246–2262; and 9 resolutions, H.J. Res. 53; H. Con. Res. 167–171, and H. Res. 173–175, were introduced. **Pages H3356–58**

Reports Filed: Reports were filed today as follows:

H. Res. 174, providing for consideration of H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002 (H. Rept. 107–106). **Page H3356**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Shays to act as Speaker pro tempore for today. **Page H3263**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rabbi Rafael G. Grossman, Senior Rabbi, Baron Hirsch Synagogue of Memphis, Tennessee. **Page H3263**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Manufactured Housing Program Fees: S. 1029, to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured Housing program—clearing the measure for the President; **Pages H3265–66**

American Youth Day: H. Res. 124, recognizing the importance of children in the United States and supporting the goals and ideas of American Youth Day (agreed to by a yea-and-nay vote of 424 yeas with none voting "nay", Roll No. 171). **Pages H3267–71, H3291**

Native American Contributions to American History, Culture, and Education: H. Res. 168, expressing the sense of the House of Representatives that the Nation's schools should Honor Native Americans for their contributions to American History, culture, and education; **Pages H3271–77**

M. Caldwell Butler Post Office, Roanoke, Virginia: H.R. 1753, to designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the "M. Caldwell Butler Post Office Building;" **Pages H3277–78**

Donald J. Pease Federal Building, Medina Ohio: H.R. 819, to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building;" and **Pages H3278–80**

National Book Festival: S. Con. Res. 41, authorizing the use of the Capitol grounds for the National Book Festival. **Pages H3280–81**

Recess: The House recessed at 12 noon and reconvened at 1:01 p.m. **Page H3281**

Consideration as First Sponsor: Agreed that Representative McGovern be considered as first sponsor of H.R. 1594, Foreign Military Training Responsibility Act, for the purposes of adding cosponsors and requesting reprints pursuant to clause 7 of Rule XII. The bill was originally introduced by the late Honorable Joe Moakley of Massachusetts. **Page H3291**

Supplemental Appropriations Act for Fiscal Year 2001: The House passed H.R. 2216, making supplemental appropriations for the fiscal year ending September 30, 2001 by a yea-and-nay vote of 341 yeas to 87 nays, Roll No. 176. **Pages H3291–H3348**

Rejected the Obey motion to recommit the bill to the Committee on Appropriations with instructions to report it back with amendments to strike the rescission of $389.2 million from FEMA's disaster Relief Fund while complying with all applicable budget constraints by a recorded vote of 209 ayes to 218 noes, Roll No. 175. **Pages H3346–48**

Pursuant to the rule, the amendment printed in Part A of H. Rept. 107–105 that deletes the Employment and Training Administration Training and Employment Services rescission was considered as adopted. **Page H3301**

Agreed To:

Knollenberg amendment that makes $12 million available from local funds to the District of Columbia Public Schools for the 2001 summer school program; **Pages H3319–20**

Visclosky amendment that makes $23.7 million available from the National Nuclear Security Administration to the Corps of Engineers for safety, reliability, and efficiency purposes; and **Page H3323**

Traficant amendment that prohibits any funding to persons or entities who have been convicted of violating the "Buy American Act." **Page H3344**

Rejected:

DeFazio amendment no. 1 printed in the Congressional Record of June 19 that sought to reduce Air Force Operation and Maintenance funding for aircraft logistics support by $24.5 million (rejected by a recorded vote of 30 ayes to 376 noes, Roll No. 172); **Pages H3303–04, H3344–45**

Kucinich amendment no. 2 printed in the Congressional Record of June 19 that sought to reduce

Air Force Research, Development, Test and Evaluation funding for the airborne laser program by $55 million; **Pages H3305–07**

Obey amendment that sought to make $30.5 million available from the IRS for the High Intensity Drug Trafficking Areas Program (rejected by a recorded vote of 212 ayes to 216 noes, Roll No. 173); and **Pages H3331–35, H3345**

Toomey amendment printed in Part B of H. Rept. 107–105 that sought to eliminate the FEMA rescission of $389.2 million and enact a 0.33% reduction on all FY 2001 non-defense discretionary funding (rejected by a recorded vote of 65 ayes to 362 noes, Roll No. 174. **Pages H3337–40, H3345–46**

