The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BALLenger).

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

I hereby appoint the Honorable Casp BALLenger to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES
The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

WE MUST ELIMINATE WASTE, FRAUD, AND ABUSE IN THE FEDERAL GOVERNMENT
The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, one of my goals since first being elected to serve in Congress has been to root out waste, fraud, and abuse in the Federal Government and many of its programs. While we have been successful in identifying and reducing wasteful spending, there is still too much unnecessary spending that needs to be eliminated.

This came out in a report by the Senate Committee on Governmental Affairs entitled Government at the Brink that outlines the urgent Federal Government management problems facing the Bush administration. They cited four core problems that exist: One, work force management; two, financial management information; three, technology management; and, four, overlap and duplication.

Senator Fred Thompson of Tennessee was the chairman of this committee when this report was compiled. I want to share with my colleagues what his committee found.

A chief source of the information was based on reports issued by the General Accounting Office, the GAO, and agency inspectors general, or the IGs. Now, my colleagues might ask, just how much money are we talking about. Well, according to the GAO, we are talking about at least $35 billion a year, and that is just the tip of the iceberg.

The GAO reported that the Medicare program wastes $12 billion every year on improper payments. According to the GAO, 10 percent of total health care costs are lost to wasteful spending. What came to light about the misappropriation of our tax dollars is downright alarming. In order to cut out waste in Medicare claims, the Health Care Financing Administration decided that new computer software should be developed to create one mammoth computerized method to review bills. Ultimately, what the American taxpayers got after 4 years was a bill for $80 million. An official at this agency had this explanation: He said that the money was used in effect as a painful learning experience. We learned about this in 1997.

The Medicare program is not the only offender. Let us take a look at the Department of Education. This government agency failed its last three financial audits. The government auditors identified accounting discrepancies totaling up to $6 billion in Federal education aid that was embezzled, lost, used for real estate purchases, luxury car items, rent, and so forth. If we intend to increase the funding to the Department of Education, then we need to put in strong accounting practices.

Unfortunately, it is not difficult to find all sorts of examples of waste, fraud, and abuse in the Federal Government. The Medicare program and the Department of Education have a long history of wasteful spending. However, the Department of Interior does not know what has happened to over $3 billion it holds in trust for the American Indians. Or what about what is referred to as the “big dig” up in Boston, Massachusetts? Boston’s central artery has cost tremendous amounts of dollars. It has increased about 525 percent, from $2.6 billion to the current estimate of $14 billion.

We have serious problems that are cited in the Thompson report that need to be addressed if we are to solve mismanagement of valuable resources. The most compelling of these is work force management. Many agencies lack the right employees with the right skills to do the job. The report also stated that the Clinton administration’s downsizing of government hardly made a dent in the true size of government. What it did do was create a brain drain that cost the government many of its most experienced and valuable employees. The end result is that the Federal Government wound up doing the same old thing in the same old way, but with less experienced workers.

Financial management. How can the government operate efficiently when agencies do not know how much money they have, how much they spend, or how much their programs cost.

Information technology management. This is a critical item because...
we want our government computer systems not to be vulnerable to terrorist attacks, either domestically or internationally. The GAO has designed computer security, a governmentwide program, but it has problems.

The last area of concern is overlap and duplication. For instance, the Federal Government has seven different agencies administering four different programs aimed at job training. Eight different agencies operate 50 different programs to assist the homeless. Nine agencies operate 57 teen pregnancy programs. Seventy different agencies gather and analyze statistical data. Seventeen departments and agencies operate 515 research and development laboratories.

Mr. Speaker, these are just a few of the areas where duplication and overlap waste our tax dollars. We must restrain government spending, but I realize that, just as President Reagan said, government programs once launched never disappear. Actually, a government agency is the nearest thing to eternal life we will ever see here on this Earth.

MESSAGE FROM THE SENATE
A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 54. Concurrent resolution authorizing the Rotunda of the Capitol to be used on July 26, 2001, for a ceremony to present Congressional Gold Medals to the original 29 Navajo Code Talkers.

RECESS
The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS
The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. Biggert) at 2 p.m.

PRAYER
Colonel Edward T. Brogan, Senior Chaplain, United States Air Force, Arlington National Cemetery, offered the following prayer:

Loving God, through Your grace You have established these United States. It is our blessing that Your strength will never disappear. Actually, a government agency is the nearest thing to eternal life we will ever see here on this Earth.

Today marks the fifth anniversary of the bombing of Khobar Towers in Dhahran, Saudi Arabia. That bombing reminded us of the cost of being a world power and of combating evil. This day, Lord, we pray for Your protection upon our military men and women serving throughout the globe. Give them wisdom and energy in their service to our Nation. Watch over their families, ease the pain of the survivors and family members left behind after the terrorist attack at Khobar Towers and at other United States facilities.

Guide each Member of this House in humility before You and the people of the United States. Please also extend to the needs of the many staffers who accomplish so much of the work of this House. Give clarity and civility in debate, that the decisions reached might well serve our Nation. Bless our land with Your peace and dedication to serving You.

This we pray in Your holy and blessed name. Amen.

THE JOURNAL
The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House her approval thereof. Pursuant to clause 1 of rule I, the Journal stands approved.

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

Mr. GILCHREST 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she 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 votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

RHINOCEROS AND TIGER CONSERVATION REAUTHORIZATION ACT OF 2001
Mr. GILCHREST, Madam Speaker, I move to suspend the rules and pass the bill (H.R. 645) to reauthorize the Rhinoceros and Tiger Conservation Act of 1994, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
Act, subchapter I and inserting “Rhinoceros and Tiger Conservation Act of 1994, part I”.

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

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

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

Madam Speaker, the fundamental goal of this legislation is to extend the Rhinoceros and Tiger Conservation Act of 1994. Since 1977, all species of rhinos and tigers have been listed under our Endangered Species Act and on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which prohibits all commercial international trade in these species.

Despite these protections, the population of these species continues to decline; and sadly, rhino and tiger body parts are still an active ingredient in Chinese traditional medicines sold throughout the world.

One of the few positive developments for these species was the enactment of the Rhino and Tiger Conservation Act. Since its establishment 7 years ago, the U.S. Fish and Wildlife Service has spent about $7 million on 111 conservation projects in 16 countries in Africa and Asia. These projects have monitored populations, equipped game scouts, and educated local communities as to the value of these keystone species.

Without this act, these species would continue their steady slide toward extinction. In fact, during our subcommittee hearing on H.R. 645, the World Wildlife Fund testified that there is little question that the U.S. programs for tigers and rhinos and elephants have helped to avert disaster for these species, even possible extinction in some areas.

Madam Speaker, H.R. 645 is a simple 5-year extension of this vital wildlife conservation law at existing authorization levels. I urge Members to support it.

Madam Speaker, I reserve the balance of my time.

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

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

Mrs. CHRISTENSEN. Madam Speaker, I also rise in support of H.R. 645. I first want to commend the gentleman from Maryland (Mr. GILCHREST), the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans, and the ranking member, the gentleman from Guam (Mr. UNDERWOOD), for introducing this legislation to authorize the Rhinoceros and Tiger Conservation Reauthorization Act of 2001.

Madam Speaker, rhinos and tigers remain some of the most charismatic and endangered species of wildlife anywhere on the planet. All subspecies are listed as endangered on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, or CITES. They have also become emblematic of the great global conservation challenge of our time, and that challenge is how do we best rectify the demands of a growing human population with the needs of these wildlife species and the protection of their habitats.

The U.S. Fish and Wildlife Service recently released a summary report concerning the Rhino Conservation Act, which succinctly captured this challenge in the report’s introduction. Slightly paraphrasing the report, it reads as follows:

“Rhinos and tigers are included in the heritage of many cultures. They have made their way into storybooks, religions and ad campaigns. However, our attraction to these species and their habitats also threatens their existence. It has led to their killing for trophies and medicines and to the fragmentation and outright destruction of their habitat by people seeking timber and land resources. They are now among the world’s most endangered species.”

Madam Speaker, I ask my colleagues to support this legislation.

Madam Speaker, I yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD), the ranking member on the subcommittee.

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

Madam Speaker, I want to express my thanks and my gratitude to the gentleman from Maryland (Chairman GILCHREST) for this particular piece of legislation and to reiterate my strongest support for this legislation, which basically is noncontroversial.

In 1994, Congress passed the Rhinoceros and Tiger Conservation Act in recognition of the crisis that rhinos and tigers were faced with imminent extinction in the wild. With the passage of the act and the subsequent creation of the Rhinoceros and Tiger Conservation Fund, conservation activities have been initiated in cooperation with range states and non-governmental organizations. These efforts have leveraged almost $4 million in matching funds from cooperating partners. As a result, new conservation and research initiatives have been launched in Africa and Asia, including antipoaching and ranger-training activities, habitat surveys, and enhanced surveillance and monitoring of illegal wildlife trade, establishment of wildlife compensation programs, and initiation of education and outreach activities on the village level.

All of these efforts are making some very, very positive contributions in stemming the threat to rhinos and tigers; but much, much more needs to still be done. That is why we must support H.R. 645.

This legislation would reauthorize funding through fiscal year 2007 to support conservation projects administered through the Multinational Species Conservation Fund. H.R. 645 would also make two helpful modifications to the act to enhance sustainable long-term conservation efforts and to ensure more robust public participation by organizations actively involved in the conservation of rhinos and tigers.

This legislation is noncontroversial. Every witness who testified before the Subcommittee on Fisheries Conservation, Wildlife and Oceans on March 15 spoke in strong support for reauthorization, including the witness testifying for the administration. It was not surprising then that on May 16 the full Committee on Resources reported the bill by unanimous consent.