Withdrawn:

Skelton amendment was offered but subsequently withdrawn that sought to increase Department of Defense funding by $2.7 billion; **Pages H3307–10**

Crowley amendment was offered but subsequently withdrawn that sought to make $25 million available from Army Operation and Maintenance Funding for the Magnet School Assistance Program; and **Pages H3328–29**

Jackson-Lee amendment was offered but subsequently withdrawn that sought to make $50 million available for FEMA disaster relief. **Pages H3330–31**

Points of Order Sustained:

Against the Pelosi amendment that sought to require that FERC issue a two year order establishing cost-of-service-based rates for electric energy sold at wholesale for use in the Western United States; **Pages H3310–15**

Against the Farr amendment that sought to authorize the Secretary of Energy to make direct loans and loan guarantees to improve existing electric power transmission systems within the United States; **Pages H3315–18**

Against the Filner amendment that sought to establish a maximum price for wholesale sales of electricity and provide for the refund of prices paid in excess of the maximum; **Pages H3321–22**

Against the Jackson-Lee amendment that sought to increase disaster relief funding to India by $100 million; **Pages H3322–23**

Against the DeLauro amendment that sought to make $600 million available for the Low Income Home Energy Assistance Program, authorize advance appropriations for FY 2002, and reduce the FEMA funding rescission by $300 million; **Pages H3324–27**

Against Sanders amendment no. 3 printed in the Congressional Record of June 19 that sought to authorize advance FY 2002 appropriations of $2 billion for the Low Income Home Energy Assistance Program; **Pages H3327–28**

Against the Engel amendment that sought to make available $300 million for public housing energy costs; **Pages H3335–36**

Against the Bentsen amendment that sought to strike the FEMA Disaster Relief rescission of $389.2 million; and **Pages H3340–42**

Against the Baird amendment that sought to make available $100 million to establish an education energy assistance program for schools that reduce power consumption by at least 10 percent and have power rates that have increased at least 20 percent over the previous academic year. **Pages H3342–43**

H. Res. 171, the rule that provided for consideration of the bill was agreed to by a recorded vote of 223 ayes to 205 noes, Roll No. 170. Agreed to order the previous question by a yea-and-nay vote of 222 yeas to 205 nays, Roll No. 169. **Pages H3281–91**

Debate Limitation on Amendments to Supplemental Appropriations Act: Agreed by unanimous consent that debate on the following amendments to H.R. 2216, and any amendments thereto, be limited to the time specified, and that debate may occur pending the reservation of a point of order on each amendment: Pelosi amendment, for 30 minutes; Farr amendment, for 20 minutes; DeLauro amendment, 20 minutes; Visclosky, for 20 minutes; Bentsen amendment, for 20 minutes; and Skelton amendment, for 20 minutes. Similarly, agreed to debate the Toomey amendment printed in Part B of H. Rept. 107–105, for 20 minutes and Obey amendment, for 30 minutes. **Page H3302**

Committee Resignation: Read a letter from Representative Hayworth wherein he resigned from the Committee on Veterans' Affairs. **Page H3348**

Committee Election: The House agreed to H. Res. 175, electing Representative Hayworth to the Committee on Resources. **Pages H3348–49**

Senate Messages: Message received from the Senate today appears on page H3263.

Referrals: S. 657 was referred to the committee on Agriculture and S. Con. Res. 35 and S. Con. Res. 42 were referred to the Committee on International Relations. **Page H3355**

Amendments: Amendments ordered pursuant to the rule appear on pages H3359–60.

Quorum Calls—Votes: Three yea-and-nay votes and five recorded votes developed during the proceedings of the House today and appears on pages H3289–90, H3290–91, H3291, H3344–45, H3345, H3345–46, H3347–48, and H3348. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:00 p.m.

Committee Meetings

2001 CROP YEAR ECONOMIC ASSISTANCE ACT

Committee on Agriculture: Ordered reported, as amended, H.R. 2213, 2001 Crop Year Economic Assistance Act.