Two weeks ago the House passed similar noncontroversial legislation to reauthorize the African Elephant Protection Programs and other efforts to save Asian elephants. This bill is no less important, and I urge all Members to support H.R. 645 so we can continue U.S. leadership in the global conservation of wildlife.

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

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

Madam Speaker, I would just like to close by saying that the world is growing a great deal smaller. As the population increases and our natural resources decrease, the frontier is gone. Nowhere can we predict the far-flung region of the Earth and find vast stretches of open space. So what we have left as far as our next challenge and our next frontier is an intellectual frontier to understand how we as humans can manage the diminishing resources with an ever-increasing population and preserve what my grandfather used to say was the majesty and the abundance of nature.

Madam Speaker, this is a picture of one of the species we are trying to save, the magnificent creature known as the tiger. This is an article in “Time Magazine” dating back just a few years to 1994. There is a quote in here from Ullas Kranth of the New York Wildlife Conservation Society, who on a recent visit to India saw a tigress come and then quickly go. Then he smiled and he said, “When you see a tiger, it is always like a dream.” All too soon, dreams may be the only place where tigers roam free.
open space and habitat that they have left.

Another quote from this article, "What will it say about the human race if we let the tiger go extinct? What can we save? Can we save ourselves?"

On behalf of the gentleman from Guam (Mr. UNDERWOOD), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), and the staff on both sides of the aisle on the Committee on Resources, I thank all of them for their help; and I urge my colleagues to vote for this most important very tiny amount of money that can go a long way.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Indiana (Mr. ROEMER), that the House suspend the rules and pass the bill, H.R. 645, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD on H.R. 645, the bill just considered.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) yields such time as he may consider necessary.

AUTHORIZING ADAMS MEMORIAL FOUNDATION TO ESTABLISH COMMEMORATIVE WORK HONORING FORMER PRESIDENT JOHN ADAMS

Mr. HEFLEY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1668) to authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his family, as amended.

The Clerk read as follows:

H.R. 1668

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

SECTION 1. COMMEMORATIVE WORK TO HONOR JOHN ADAMS AND HIS LEGACY.

(a) FINDINGS.—The Congress finds the following:

(1) Few families have contributed as profoundly to the United States as the family that gave the Nation its second president, John Adams; its sixth president, John Quincy Adams; first ladies Abigail Smith Adams and Louisa Catherine Johnson Adams; and succeeding generations of statesmen, diplomats, advocates, and authors.

(2) John Adams (1735-1826), a lawyer, a statesman, and a patriot, was the author of the Constitution of the Commonwealth of Massachusetts (the oldest written constitution still in effect in the United States). As President of the Second Continental Congress, a driving force for independence, a negotiator of the Treaty of Paris (which brought the Revolutionary War to an end), the second President, and an unwavering exponent of freedom of conscience and the rule of law.

(3) Abigail Smith Adams (1744-1818) was one of the most remarkable women of her time. Wife of former President John Adams and mother of President John Quincy Adams, she was an early advocate for the rights of women and served the cause of liberty as a prolific writer, fierce patriot, and staunch abolitionist.

(4) John Quincy Adams (1767-1848), the son of John and Abigail Adams, was a distinguished lawyer, legislator, and diplomat and a master of 7 languages, who served as Senator, Minister to the Netherlands under President George Washington, Minister to Prussia under the first President Adams, Minister to Great Britain under President James Madison, chief negotiator of the Treaty of Ghent (which ended the War of 1812), Secretary of State under President James Monroe, author of the Monroe Doctrine (which declared the Western Hemisphere off limits to European imperial expansion), sixth President, and father of former President Teddy Roosevelt, was a steadfast abolitionist who received the Free Soil Party’s presidential nomination in 1848, was elected to his father’s seat in the House of Representatives in 1856, and served as ambassador to Great Britain during the Civil War, where his efforts were decisive in preventing the British Government from recognizing the independence of the Confederacy.

(5)Henry Adams (1838–1918), the son of Charles Francis Adams, was an eminent writer, a scholar, and a public intellectual, and was the author of many celebrated works, including “Democracy”, “The Education of Henry Adams”, and his 9-volume “History of the administrations of Jefferson and Madison”.

(6) Both individually and collectively, the members of the Adams family have enriched the Nation through their profound civic consciousness, abiding belief in the perfection of the Nation’s democracy, and commitment to service and sacrifice for the common good.

(7) Although the Congress has authorized the establishment of commemorative works on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy, H.R. 1668 is supported by the administration and has strong bipartisan support.

The bill, as amended, focuses on the remarkable achievements of President Adams and his family. The Adams Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work.

(b) AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—The Adams Memorial Foundation shall establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams, along with his wife Abigail Adams and former President John Quincy Adams, and the family’s legacy of public service.


(d) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to pay any expense of the establishment of the commemorative work. The Adams Memorial Foundation shall be responsible for the payment of expenses of, the establishment of the commemorative work.

(e) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the commemorative work (including the expenses of, the establishment of the commemorative work), the Adams Memorial Foundation has a balance of funds, such balance shall be deposited in the account provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 2001, et seq.).

(f) DEFINITIONS.—For purposes of this Act, the term “commemorative work” and “the District of Columbia and its environs” have the meanings given to such terms in section 2 of the Commemorative Works Act (40 U.S.C. 2001).

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

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Madam Speaker, I yield myself such time as I may consider necessary.

H.R. 1668 introduced, by the gentleman from Indiana (Mr. ROEMER), would authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy. H.R. 1668 is supported by the administration and has strong bipartisan support.

Perhaps no American family has contributed as profoundly to public service as the family that gave the Nation its second President, John Adams; his wife, Abigail Adams; and their son, our sixth President, John Quincy Adams, who was also, by the way, a member of this body. The President John Quincy Adams far-reaching, concluding with John Quincy Adams’s son, John Francis Adams, who was also a member of this body and an ambassador to England during the Civil War; and his son, Henry Adams, an eminent writer and scholar, and it goes on and on.

The bill, as amended, focuses on the remarkable achievements of President
John Adams, his wife Abigail, and their son, John Quincy Adams. We have a monument here in our Nation’s Capitol honoring our first President, George Washington, as well as monuments honoring Lincoln, Roosevelt and Jefferson, but, incredibly, we have overlooked, arguably, second only perhaps to George Washington, did more than any other person to make it all happen. Historian David McCullough reminds us that while Jefferson was the author of the Declaration of Independence, he was the real architect of the Revolution. John Adams was its important voice and the driving force.

Clearly, we owe him a deep and lasting debt.

Madam Speaker, it was the voice of John Adams in the Continental Congress that was the most responsible for pushing, prodding and cajoling the other Founding Fathers to sever our ties with England. He did this at enormous personal sacrifice: separated from his family for nearly 10 years, taking life-threatening voyages during winter storms across the Atlantic Ocean to secure help for our struggling Army from foreign nations, and risking imprisonment or even execution as a traitor if his efforts were to fail.

He was blunt and outspoken, but he was also warm and humorous and passionate, and he was passionate above all things about his brilliant and accomplished wife, his family and his country.

Many of his views were controversial and unpopular in his day. Even the notion of forming our new country was highly controversial and unpopular. But he put the good of a country as a whole above any desire to win a personal popularity contest.

His death was, fittingly, as interesting as his life. By an incredible coincidence he and Thomas Jefferson both died on the very same day, and, Madam Speaker, that same day was July 4, 1826, the 50th anniversary of the signing of the Declaration of Independence. That was a significant date in their lives, and it is the significant date in the history of our country, thanks to his courage and thankless work. For this reason, we worked very hard to bring this bill to the floor this week to honor this important American whose sacrifices created the very holiday all of us will be celebrating next week. Next week we will mark the 225th anniversary of the signing of the Declaration of Independence. We will finally, at long last, be on our way to correcting a glaring oversight in our Nation’s history.

It is ironic that more than 200 years have passed without properly honoring John Adams, but, upon reflection, perhaps we augment the value of our honor by doing so at this late date. After all, how many of us could possibly receive the attention devoted to our memories and legacies two centuries after we draw our final breath? That we do so today speaks volumes about the significance of President John Adams’ contributions to our lives.

Finally, Madam Speaker, I would like to take a moment to recognize the truly enormous efforts of the gentleman from Indiana (Mr. ROEMER) and, by the way, his staff as well. They put tremendous efforts into this legislation. The gentleman from Indiana has worked tirelessly as a true champion of John Adams, by pushing this legislation through our subcommittee, by bringing the highly recognized scholars to come before us, and by educating so many of us here in this body and so many citizens of the public at large about the enormous debt we owe to this hero and champion of liberty, John Adams. When the gentleman from Indiana (Mr. ROEMER) retires from Congress next year, he can justifiably look back on his work on this legislation with a long-lasting sense of pride.

Madam Speaker, in closing, I would like to thank my colleague, as an original co-sponsor of this legislation, Abigail Adams wrote in a letter to John Adams, “I wonder whether future historians will know, because of what we do today, and we are grateful.

I urge my colleagues to support H.R. 1668, as amended, and I urge my colleagues to do likewise.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I am pleased to join the gentleman from Indiana (Mr. ROEMER), my colleague, as an original co-sponsor of H.R. 1668. I am pleased to join my colleagues on the floor today in support of this legislation which honors a great American.

The Subcommittee on National Parks, Recreation and Public Lands held a hearing on June 12 on H.R. 1668 that was highly informative. We received testimony from noted historians David McCullough and Joseph Ellis, who provided the subcommittee with enlightening and detailed testimony on the accomplishments of former President Adams and his family, as well as the appropriateness of establishing a memorial honoring Washington, D.C.

John Adams, our first Vice President and second President of the United States, was an early American statesman and patriot, and I am pleased to support this worthy legislative effort to honor former President Adams and his legacy. It is truly overdue.

The bill that is being brought to the floor today includes amendments to clarify the focus of the Adams Memorial. These changes are consistent with the testimony we received at our hearing.

I want to commend the bill’s sponsor as well, the gentleman from Indiana (Mr. ROEMER) for his insight and his perseverance in expanding our knowledge about and generating our interest in our second President and his family, and his perseverance in making this memorial a reality. My thanks also to the gentleman from Colorado (Mr. HEPFLEY) for his leadership for expediting the consideration of this measure before the July 4 recess.

It is fitting and proper that the House pass this legislation in conjunction with the 4th of July, which honors American independence, an event that John Adams was extremely instrumental in helping to achieve. Madam Speaker, I wholeheartedly support H.R. 1668, as amended, and I urge my colleagues to do likewise.

Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Madam Speaker, first of all, I want to rise to quote John Adams. He said, “I wonder whether future historians will know, because of what we do today, and we are grateful.

I want to thank the gentleman from Indiana, the gentleman from Utah, the Committee on Resources staff, and the Committee on Resources, the gentleman from Utah (Mr. HANSEN), the chairman; I want to thank for their help and devotion to this cause.

This could not come to the floor in the expedited manner it did without all of their strong support and help, and the help in a bipartisan way from the Committee on Resources.

I want to thank the gentleman from Colorado (Mr. HEPFLEY) and his staff, the Committee on Resources staff, and the gentleman from Utah (Mr. HANSEN), the chairman; I want to thank on behalf of the gentleman from West Virginia (Mr. RAHALL), our ranking member, and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her help and devotion to this cause.

I want to thank the gentleman from Colorado (Mr. HEPFLEY) and his staff, the Committee on Resources staff, and the gentleman from Utah (Mr. HANSEN), the chairman; I want to thank for their help and devotion to this cause. This could not come to the floor in the expedited manner it did without all of their strong support and help, and the help in a bipartisan way from the Committee on Resources.

I want to thank the gentleman from Colorado (Mr. HEPFLEY) and his staff, the Committee on Resources staff, and the gentleman from Utah (Mr. HANSEN), the chairman; I want to thank for their help and devotion to this cause.
Quincy, and the Senate sponsor, Senator Kennedy. I want to thank the gentlewoman from the District of Columbia (Ms. Norton), my good friend and classmate, who is such an integral and instrumental force here in our Nation's Capital who has helped us bring this forward. With that, thank my own ambassador, Matt Blaschke, who has worked tirelessly on this effort as well.

We do intend to bring this and pass it through the House and take it before the Senate as well, too. Steps from here in our Nation's Capital is a famous painting by John Trumbull, and it outlines the Declaration of Independence and sketches the magnificent and captures the magnificent history of that event. Front and center, at the exact point of center and foreground of that painting stands John Adams. John Trumbull recognized the integral force, the integrity, the valor, the character, the bravery that it took not only to get our Nation behind the Revolution, but then the Declaration of Independence and get it passed through Congress. John Adams was that driving force.

As the gentleman from Colorado (Mr. Hefley) said, Thomas Jefferson wrote those eloquent words, but he did not have the clarity and vision for those words in the Continental Congress. And taking a step back from even when John Adams was the fire and the passion to argue to the Members of the Continental Congress that, yes, we needed our liberty, we were not going to take orders from Great Britain any longer; he also convinced the American people that that was the course that we should take as a people. In David McCullough's wonderful book, and he appeared at a dinner for us at the Library of Congress on John Adams, he carefully articulates in this book that at that time, one-third of the American people were undecided about the course of independence.

One third were Tory and for Great Britain, and one third were true blue and wanted in a patriotic sense our independence. John Adams convinced the American people that we needed to move forward in this revolution and seek for this independence and then pass it through the Continental Congress.

George Washington may have been our first President in the executive branch. John Adams was probably our first President from the extent that he guided these things through the Continental Congress.

Thomas Jefferson talked about his important role, Jefferson said, and I quote "his power of thought and expression moved us from our seats as we listened to his eloquent words."

Revolution, independence, and then setting forth the institutions today of our Congress. President John Quincy Adams, who is one of the most distinguished authors and historians in our Nation's history.

This is, indeed, a family that deserves this recognition from this Congress and the Senate... John Quincy Adams said about July 4th, and I quote, "it was not only the birthday of a great Nation, it was the opening of a new era in the history of mankind"; that new opening in the history of mankind, with that declaration that all people are created equal, is the legacy, in many ways, of this family.

Madam Speaker, I hope that we can pass this today; that the Senate will pass this this week before they go out; that the President will sign this into law; and that we can begin the hard work of passing this and building this in our Nation's Capitol.

Finally, let me end on a quote from John Adams about the truly historic nature of that revolution and that movement for independence.

John Adams said, and I quote, "objects of the most stupendous magnitude, measures in which the lives and liberties of millions and even billions are most essentially interested are here now before us. We are in the very midst of revolution, the most complete unexpected and remarkable of any in the history of the world." Adams, Abigail Adams, John Quincy Adams, and their family, let us bring the remarkable honor to that family with passage of this resolution, of this bill today, and begin the architecture of rewarding valor and virtue of a family and of public service in this Nation, probably the best family in the Nation's history.

Madam Speaker, I want to thank again the staff, the Members, to the bipartisanship shown in this; and I look forward to seeing this through in the next several years.

Madam Speaker, I want to thank again the gentleman from Colorado (Mr. Hefley) for yielding me the time.

Madam Speaker, I rise today in strong support of this legislation that authorizes the construction of a memorial to John Adams and his family in Washington. Our great capital, Washington, D.C., is a city of tributes. Beautiful, elaborate monuments and memorials stand permanently affirming to the country's most cherished heroes. Millions of people from all over the world come to our great capital every year to learn about our nation and the great men and women whose intellect, ideals, bravery and foresight first established and later preserved our freedom.

But if our commemorative structures are to provide a living history lesson, it is one that is woefully incomplete, for it omits John Adams, our most skilled and consequential diplomat, first Vice President, second President, and his distinguished legacy.

As a public servant, my fascination with Adams extends through three generations of his descendants. As a family, the Adamses were the guardians of our republic, from its creation through adolescence. Their courage and prophetic wisdom kept us out of war, built the foundation of American foreign policy, transcended party politics, and displayed independence in critical times. It is time to embrace their contributions with a proper memorial in our capital city. Adams, Jefferson called Adams a "colossus for independence." To be sure, he was the most outspoken and persuasive advocate for a break with Britain. Adams had the foresight to insist that Thomas Jefferson write the Declaration of Independence and that George Washington command the Continental Army.

He would add the city honor to the Treaty of Paris, which successfully concluded America's war for independence. He is also the author of the Constitution for the Commonwealth of Massachusetts—the oldest constitution still in force—which specifies that is the "duty of the government to educate its citizens."

As President, Adams was nonpartisan and ideological, never sacrificing his beliefs for political gain. He skillfully (and wisely) avoided
war with France despite the overwhelming warmongering from his own Federalist Party. Such independence preserved his integrity, but cost him a second term.

One of the few people truly comparable to John Adams was certainly his wife, Abigail. Those who knew them personally called their union perfect. Abigail’s letters to her husband reveal not only her wit and intelligence, but also a profound belief in the equality of women that was more than 100 years before its time.

As a member of Congress, I am particularly intrigued by John Quincy Adams, the quintessential public servant, and son of John Adams. John Quincy Adams began his career as a diplomat, skillfully serving America’s national interests in Russia, the Netherlands, Portugal, Prussia, and Great Britain. Under President Madison he negotiated the Treaty of Ghent, and as Secretary of State during the Monroe Administration, he helped create the Monroe Doctrine.

John Quincy Adams was ambitious. Like his father, he believed that the government should invest in education and science for the betterment of its citizens. He proposed a national university and observatory. He pursued his agenda with tenacity and initiative, and like his father, enjoyed negotiating. Like his father, he served only one term as President.

A true public servant, John Quincy Adams returned to public life after a brief hiatus to serve in the U.S. House of Representatives from his hometown of Quincy, Massachusetts. In his 25 years in Congress he spoke of no issue more often—or with more vigor—than slavery. Like his parents, John Quincy Adams was a stoic abolitionist, known to his colleagues as “old man eloquent.” He also helped to establish the Smithsonian Institution, the museum in the heart of the mall. He died at the “post of duty” as a dedicated public servant, suffering a stroke on the floor of the House. He passed away two days later in the U.S. Capitol.

John Quincy Adams’s son, Charles Francis Adams, spent his formative years in Washington, London, and Paris, reading the examples of his distinguished predecessors. As he entered into politics, Charles Francis Adams became increasingly disenchanted with the insincerity and outright corruption of his generation of leaders in Washington. He soon bolted the Whigs in favor of the Free Soil party, which organized around the principles of a profound opposition to slavery. He received the Party’s Vice Presidential nomination in 1848, and eventually held his father’s old seat in the U.S. Congress. In 1860, President Lincoln tapped Charles Francis Adams—the now acknowledged leader of the new Republican Party—and widely known for his sharp intellect and persuasive powers—to act as Ambassador to England in order to prevent British military support for the Confederacy. His logic, reserve and directness achieved functional neutrality from Britain, which helped to preserve the integrity of our Union.

Charles Francis Adams’s son, Henry Adams, shared his father’s frustration with politics and corruption in Washington. His observations steered him towards journalism, where he described the shortcomings of modern politics without falling prey to them. A “liberal Republican,” Henry Adams wrote pointed, brilliant essays exposing political fraud and dishonesty. He shared the idealism and independence of his heritage, never putting politics above his convictions. Henry Adams was also an accomplished academic, teaching Medieval History at Harvard, and the first American to employ the "seminar" method of instruction. Henry Adams is best known for his autobiography, “The Education of Henry Adams.” Some have called it the greatest autobiography in American history.