REVIEW AGRICULTURAL CREDIT

Committee on Agriculture: Subcommittee on Conservation, Credit, Rural Development and Research held a hearing to review agricultural credit. Testimony was heard from Carolyn B. Cooksie, Deputy Administrator, Farm Loan Programs, Farm Service Agency, USDA; and public witnesses.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Ordered reported the Transportation appropriations for fiscal year 2002.

NATIONAL MILITARY STRATEGY OPTIONS

Committee on Armed Services: Held a hearing on U.S. national military strategy options. Testimony was heard from public witnesses.

DOD SPACE OPERATIONS—TECHNOLOGY ISSUES

Committee on Armed Services: Subcommittee on Military Procurement and the Subcommittee on Military Research and Development held a joint hearing on technology issues associated with the Department of Defense space operations. Testimony was heard from Lt. Gen. Edward G. Anderson III, USAF, Deputy Commander in Chief, U.S. Space Command, Department of Defense.

NATIONAL ENERGY POLICY—ECONOMIC AND BUDGETARY EFFECTS

Committee on the Budget: Held a hearing on the Economic and Budgetary Effects of National Energy Policy. Testimony was heard from Representative Filner; Francis S. Blake, Deputy Secretary, Department of Energy; R. Glenn Hubbard, Chairman, Council of Economic Advisers; and public witnesses.

INTERNET EQUITY AND EDUCATION ACT

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness held a hearing on H.R. 1992, Internet Equity and Education Act of 2001. Testimony was heard from public witnesses.

HUMAN CLONING

Committee on Energy and Commerce: Subcommittee on Health held a hearing on the following bills: H.R. 1644, Human Cloning Prohibition Act of 2001; and H.R. 2172, Cloning Prohibition Act of 2001. Testimony was heard from Claude Allen, Deputy Secretary, Department of Health and Human Services; and public witnesses.

CAMPAIGN FINANCE REFORM

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing on Campaign Finance Reform: Proposals Impacting Broadcasters, Cable Operations and Satellite Providers. Testimony was heard from public witnesses.

CALIFORNIA ENERGY CRISIS

Committee on Financial Services: Held a hearing on The California Energy Crisis: Causes, Impacts and Remedies. Testimony was heard from Isaac C. Hunt, Jr., Commissioner, SEC; Alphonso Jackson, Jr., Deputy Secretary, Department of Housing and Urban Development; and public witnesses.

IMPLEMENTATION—ELECTRONIC TRANSFER FUNDS REQUIREMENTS

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing on the implementation of the EFT requirements of the Debt Collection Improvement Act of 1996, and the use of ETAs. Testimony was heard from Donald V. Hammond, Fiscal Assistant, Department of the Treasury; and public witnesses.

INVESTIGATIONAL NEW DRUG—COMPASSIONATE USE

Committee on Government Reform: Held a hearing on "Compassionate Use INDs—Is the Current System Effective?" Testimony was heard from the following officials of the FDA, Department of Health and Human Services: Patricia C. Delaney, Public Health Specialist, Office of Special Health Issues, Office of International and Constituent Relations, Office of the Commissioner; and Robert J. Temple, M.D., Director, Office of Medical Policy Center for Drug Evaluation and Research; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Ordered reported the following measures: H.R. 1954, amended, ILSA Extension Act of 2001; H.R. 2131, amended, to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004; H. Res. 160, amended, calling on the Government of the People's Republic of China to immediately and unconditionally release Li Shaomin and all other American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of Li Shaomin and the other detained scholars for their release; and H. Res. 99, expressing the sense of the House of Representatives that Lebanon, Syria, and Iran should call upon

Hezbollah to allow representatives of the International Committee of the Red Cross to visit four abducted Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following: H.R. 1866, amended, to amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents; H.R. 1886, to amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings; H.R. 1407, amended, to amend title 49, United States Code, to permit air carriers to meet and discuss their schedules in order to reduce flight delays; H.J. Res. 36, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; and H.R. 2215, amended, 21st Century Department of Justice Appropriations Authorization Act.

The Committee also approved two private relief measures.