The Adamses occupy a position in American history unequaled by any other family. They created a nation as champions of freedom and helped shape it during its vulnerable, early days; and they helped preserve it through the most divisive battle in American history. They devoted their lives to our Republic, and it is time to recognize and celebrate their genius, sacrifices, and significance, here is our nation’s capital.

Mr. HEFLEY. Madam Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mrs. CHRISTENSEN. Madam Speaker, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. HEFLEY. Madam Speaker, we have two speakers remaining; and I wonder if we could after that have a minute or two.

Mrs. CHRISTENSEN. That is fine.

Mr. SOUDER. Madam Speaker, why build a memorial to John Adams along with Abigail and John Quincy? That immediately leads to the question why one, has not one been built before? John Adams was not a dramatic leader like Washington, Jefferson, Lincoln, Teddy Roosevelt, FDR, or even Ronald Reagan, but John Adams was a man who rose from humble roots in Braintree, Massachusetts to the challenges of his time.

He was elected our first Vice President and the second President because he was the leader of the new New England branch of the government. The Virginians loomed large and were brilliant, but they did not stand alone. John Adams prodded the Virginians as well as the others to independence. He had watched the British in Boston. He saw the inevitable before others in the Continental Congress did.

The anchor reason for this memorial is John Adams’ leadership in creating our Nation, which has been ignored for far too long.

But it is also about his wife, Abigail, an extraordinary writer and political advisor. It is not clear that John Adams would have been, ever been as successful as he was. The Adams, up until the Bush family, were our Nation’s only father and son Presidents.

John Quincy Adams, like his father, was independent. He was not establishment enough for his Federalist base nor populist enough for the Jeffersonians. Charles Francis Adams, Henry Adams and their wives complete possibly the most extraordinary family in our history.

The best argument for this memorial is the extraordinary character of the Adams family, but perhaps not to the New Republic magazine, which, in a recent thoughtful cover story, criticizes John Adams and author David McCullough, partly by arguing that personality, history, and character are overrated.

Were John and John Quincy Adams morally superior to the Virginians because they did not own slaves and fought against slavery? Let us see, the answer is yes.

Excuses like geography and family background explain some differences, but it does not explain why some people rise above such circumstances, nor does it mean that one position is not morally superior.

It took moral courage for John Quincy Adams, to make his stands, featured in the movie Armitstead, courage anchored in his belief in Jesus Christ. The recent New Republic cover story can mock character, but a primary part of appointed upon further investigation future generations to emulate the virtuous character traits exemplified by our past leaders.

Should we build memorials to individuals? History is a deterministic march like historian Richard Hofstadter and others suggest. The importance of regular people should not be underestimated. I am reading the Great Platte River Road wrote by Merriam Tate right now which is based upon the fascinating journals of average people heading West, but, in fact, there are different makers in history.

People living next door to each other, with similar opportunities and backgrounds, do respond differently to challenges. Some people rise to challenges, others shrink.

If one views memorials in Washington as tributes to a sort of Greek or Roman gods, you will be deeply disappointed upon further investigation. They are merely men with all sorts of flaws. Each of the Adams would certainly acknowledge their moral shortcomings, but that does not mean that they were not extraordinary Americans who honored. Even with his serious moral failings, was a brilliant writer, Western visionary, and architect, among his other attributes.

Another New Republic criticism in their review of McCullough’s book was that writers like McCullough promote books that millions of people like to read. This sort of elitism is often prevalent in publications read only by a small group of people who desire to second guess more important than the unwashed masses.

The ultimate irony is that the review concludes by saying that Adams was an elitist. Well, I guess it takes one to know one.

Ultimately, the reviewer maintains that Adams’ writings were out of step with his time and certainly out of step with the ideas held today. The reviewer makes some interesting points about ideological framework, some of his ideas outdated but Jefferson was a slave owner and certainly showed none of the gender equity traits of both John Adams and John Quincy Adams.
So is Jefferson to be ignored as well? John Adams was an ecletic visionary and a prolific writer. He is important like Jefferson and Franklin because of his actions and leadership on the ideas which have stood the test of time, not because of a few ideas that did not. Furthermore, we would argue that John Adams' framework grounded in English law, like the writings of John Dickinson in letters of a Pennsylvania Farmer kept Jefferson and others from drifting into the disasters of the French revolution. Most forget how wrongheaded Jefferson was about the French and how close our radicals came to sending us down that path.

David McCullough with his tremendous book on John Adams, number one on the New York Times best-seller list, has reached multitudes of Americans with the story of John Adams. Hurrah to him for being a popularizer to help pave the way for this memorial.

Madam Speaker, I also want to thank the gentleman from Indiana (Mr. Roemer), along with the gentleman from Massachusetts (Mr. Delahunt), who holds the Adams seat in Congress, for their leadership in bringing this memorial forward.

Madam Speaker, I want to thank the gentleman from Colorado (Mr. Hefley), Chairman of the Subcommittee on National Parks, Recreation, and Public Lands, for moving this bill forward expeditiously, so that we can honor John Adams and his family over this 4th of July and that the future generations can learn from the character, valor and wisdom of John, Abigail, and John Quincy from a memorial, hopefully, near the Jefferson Memorial.

In one of the most extraordinary events in American history, John Adams and Thomas Jefferson, died on the same day. And that day was July 4, on the 50th anniversary of our nation's founding. In 1959 Lester CUTLER, editor, in a volume edition correspondence between John Adams and Thomas Jefferson. Like many others in our country, reading the exchanges of intellectual leaders of the founding of our Republic, helped spark my lifelong interest in history.

McCullough's book is a great place to start any study of John Adams. He makes his life vibrant—you feel like you know him well when you are done.

But there is a substantial body of literature on the Adams, if you desire further reading. I own a large office of collection of Adams' books.

The Book of Abigail and John edited by L.H. Butterfield features selected letters between husband and wife, probably unmatched in American history.

Adams: An American Dynasty by Francis Russell and Descent from Glory by Paul Nagel are studies of the Adams generations.

Passionate Sage by Joseph Ellis was just re-issued in paperback, and is an outstanding read whatever problems Professor Ellis is currently having. I purchased the Character of John Adams by Peter Shaw in 1976, 25 years ago. It had a profound impact upon me, and made me an Adams admirer ever since.

Paul Nagel's biography of John Quincy Adams is probably the best book for further study of his amazing life.

Mrs. CHRISTENSEN. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. Holt), a member of the Subcommittee on National Parks, Recreation, and Public Lands. (Mr. HOLT asked and was given permission to extend his remarks.)

Madam Speaker, I would like to right off the bat thank the gentleman from Indiana (Mr. Roemer) for bringing recognition to John and Abigail Adams and their family, a century and three quarters after his death. I would also like to thank the gentleman from Massachusetts (Mr. Delahunt) for his generous gift of time to show me the old house in Quincy and introduce me to the Adams family.

Having grown up on a family farm in Braintree, new Quincy, Massachusetts, was fully expected to become a farmer and a clergyman, but he soon abandoned a quiet private life in exchange for a life that called on his vision and valor in the birth of a republic.

I underscore valor, because he and his companions time for all they knew were marching straight to the gallows. While many of his contemporaries were calling for compromise with Britain, Adams was one of the first to realize that independence was the only reasonable resolution of the relationship between the oppressive parent and its upstart colony.

Adams realized that America's future did not lie in negotiating concessions, but in promoting liberty by whatever means necessary. The fact that he was willing to fight for our independence is an indication of how fervently he believed in liberty, yet much of his public service was focused on avoiding war.

During the first 3 years of his Presidential administration, Adams was confronted with the very real prospect of war with France. Many in his own party, including his own cabinet, supported the idea of waging war. Adams insisted on peaceful negotiations and diplomacy, and he was wise to have done so.

It is also only fitting in this legislation that we recognize his wife, Abigail. Through their 54-year marriage, Abigail was a sounding board and John Adams' closest advisor. No doubt, John Adams was one of the most visionary, valiant and courageous patriots to shape the American system.

There are many why our Constitutional government survives and thrives, and the Massachusetts constitution that preceded it; John Adams' genius is a large part of that reason.

Now, some say we might not want to devote precious space here in the District of Columbia to yet another monument.

By the same token, I suppose we could steer the millions of tourists here to go to Charlottesville, Virginia, or to Springfield, Illinois, to the hometowns of these great patriots, and see the sites there and send millions of tourists to the narrow streets of QuinCY. No. We should have a monument to this great man, these great people, here near the seat of government in Washington, D.C.

I thank my colleague for promoting this legislation.

Mrs. CHRISTENSEN. Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. Pence).

Mr. PENCE. Madam Speaker, I thank the gentlewoman for yielding me this time.

I rise humbly today in support of H.R 1668 to establish an Adams Memorial Foundation. I speak with profound gratitude to the gentleman from Indiana (Mr. Roemer), a family man and my colleague, for his sincere proclaims, and the gentleman from Colorado (Mr. Hefley) for their promotion of this important work.

So many have spoken so eloquently, Madam Speaker, today, the reasons for a memorial to the second President of the United States of America. I would rather reflect on the significance of the day 1 week from today that John Adams, the second President, made possible, July 2, 1776.

That is when the Colossus of Independence stepped into the breach and stepped onto the floor of the then Congress of the United States and drew upon his profound Christian faith and drew upon his courage and education, defended liberty and the notion of independence.

Thomas Jefferson would later write that, on that day, "His power of thought and expression moved us from our seats. 'No man better merited than Mr. John Adams role in the creation of the Declaration of Independence that 'no man could have done more."

As we stand 1 week from the celebration of the Colossus of Independence, John Adams more than any other man on July 2, 1776, who began the process that wrought our independence, that wrought the freedom to have the debate on this floor every day.

I yield 3 minutes from the celebration on that particular day of days, July 2, 1776, I commend the gentleman from Indiana (Mr. Roemer), the gentleman from Colorado (Mr. Hefley) and all those to support this amendment.

It is time that we remember the Colossus of Independence, John Adams.

Mrs. CHRISTENSEN. Madam Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. Norton), which will be the home of the new memorial.

Ms. NORTON. Madam Speaker, I thank the gentlewoman from the Virginia Islands for yielding me this time.

H3476

CONGRESSIONAL RECORD — HOUSE

June 25, 2001

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\[\text{Ms. NORTON. Madam Speaker, I thank the gentlewoman from the Virgin Islands for yielding me this time.'} \]
and for her very hard work, along with the gentleman from Colorado (Mr. Hefley), the Chair, in bringing this bill forward at such a timely moment.

I bring, I must say, particular congratulations, however, to the gentleman from Indiana (Mr. Roemer) for what he has done and the way he has done it. If I may say so, I will be very sorry to see the gentleman from Indiana (Mr. Roemer) leave at the end of the 107th Congress so that we might not have more enlightened ideas of this kind.

What he has done is define a great American family, one of the most distinguished in our history, who has simply been overlooked among all the memorials that stand out there all over Washington, D.C., our first and sixth President, and one of the most important First Ladies, Abigail Adams, an extraordinary writer in her own right and a strong abolitionist.

There is no need for us, really, to lay out the Memorial to a memorable family for this family in the CONGRESSIONAL RECORD. The reasons have already been laid out in the texts of American history and in the vindication of history itself.

Let me say a word about how the gentleman from Indiana (Mr. Roemer) went about doing what he is doing because it is a case study, it seems to me, in how to approach a delicate area like the Mall.

He, from the beginning, in writing his bill, consulted with the relevant agencies, especially the National Capital Planning Commission, the agencies which Congress has given the authority over matters dealing with the mall. He is proceeding in full compliance with the Commerative Works Act. He does not name a site for where the memorial shall be built. That we have given to the NCPC. He specifically states what should already be taken for granted, that his bill must be done in keeping with the Commerative Works Act.

It is important to come forward and say what this Member has done because recently there has been a lot of controversy surrounding memorials on the Mall. Our generation is in danger of not having the right to fill the Mall as if it is done right and done through the procedures which Congress has given the authorities.

There is no need for us, really, to lay out a memorial for a memorable family for this family in the CONGRESSIONAL RECORD. The reasons have already been laid out in the texts of American history and in the vindication of history itself.

I would take this occasion, also, to thank David McCullough for his contribution to the American people. Clearly, if there was a historian laureate as there is a poet laureate, I think one could say, the overwhelming consensus, it would be David McCullough. He has made history come alive in such a way that he has captured the attention of the American people.

I also want to thank the gentleman from Indiana (Mr. Roemer). I think it was several Members who indicated their disappointment that he will not be returning in the next term. Let me add my voice to that. But let me reassure him that he will be very much involved and engaged in this effort as it proceeds over the course of the next several years. We have had many conversations regarding this, and I know he will continue to play a huge role.

Well, this legislation would at long last honor John, Abigail and John Quincy Adams, towering figures, as has been pointed out, to whom this Nation owes its very foundation. A family without peer in our Nation's history.

As my colleagues may understand, this is a special moment for me personally as a native son of Quincy, Massachusetts, where both John Adams and John Quincy Adams were born and raised. I believe I would have a certain political kinship, if you will, with this family as the first resident of Quincy to serve in this body since Charles Francis Adams, the son of John Quincy Adams, and obviously the grandson of John Adams, served in this body from 1859 to 1861.

Furthermore, Abigail Adams, wife and mother of the two Presidents, was from neighboring Weymouth, also part of our congressional district and where my own grandfather farmed and raised their children in the early 1900s.

Personally, this association is deeply humbling and yet the source of great inspiration. As it is in Weymouth and Quincy and throughout the region, the birthplace of this Nation, from the pilgrims' first landfall in Provincetown on Cape Cod and settlement in Plymouth, Massachusetts, to John Hancock, also of Quincy, who presided over the Continental Congress and declared our independence, no family in American history has contributed so uniquely to the creation, the birth of this country, and to our democracy and to its survival as have John Quincy and Abigail. I commend their citizens of Weymouth and Braintree and across the south shore of Boston have long recognized the magnitude of this legacy with great pride. It is enormously gratifying that we may now share in this pride with fellow Americans by authorizing a fitting memorial in the Capital.

It is and has been no easy task to enhance public appreciation of the Adams family when the objects of our admiration do so little to cooperate. This was a sturdy hardworking industrious family, but they also displayed a frankness and selflessness that is rare in public life. That may account, I would submit, for the lack of appropriate public recognition until now.

On another occasion, he wrote, "Mausoleums, statues, monuments will never be erected to me." This modesty was becoming, but certainly unwarranted. Few families in American history have given so much to their country over so many generations as statesmen, diplomats, advocates and authors. For any student of American history, it seems incredible that there is no such tribute. It should be a highlight of every school pilgrimage to Washington. Well, today we are addressing this omission.

One of the most remarkable experiences of my 5 years in Congress occurred just 2 weeks ago during a subcommittee hearing on this bill chaired by the Congressman from Colorado, and to whom we all owe a debt of gratitude for handling in such an expeditious fashion by bringing this legislation to the floor. I am sure he agrees that it was a riveting history seminar by two of the most eminent scholars of our time, David McCullough and Joseph Ellis.

They painted a portrait of John Adams as the Colossus of Independence, we have heard that from others, who chose Jefferson to draft the Declaration and nominated Washington to command the Continental Army. As others have referenced and David McCullough suggested, while Jefferson was the pen of the Declaration, it was Jefferson we owe a debt of gratitude. It is and has been no easy task to enhance public appreciation of the Adams family when the objects of our admiration do so little to cooperate. This was a sturdy hardworking industrious family, but they also displayed a frankness and selflessness that is rare in public life. That may account, I would submit, for the lack of appropriate public recognition until now.

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And later, with a nascent America drawing its very first breaths, he was our most effective diplomat in the 1780s, winning recognition of our national sovereignty from European powers and securing loans from the Dutch to finance the revolution, thus keeping an invincible force during their most precarious years. A man of extraordinary courage, he instinctively embraced the public interest, even when it conflicted with his own self-interest, as when, as our second President, he steered clear of the public outcry for war with France at the expense of his own reelection.

At his side throughout was a woman cabinet, Abigail Adams, whose influence would be impossible to overstate. So she possessed a keen intellect.

The SPEAKER pro tempore (Mrs. BIGGERT). All time has expired.

Mrs. CHRISTENSEN. Madam Speaker, I ask unanimous consent for an addition to the rule that under those circumstances.

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

There was no objection.

Mrs. CHRISTENSEN. Madam Speaker, let me as she might have said to the statesman in their name, a one-\footnotesymbol{1500}st to one than another. There is a principle to be taken, I think, from Adams' life. They are all, without number, the statesmen I jotted down with his intelligence, his courage, his tenacity, his love of country, his religious faith, and something we, as politicians, talk about all the time and will be talking about on the stump during the 4th of July. I am sure, his belief in family values. If it were not for that strong belief in family values, he would not have had the kind of illustrious family that he has. So I am thankful for the education I received from this and for the education that future generations of Americans will get from the memorial that is created as a result of this.

Madam Speaker, this is a bill whose time has come. Let us pass it here today. Let us encourage our friends in the Senate to pass it. I am sure the dream of the gentleman from Indiana (Mr. ROEMER), would be that they too, even this week before recess, before the 4th of July, would pass this out of the Senate, and we would send it down to the President for his signature.

Mr. SMITH of Texas. Madam Speaker, I am grateful to Representative TIM ROEMER for introducing H.R. 1668. This legislation would authorize the Adams Memorial Foundation to establish a monument in our nation's capital to one of the most remarkable public servants this city and our country have ever known: our first vice-president and our second president, John Adams.

John Adams was the primary architect of the government in which we live, an active role today, more than 200 years after he commenced his brave and tireless work to liberate his fellow citizens from the English Crown. Virtually millions of people have been the beneficiaries of his brilliant courage, but ironically, few of us fully understand and appreciate the depth or nature of the debt we owe him.

Madam Speaker, it was John Adams who authored a pamphlet that laid out the design adopted by our government in structuring our bicameral legislative, our executive branch and our independent judiciary. It is useful and appropriate to observe that it was John Adams who argued for a stronger congressional role and that the beneficiaries of his brilliant courage, but ironically, few of us fully understand and appreciate the depth or nature of the debt we owe him.

Madam Speaker, John Adams was also a great student of the world. He once wrote that "I must study politics and war so that future generations of Americans will get from the memorial that is created as a result of this."
Daniel Webster, on the occasion of the deaths of John Adams and Thomas Jefferson on July 4th, 1826, noted: “A truly great man . . . is no temporary flame.” Rather he concluded it is “a spark of fervent heat, as well as radiant light, with power to rekindle the common mass of human kind; so that when it glimmers and finally goes out in death, no night follows, but it leaves the world all light, all on fire from the potent tact of its own spirit.”

It is time we rekindled the flame of Adams genius and work. Our flint and steel will be an interpretive memorial for generations to visit, perpetuating the audacity and curiosities of this great American, John Adams, his legacy and his family.

Former Librarian of Congress, Daniel Boorstin, has highlighted for me a passage in a letter Thomas Jefferson sent Adams recalling the joint efforts of the two old revolutionaries, “We were fellow-laborers in the same cause . . . Laboring always at the same oar, with some wave ever ahead, threatening to overawe us, and yet passing harmless under our bark, we knew not how we rode through the storm with heart and hand, and made a happy port . . . and so we have gone on, and shall go on puzzled and prospering beyond example in the history of man.”