CONSERVATION AND REINVESTMENT ACT; CONSTITUTIONAL LAND ACQUISITION ACT

Committee on Resources: Held a hearing on the following bills: H.R. 701, Conservation and Reinvestment Act; and H.R. 1592, Constitutional Land Acquisition Act. Testimony was heard from Victor Ashe, Mayor, Knoxville, Tennessee; Jack C. Caldwell, Secretary, Department of Natural Resources, State of Louisiana; and public witnesses.

INTERIOR APPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2217, making appropriations for the Department of the Interior and Related Agencies programs for the fiscal year ending September 30, 2002. The rule waives all points of order against consideration of the bill. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriations bill), except as specified in the rule. The rule provides that the bill shall be considered for amendment by paragraph. The rule waives points of order during consideration of the bill against amendments for failure to comply with clause 2(e) of rule XXI (prohibiting non-emergency designated amendments to be offered to an appropriations bill containing an emergency designation). The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Skeen, Dicks and Maloney of New York.

SPACE LAUNCH INITIATIVE—PROGRAM REVIEW

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on Space Launch Initiative: A Program Review. Testimony was heard from Dennis Smith, Program Manager, Space Launch Initiative, Marshall Flight Center, NASA; Allen Li, Director, Acquisition and Sourcing Management, GAO; and public witnesses.

PENTAGON PROCUREMENT POLICIES

Committee on Small Business: Held a hearing on Procurement Policies of the Pentagon with respect to Small Business and the new Administration. Testimony was heard from Deidre A. Lee, Director, Procurement, Office of the Secretary, Department of Defense; Susan M. Walthall, Acting Chief Counsel, Office of Advocacy, SBA; and public witnesses.

SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM REAUTHORIZATION

Committee on Small Business: Subcommittee on Workforce, Empowerment and Government Programs and the Subcommittee on Rural Enterprises, Agriculture and Technology held a joint hearing on the reauthorization of the Small Business Technology Transfer Program. Testimony was heard from Maurice Swinton, Assistant Administrator, Office of Technology, SBA; Tim Foreman, Acting Director, Small and Disadvantaged Business Utilization Office, Department of Defense; Walter Polansky, Office of Science, Department of Energy; Joanne Goodnight, SBIR/STTR Coordinator, NIH, Department of Health and Human Services; and public witnesses.

AIRLINE CUSTOMER SERVICE COMMITMENTS: STATUS REPORT

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Airline Customer Service Commitments: Status Report. Testimony was heard from Kenneth M. Mead, Inspector General, Department of Justice; and public witnesses.

APPALACHIAN REGIONAL COMMISSION REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing concerning the reauthorization of the Appalachian Regional Commission. Testimony was heard from the following officials of the Appalachian Regional

Commission: Paul E. Patton, Governor, State of Kentucky, State Co-Chairman; and Jesse L. White, Federal Co-Chairman; and public witnesses.

VA HEALTH PROGRAMS

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on mental health, substance-use disorders and homelessness programs within the Department of Veterans Affairs. Testimony was heard from Thomas Garthwaite, M.D., Under Secretary, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 21, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine issues regarding blood cancer, 9:30 a.m., SD–124.

Full Committee, business meeting to mark up proposed legislation making supplemental appropriations for the fiscal year ending September 30, 2001, 11:30 a.m., S–128 , Capitol.

Committee on Armed Services: to hold hearings to review Department of Defense strategy issues, 9 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: to hold hearings on the nomination of Angela Antonelli, of Virginia, to be Chief Financial Officer, Department of Housing and Urban Development; the nomination of Jennifer L. Dorn, of Nebraska, to be Federal Transit Administrator; and the nomination of Ronald Rosenfeld, of Maryland, to be President, Government National Mortgage Association, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the current conditions of United States manufacturing and the impact of manufacturing recession on individuals, industry sectors and the U.S. economy, and the relationship between international trade agreements and the significant job loss that has occurred over the past two years, 10 a.m., SR–253.

Committee on Energy and Natural Resources: to hold oversight hearings to examine the national energy policy with respect to fuel specifications and infrastructure constraints and their impacts on energy supply and price, 9:30 a.m., SD–106.

Committee on Finance: to continue hearings to examine trade promotion authority, 9:30 a.m., SD–215.