With heart and hand let us give sail to that same voyage in the tradition of our founders. Let us hold the lamp of liberty bright to find passage through storms beyond our horizons and batten down all doubts of democracy by hoisting high the life and legacy of John Adams.

Mr. HEFLEY. Madam Speaker, I hope that we pass this bill unanimously here today, and I yield back the balance of my time.

The SPEAKER pro tempore. 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. HEFLEY. Madam 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.

GENERAL LEAVE

Mr. HEFLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the Record on H.R. 1666, the bill just considered.

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

There was no objection.

AUTHORIZING FUNDING FOR NATIONAL 4–H PROGRAM CENTENNIAL INITIATIVE

Mr. LUCAS of Oklahoma. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 657) to authorize funding for the National 4–H Program Centennial Initiative.

The Clerk read as follows:

S. 657

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

SECTION 1. NATIONAL 4–H PROGRAM CENTENNIAL INITIATIVE.

(a) FINDINGS—Congress finds that:

(1) the 4–H Program is 1 of the largest youth development organizations operating in each of the 50 States and over 3,000 counties;

(2) the 4–H Program is promoted by the Secretary of Agriculture through the Cooperative State Research, Education, and Extension Service and land-grant colleges and universities;

(3) the 4–H Program is supported by public and private resources, including the National 4–H Council; and

(4) in celebration of the centennial of the 4–H Program in 2002, the National 4–H Council has proposed a public-private partnership to develop new strategies for youth development for the next century in light of an increasingly global and technology-oriented economy and ever-changing demands and challenges facing youth in widely diverse communities.

(b) GRANT.—

(1) IN GENERAL.—The Secretary of Agriculture may provide a grant to the National 4–H Council to pay the Federal share of the cost of—

(A) conducting a program of discussions through meetings, seminars, and listening sessions on the National, State, and local levels regarding strategies for youth development; and

(B) preparing a report that—

(i) summarizes and analyzes the discussions;

(ii) makes specific recommendations for strategies for youth development; and

(iii) proposes a plan of action for carrying out those strategies.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of the program under paragraph (1) shall be 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of the program under paragraph (1) may be paid in the form of cash or the provision of services, material, or other in-kind contributions.

(3) AMOUNT.—The grant made under this subsection shall not exceed $5,000,000.

(c) REPORT.—The National 4–H Council shall submit any report prepared under subsection (b) to the President, the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) FUNDING.—The Secretary may fund the grant authorized by this section from—

(A) funds made available under subsection (e); and

(B) notwithstanding subsections (c) and (d) of section 793 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204l), funds from the Account established under section 793(a) of that Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—

The grant authorized to be appropriated to carry out this section is $5,000,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from
Oklahoma (Mr. Lucas) and the gentlewoman from North Carolina (Mrs. Clayton) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. Lucas).

Mr. Lucas of Oklahoma. Madam Speaker, I yield myself such time as I may consume.

I rise today to urge my colleagues to support S. 657, a bill that authorizes funding for the National 4-H Program Centennial Initiative. 4-H has been a guiding force for America’s youth for over the past century. It has taught countless numbers of youth responsibility and a sense of community.

This bill is identical to a House version, H.R. 1388, that the gentleman from Iowa (Mr. Ganske) and the gentlewoman from North Carolina (Mrs. Clayton) and I strongly support. S. 657 will provide the money for the 4-H programs in all 50 States to conduct meetings, seminars, and listening sessions on the national, State and local levels regarding workforce development for youth involvement.

Most importantly, it requires a report that Congress and the President can use to help determine what avenues and programs are best suited to helping the youth of this country.

S. 657 will allow the Secretary of Agriculture to provide a $5 million grant to the National 4-H Council. The bill sets up a cost-share structure so that the private sector will match the grant up to $5 million.

For those of my colleagues that are wondering why my Subcommittee on Conservation, Credit, Rural Development and Research is so concerned, let me get right to the point. The rural development and research programs that my subcommittee is responsible for overseeing are stretched very thin, and the loss of young people in our rural areas is extremely disturbing. The best thing about the 4-H youth program is that it not only helps youth in rural communities but urban and suburban communities as well, because 4-H programs are present in over 3,000 counties in the United States.

The National 4-H Program Centennial Initiative is good for America’s youth and for America’s future. I urge my colleagues to vote “yes” on this important piece of legislation.

Madam Speaker, I reserve the balance of my time.

Mrs. Clayton. Madam Speaker, I yield myself such time as I may consume.

I also rise in support of this bill, S. 657, which provides funding to support the National 4-H Program Centennial Initiative. For 100 years, the 4-H Program has served the youth of this Nation by providing leadership training and education in a wide array of life skills. Our Nation has changed. The 4-H program has changed as well. While many may think that the 4-H program is for rural youth only, the fact is that over 70% of the programs for youth are really, indeed, in urban and suburban areas. Without abandoning their original core constituency, the 4-H program and its thousands of volunteers have expanded their program throughout our Nation.

So as the 4-H program celebrates its 100 years of service to American youth, this bill will play an important part. S. 657 will authorize funding for a grant, as much as $5 million, which will be administered by the USDA to help the National 4-H Council plan a national convention to develop critical youth-development strategies for the next century. The $5 million provided by this act will be paid out in a 50-50 Federal-private matching grant, so it will also be a tool to leverage additional private resources or resources from non-Federal sources.

Helping to shape the future of our Nation’s youth is one of the most important investments this Congress can make. This is one good effort we can make in that regard. I thank the gentleman for bringing this bill to the floor, and I am delighted to encourage my colleagues to support its passage.

Madam Speaker, I reserve the balance of my time.

Mr. Lucas of Oklahoma. Madam Speaker, I yield 5 minutes to the gentlewoman from Iowa (Mr. Ganske).

Mr. Ganske. Madam Speaker, I am thankful that the House is taking up this legislation today which is the companion to S. 657, H.R. 1388, which has wide bipartisan support.

In April, a group of 4-H’ers from Iowa asked me to introduce this legislation in the House of Representatives. Since 4-H has been working to serve both rural and urban kids for over 100 years, I was proud to help them.

Madam Speaker, this is the 4-H logo. It stands for head, heart, hands and health: Head for clearer thinking, heart for greater loyalty, hands for larger service, and health for better living. These are goals that are laudatory.

4-H is active in all 50 States and the District of Columbia. It has chapters in over 3,000 counties, and has almost 7 million members. There are over 600,000 4-H volunteer leaders around the country, and I want to thank them for their efforts and for the countless hours they have put in. I know that those volunteers also recognize that their own lives are enriched by the time they spend with kids in 4-H.

Madam Speaker, 4-H is often seen as a rural organization, and it has served rural areas very successfully through its history. But the organization is very active in serving youth in our urban areas and cities. Over a third of its members are from the suburbs and cities.

Madam Speaker, 4-H is undertaking an ambitious plan to use the celebration of its 100th anniversary to foster a new horizon for youth development, culminating in a plan of action for families, communities and youth leaders around America to implement strategies for youth development to lead us into the next century. I strongly encourage my colleagues to support 4-H by voting for this legislation.

I am honored that I was able to play a role in bringing this legislation forward. I thank the gentleman from Oklahoma (Mr. Lucas) and the gentlewoman from North Carolina (Mrs. Clayton) for their important contributions as well. Vote for this legislation, Madam Speaker. Thank you.

I do not have any additional requests for time, and I yield back the balance of my time.

Mr. Lucas of Oklahoma. Madam Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. Pence).

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

Madam Speaker, as a proud Hoosier representing proud 4-H’ers across Indiana, and as a former 4-H’er myself, I am proud to stand in favor of S. 657 to authorize funding for the National 4-H Program Centennial Initiative. I want to thank the gentleman from Oklahoma (Mr. Lucas), the gentlewoman from North Carolina (Mrs. Clayton) and the gentleman from Iowa (Mr. Ganske) for their seminal work on this project, and for their efforts to raise the national profile of 4-H through this study.

Madam Speaker, think of it: 50 States, 3,000 counties, and just as many county fairs. 4-H is making a difference in the lives of America’s youth. In the year 2002, 4-H will celebrate 100 years of having fun and making a difference for kids in both rural areas and, in increasing measure, in urban areas around the United States of America.

The grant authorized by this legislation for the Secretary of Agriculture will not only provide the opportunity to study strategies for youth development, but as the gentleman from Oklahoma so eloquently stated, it will require leadership from the President. It will require leadership in 4-H, both public and private, to think clearly about the next 100 years of youth development in 4-H.

Madam Speaker, 50 million may not seem like a lot of money in this town, but all across America $5 million is very serious money. It gives us a genuine opportunity to assist 4-H in developing new strategies to face the new horizons for America’s youth increasingley beset by distractions of a destructive nature that lead them down a path of unproductive lives.

Madam Speaker, 4-H is fun. But as the gentlewoman from Iowa (Mr. Ganske) stated so eloquently, it is much more than just fun. It is head, heart, hands and health. It is teaching the habits of good living to young boys and girls across America.

Madam Speaker, 4-H makes a difference, and so I stand in strong support and urge all of my colleagues to support this bill to authorize funding for the National 4-H Program Centennial Initiative. Thank you.

Mr. Lucas of Oklahoma. Madam Speaker, I yield myself such time as I may consume.
Madam Speaker, this is one of those occasions where as a Member of Congress, we have an opportunity to return something to one of the organizations that gave us the opportunities that we now enjoy.

I think back to my days at Crawford Public School as a member of the Crawford Junior 4-H Club when I had my first opportunity to participate in leadership experience, my first opportunity to be a president of anything. This is my opportunity to return to 4-H, the body’s opportunity to return to 4-H, of part of what it has provided all of us with.

Mr. CHAMBLISS. Madam Speaker, I support this bill to authorize funding for the National 4-H Program Centennial Initiative. From its beginnings as the Corn Club for Boys and Tomato Canning Club for Girls, the 4-H program has grown to one of the largest youth organizations in the United States with more than 6.8 million participants. Today 4-Hers can be found building model rockets, organizing 4-H ice cream drives for the needy, showing livestock, delivering a speech before local government officials on issues critical to youth, and much more.

In celebration of the centennial of the 4-H Program in 2002, the National 4-H Council has proposed a public-private initiative to develop new strategies for youth development for the next century. As our world becomes increasingly global and technology-oriented, the demands and challenges facing youth continue to change. This bill will allow the program to change as well. The bill calls for the federal government to provide a $5 million federal grant that may be matched by non-federal sources.

Today, as a former 4-H member I ask for your support of the youth of America by passing this bill and allowing this great youth organization to evolve into the next century.

Mr. MORAN of Kansas. Madam Speaker, on behalf of over 94,101 Kansas youth involved in the 4-H program, I rise today in support of the National 4-H Program Centennial Initiative. The 100th anniversary of 4-H and it is only fitting that today we take action to recognize the important contributions that this organization has made in the development of our youth.

In my home state of Kansas, 4-H is the largest youth organization outside of school. Almost 100,000 youth between the ages of 7-19 are involved in 3,065 4-H clubs and groups. 4-H reaches 1 in 7 Kansas youth, helping them develop important life skills such as teamwork, cooperation, time management, and communication.

4-H is a diverse organization, in both its membership and programming. 4-H is traditionally thought of as being targeted to “farm kids.” Yet 55% of 4-Hers in Kansas, a very rural state, reside in suburban and urban areas. Of the 6.8 million youth in 4-H nationwide, 30% represent minority racial, cultural, and ethnic populations. In fact, minority youth are the fastest growing segment of 4-H membership.

While 4-H has expanded to meet the needs and interests of youth with diverse backgrounds in all areas of the country, at the same time it continues to honor its historic connection with America’s rural communities. In Kansas, 45% of 4-H participants live on farms or in rural areas. As a member of the Agriculture Committee and the Congressional Rural Caucus, I understand and appreciate the leadership and opportunity 4-H has provided to millions of our rural youth over the past century.

The purpose of 4-H is illustrated in the 4-H’s—head, heart, hands, and health—which make up the symbolic 4-H clover. As the pledge states, 4-H does indeed teach youth to think more clearly, to value loyalty, to engage in service, and to follow a healthy lifestyle so that they may become better citizens who will enrich the lives of others and improve our society.

The occasion of a centennial is a significant milestone for any organization, and I am proud of the century of service 4-H has given to our nation. I encourage my colleagues to recognize the contributions and value of 4-H youth development by supporting the National 4-H Program Centennial Initiative.

Mr. HAYES. Madam Speaker, I rise in support of House bill 1388 to authorize funding for the National 4-H Program Centennial Initiative. For 100 years 4-H programs across the United States have been producing exemplary citizens. I believe that programs such as 4-H that promote healthy lifestyles, good decision making skills, and loyalty to one’s self, community, country and world are vital to the development of our nation’s youth. The program has successfully reached our youth in over 3,000 counties in all 50 states. Through conferences, exchanges, and camps in North Carolina, 4-H is making a difference in the lives of young people.

Through federally-funded grants, this bill will make it possible to conduct meetings and seminars to determine what youth development programs and/or currently working and allow this important program to succeed another one hundred years. 4-H participants in North Carolina and across the country benefit from the relationships formed and the timeless values taught by 4-H. 4-H does indeed teach youth to reflect the fast-changing realities of life in the 21st Century. Among other things, 4-H hopes to examine the impact of expanding globalization and the role of emerging high technology businesses.

The National 4-H Program Centennial Initiative will promote program discussions on the national, state, and local levels. These programs, whether meetings, seminars, or listening sessions, will promote new strategies for youth development and education. This legislation will provide grants up to $5 million to the National 4-H Council to federal share of program costs. Funding for these planning strategies will help address millions of youth all across America.

During these sessions, which will begin at the county level, interested young people will be able to raise issues or questions that face them and their future, such as how the 4-H program can best use emerging technologies to meet tomorrow’s challenges. The results of these county sessions will form the foundation of a national strategic plan to implement changes and better prepare for the future. The diverse backgrounds and needs of Texas’ counties will be reflected in these reports, helping 4-H members all across the nation understand and adapt to our changing world.

Funding for this program will greatly benefit America’s future by helping today’s youth. We always say that our children are our future. Let’s give them the chance to speak out and address the concerns of our changing world.

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

The SPEAKER pro tempore (Mrs. Biggert). The question is on the motion offered by the gentleman from Oklahoma (Mr. LUCAS) that the House suspend the rules and pass the Senate bill, S. 657.

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.

GENERAL LEAVE

Mr. LUCAS of Oklahoma. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 657, the Senate bill just passed.

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

There was no objection.

CALLING ON CHINA TO RELEASE LI SHAOMIN AND ALL OTHER AMERICAN SCHOLARS OF CHINESE ANCESTRY BEING HELD IN DETENTION

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 160) calling on the Government of the People’s Republic of China to immediately and unconditionally release Li Shaoxin and all other American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working with the Government of Li Shaoxin’s home country to grant all other detained scholars for their release, and for other purposes, as amended.

The Clerk read as follows:

The Clerk then read the text of the resolution.
Whereas in recent months the Government of the People's Republic of China has arrested and detained several scholars and intellectuals of Chinese ancestry with ties to the United States, including as 2 United States citizens and 3 permanent residents of the United States;

Whereas according to the Department of State's 2000 Country Reports on Human Rights Practices in China, and international human rights organizations, the Government of the People's Republic of China "has continued to crackdown and to document human rights abuses, in violation of internationally accepted norms";

Whereas the harassment, arbitrary arrest, detention of criminal charges against scholars and intellectuals has created a chilling effect on the freedom of expression, in contravention of internationally accepted norms, including the International Covenant on Civil and Political Rights, which the People's Republic of China signed in October 1996;

Whereas the Government of the People's Republic of China frequently uses torture and other human rights violations to produce coerced "confessions" from detainees;

Whereas the Department of State's 2000 Country Reports on Human Rights Practices in China clearly documented that human rights abuses in the People's Republic of China "included instances of extrajudicial killings, the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado detention, denial of due process," and also found that "police and prosecutorial officials often ignore the due process provisions of the law and of the Constitution . . . [for example, police and prosecutor officials have] refused to grant suspects and their families the right to confer with their families or lawyers;"

Whereas the Government of the People's Republic of China has reported that some of the scholars detainees have "confessed" to their "crimes" of "spying," but it has yet to produce any evidence of spying, and has refused to allow the detainees to confer with their families or lawyers;

Whereas the Department of State's 2000 Country Reports on Human Rights Practices in China clearly stated that "police continue to hold individuals without granting access to family or a lawyer, and trials continue to be conducted in secret;"

Whereas Dr. Li Shaomin is a United States citizen and scholar who has been detained by the Government of the People's Republic of China for more than 100 days, and was formally charged with spying for Taiwan on May 15, 2001;

Whereas Dr. Li Shaomin has been deprived of his basic human rights by arbitrary arrest and detention, and has not been allowed to contact his wife and child (both United States citizens), or his lawyer;

Whereas Dr. Gao Zhan is a permanent resident of the People's Republic of China who has been detained by the Government of the People's Republic of China for more than 114 days, and was formally charged with "accepting money from a foreign intelligence agency" on April 4, 2001;

Whereas Dr. Gao Zhan has been deprived of her basic human rights by arbitrary arrest and detention, has not been allowed to contact her husband and child (both United States citizens), her lawyer, or Department of State consular personnel in China;

Whereas Dr. Gao Zhan is a United States citizen and author who has been detained by the Government of the People's Republic of China, has been deprived of his basic human rights by arbitrary arrest and detention, has been denied access to lawyers and family members, and has yet to be formally charged with any criminal offenses;

Whereas Qin Guangguang is a permanent resident of the United States and researcher who has been detained by the Government of the People's Republic of China for more than 100 days, and was formally charged with making false statements about the "leaking of state secrets," has been deprived of his basic human rights by arbitrary arrest and detention, has been denied access to lawyers and family members, and has yet to be formally charged with any crimes;

Whereas Dr. Qin Guangguang has been deprived of his basic human rights by being denied regular access to lawyers, and has yet to be formally charged with any crimes;

Whereas Dr. Gao Zhan is a permanent resident of the United States, Falun Gong practitioner, and researcher who has been deprived of his basic human rights by being denied regular access to lawyers, and has yet to be formally charged with any crimes;

Whereas Dr. Gao Zhan is the wife of Dr. Li Shaomin, and her basic human rights have been violated by her husband's arbitrary arrest and detention, and his failure to provide her with access to a lawyer.