Full Committee, to hold hearings on the nomination of William Henry Lash III, of Virginia, to be an Assistant Secretary of Commerce; the nomination of Allen Frederick Johnson, of Iowa, to be Chief Agricultural Negotiator, Office of the United States Trade Representative; the nomination of Brian Carlton Roseboro, of New Jersey, to be an Assistant Secretary of the Treasury; and the nomination of Kevin Keane, of Wisconsin, to be an Assistant Secretary of Health and Human Services, 11:30 a.m., SD–215.

Committee on Foreign Relations: to hold hearings on the nomination of William S. Farish, of Texas, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland; the nomination of Howard H. Leach, of California, to be Ambassador to France; the nomination of Alexander R. Vershbow, of the District of Columbia, to be Ambassador to the Russian Federation; and the nomination of Anthony Horace Gioia, of New York, to be Ambassador to the Republic of Malta, 9:30 a.m., SD–419.

Committee on Governmental Affairs: to hold hearings on the nomination of Kay Coles James, of Virginia, to be Director of the Office of Personnel Management; and the nomination of Othoneil Armendariz, of Texas, to be a Member of the Federal Labor Relations Authority, 2:30 p.m., SD–342.

Committee on Indian Affairs: to hold oversight hearings to examine Native American Program initiatives, 10 a.m., SR–485.

Committee on Small Business: to hold hearings on S. 856, the Small Business Technology Transfer Program Reauthorization Act of 2001, 10 a.m., SR–428A.

House

Committee on Agriculture, Subcommittee on Department Operations, Oversight, Nutrition and Forestry, hearing to review H.R. 2185, Emergency Food Assistance Program Enhancement Act of 2001, 10 a.m., 1300 Longworth.

Committee on Armed Services, hearing on the U.S. national security strategy and the Quadrennial Defense Review, 2 p.m., 2118 Rayburn.

Subcommittee Military Personnel, hearing on the current status of cooperation between the Department of Defense and the Department of Veterans Affairs in sharing medical resources, 10 a.m., 2212 Rayburn.

Committee on Education and the Workforce, Subcommittee on Select Education, to mark up H.R. 1900, Juvenile Crime Control and Delinquency Prevention Act of 2001. 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing on Information Privacy: Industry Best Practices and Technological Solutions, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled "Insurance Product Approval: The Need for Modernization," 2 p.m., 2128 Rayburn.

Subcommittee on Housing and Community Opportunity, to continue hearings on Affordability Issues, 9:30 a.m., 2128 Rayburn.

Committee on Government Reform, hearing on "Federal Information Technology Modernization: Assessing Compliance with the Government Paperwork Elimination Act," 10 a.m., 2154 Rayburn.

Committee on House Administration, hearing on Campaign Finance Reform, 1 p.m., 1310 Longworth.

Committee on International Relations, hearing on International Trade Administration: The Commerce Department's Trade Policy Agenda, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, hearing and markup of H.R. 1877, Child Sex Crimes Wiretapping Act of 2001, 1:30 p.m., 2237 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 1230, Detroit River International Wildlife Refuge Establishment Act, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, to mark up the following bills: H.R. 451, Mount Nebo Wilderness Boundary Adjustment Act; H.R. 434, to direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of the 18 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California; and H.R. 427, to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, 10 a.m., 1334 Longworth.

Committee on Science, hearing on National Energy Policy—Report of the National Energy Policy Group—Administrative View, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Railroads, hearing on Magnetic Levitation Transportation Issues, 10 a.m., 2167 Rayburn.

Joint Meetings

Joint Economic Committee: to hold hearings to examine cyber security issues relative to the United States economy, 10 a.m., SD–562.

Next Meeting of the SENATE

9:15 a.m., Thursday, June 21

Senate Chamber

Program for Thursday: Senate will continue consideration of the motion to proceed to consideration of S. 1052, Patients' Bill of Rights, with a vote to occur thereon at 9:30 a.m.

At 12 noon, Senator Lott or his designee will be recognized to offer an amendment to S. 1052, Patients' Bill of Rights.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, June 21

House Chamber

Program for Thursday: Consideration of H.R. 2217, Interior Appropriations Act for Fiscal Year 2002 (open rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

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