Whereas the arbitrary imprisonment of Dr. Li Shaomin, Gao Zhan, Qin Guangguang, and Liu Yaping, as well as the continued detention of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan, and Liu Yaping, as well as the arbitrary imprisonment of United States citizens and residents by the Government of the People's Republic of China, and the continuing violations of their fundamental human rights, demand an immediate and forceful response by Congress and the President of the United States: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) condemns and deplores the continued detention of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, Teng Chunyan, and other scholars detained on false charges by the Government of the People's Republic of China, and calls for their immediate and unconditional release;

(B) condemns and deplores the lack of due process afforded to these detainees, and the probable coercion of confessions from some of them;

(C) condemns and deplores the ongoing and systematic pattern of human rights violations by the Government of the People’s Republic of China, of which the unjust detentions of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan, are only important examples;

(D) strongly urges the Government of the People’s Republic of China to consider carefully the implications to the broader United States-China relationship of detaining and coercing American citizens and permanent residents on unsubstantiated spying charges or suspicions;

(E) urges the Government of the People’s Republic of China to allow immediate medical parole for Dr. Liu Yaping on medical parole, as provided for under Chinese law; and

(F) believes that human rights violations inflicted on United States citizens and residents by the Government of the People’s Republic of China will reduce opportunities for United States-China cooperation on a wide range of issues; and

(2) it is the sense of the House of Representatives that—

(A) the Government of the Republic of China should make the immediate and unconditional release of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan a top priority of the United States foreign policy with the Government of the People's Republic of China;

(B) should continue to make every effort to assist Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan, and their families, while discussions of their release are ongoing;

(C) should make it clear to the Government of the People’s Republic of China that, because it will reduce opportunities for United States-China cooperation on other matters, and

(D) should immediately send a special, high ranking representative to the Government of the People’s Republic of China to recommend that it immediately and unconditionally release Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, Teng Chunyan, and Liu Yaping, and to discuss their legal status and immediate humanitarian needs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in an emotional appeal before the House Committee on International Relations last Tuesday, the American Baptist Missionary, Dr. Gao Zhan, asked the President and the Congress to leave no stone unturned in securing the release of his loved ones. Also at that hearing, Mike Jendrezczkyz of Human Rights Watch made a number of incisive comments and said, "The detentions of respected Chinese scholars have sent a shock wave through the international academic community. Many researchers are increasingly worried about the risks of working in China, and have taken extraordinary steps to speak out." He noted on April 17, more than 400 leading scholars from 14 countries, as well as Taiwan and Hong Kong, all of whom work in the field of China studies, sent a petition to President Jiang Zemin. The authors of the letter noted that the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the latter, which was ratified last February, made it very clear that both the Chinese academics and scholars are precluded by international law. Mover, China's intolerance to free expression will likely
deter other academics from pursuing research in the People’s Republic of China. The respected human rights leader bottom-lines it and says, “The detentions raise serious questions about the rule of law in China and whether it exists.”

Indeed, Madam Speaker, at least six Chinese American scholars and intellectuals are today being unjustly detained. They are being held hostage by the PRC, an outrage that demands immediate relief. H. Res. 160, which I introduced June 8 and now has approximately 40 cosponsors, calls for the immediate and unconditional release of these scholars and academics.

These include: Dr. Li Shaomin, who is a United States citizen and scholar who has been detained by the PRC for 120 days and counting. He has been deprived of his basic human rights by arbitrary arrest, detention and indictment, and has not been allowed to contact his wife and child, both of whom are Americans as well as well as has he been in contact with his lawyer.

Dr. Gao Zhan is a permanent resident of the United States and is a member of the faculty of American University. She has been detained by the People’s Republic of China for 124 days and counting.

Mr. Wu Jianmin is an American citizen and author who has been detained by China and deprived of his basic human rights by arbitrary arrest and detention.

Qin Guangguang is a permanent resident of the United States and a researcher who has been detained by China on suspicions of leaking state secrets. His human rights have been violated by arbitrary arrest and detention.

Ms. Teng Chunyan is a permanent resident of the United States, a researcher and a Falun Gong practitioner. She has been sentenced to 3 years imprisonment by the PRC. The apparent reason for her sentence is her research showing that the PRC is violating the human rights of Falun Gong adherents in China. If that is true, Madam Speaker, the U.S. State Department is guilty of that charge.

This country’s Report on Human Rights Practice, which catalogs the myriad of human rights abuses by China, also points out that at least 100 Falun Gong were tortured to death last year as part of their crackdown.

Then there is Liu Yingli. He is a permanent resident of the United States and a businessman. He was arrested in Inner Mongolia in March 2001. He has been diagnosed with severe health problems while in detention, including a brain aneurysm which may rupture. The reason for his arbitrary arrest and detention are unclear. He has had no contact with his family, and has not had regular access to his lawyers.

Madam Speaker, at a hearing of the Committee on International Relations, noting that both she and her husband, Li Shaomin, are American citizens, Liu Yingli testified, “If China’s Ministry of State Security can get away with imprisoning my husband now, it may well detaine more academics in China in the future, regardless of their skin color, or country of origin.”

Despite that, Dr. Li is not a political activist or dissident, but is a teacher who worked for AT&T in New Jersey for 8 years, Liu Yingli said, “This case is not just about the freedom of one man, but about academic freedom.” Again, Dr. Li has been held hostage for 120 days.

Liu Yingli also testified, “It has been nearly 4 months since Li Shaomin’s detention on February 25: 4 months of grief and pain, 4 months of worry and fear. But we are American citizens. We should not have to live with such fears.”

She said, “This painful experience has not spared our daughter, who is only 9, and our parents, who are more than 70 years old. Our family has spent sleepless nights and restless days waiting for news of Shaomin. Our daughter, Diana, has asked repeatedly when Daddy will come home.”

Madam Speaker, when this unjust detention was brought to my attention I expressed concern and dismay. But when I met with Liu and her daughter—I knew more—much more had to be done. Diana, the 9-year-old daughter of Dr. Li asked me to help her dad. She composed two letters and drawings in crayon on that really hit home with me. One that was for me and one I was asked to give to President Bush. I would just like to quote the one that I gave to the President on April 25. I hand delivered it to him.

“Hi, Mr. President,

“My name is Diana Li. I am 9 years old. I have never written to a President before in my life. Now I am writing because China has captured my daddy. Shaomin Li. I need your help to rescue my daddy. Who can please help me? My miss my daddy very much. I can imagine if you were captured by China, your daughters would miss you very much, too. And so would their mom.

“Please help me rescue my daddy. Thank you, Diana Li.”

Madam Speaker, let us hope that the crayon is mightier than the sword and that Beijing will understand the extreme folly of their hostage-taking and listen as well to the plea of a 9-year-old asking for her father.

And, Madam Speaker, the cases of the other hostages are equally compelling. At the hearing last Tuesday, we also heard from Donghua Xue, the husband of Diana than, who has been held hostage for 134 days. Mr. Xue, a senior systems analyst at EDS Corporation, told us how on February 11 when he and his wife, a U.S. permanent resident and research fellow at American University and their 5-year-old son Andrew, an American citizen, were leaving China after a brief vacation, were arrested and detained. To quote Mr. Xue,

“The three of us were separated by force, blindfolded and held in three different places.”

Donghua was held for 26 days. His 5-year-old son, an American citizen, was separately held for 26 days without any communication whatsoever from his parents or family members. Even our embassy in Beijing was in the dark about this little hostage who, I need to say again, is an American citizen.

Madam Speaker, it was and is abundantly clear that the Chinese are desperately worried about his wife’s condition, and he told us at the hearing that her attorneys in Beijing have made several attempts to visit her and they have all been denied. The only reason we can think of, he went on to say, is that she perhaps has been physically tortured or at least has some obvious wounds that they do not want the outside world to see. In a word he went on, “My wife Gao Zhan is in a very dangerous situation. I am calling on the Chinese government to try even harder to help.”

In his testimony, Madam Speaker, Mr. Xue also underscored the Chinese government’s rhetorical commitment to the rule of law. He said “the Chinese foreign minister has said several times in his letters to the congressional Members and to U.S. officials that, quote, “China is a country ruled by laws.” The spokesman from the Chinese foreign minister has said that they, quote, “strictly follow the legal procedures to deal with the scholars’ cases.”

“I certainly wish that these statements were true,” he went on, “but from my nightmare experience in China, the statements are far from reality. To make a family disappear from the earth for almost a month, to illegally detain my son Andrew,” he testified, “a U.S. citizen for 26 days, without even notifying the U.S. embassy, to separate a 5-year-old child by force from his legal guardians and his family, to emotionally and psychologically torture a 5-year-old child for several weeks just for interrogations hostage. These actions not only violate Chinese and international laws and U.S.-China treaties, these actions are inhuman and they are barbaric. We can only associate these actions with the terrorism organizations, not with a country that purports to be ruled by law.

Mr. Xue also made an important comparison, Madam Speaker, with the way in which his wife’s case has been portrayed and that of our 24 detained servicemen and women from the EP-3E reconnaissance aircraft. I quote him again as coming on news reports. They were finally released after 11 days of diplomatic negotiations. We don’t know where our scholars are. We don’t know
anything about my wife’s health condition. But one thing we are 100 percent sure of, they are not living in a hotel condition. Why do they treat crew members and the scholars so differently? It is the Chinese government who is discriminating against the Chinese. The Bush administration pays the same effort as they did for the crew members to rescue these detained scholars.”

Madam Speaker, I urge the passage of this resolution. Hopefully, this is the first step to completely change the consciousness concerning this outrage of hostage-taking of these Chinese Americans.

Madam Speaker, I reserve the balance of my time.

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

I rise in strong support of H. Res. 160. I commend my good friend and colleague from New Jersey (Mr. SMITH), for introducing this important resolution and for his quite eloquent advocacy of it. We have so often heard the pleas of children hurt by governments, hurt by violations of human rights; and I think that it will often be important to invent false accusations against perfectly innocent people, especially those involved in the noble but still very rare cause of human rights for the people of China. We can win the release of these Chinese Americans if we bring this issue to the highest level. If President Bush himself considers Gao’s case, in order to release these other imprisoned scholars, I am confident that Gao Zhan will see her husband and son again, and that Li Shaomin will soon come home to his wife and his daughter.

It is important that we pass this resolution. It is also important that we keep these human rights abuses in mind when we decide what position to take as a country and as a Congress on the issue of whether the Olympics should be held in China. It is perhaps unfortunate that the administration has announced that it is neutral with regard to that bid for the Olympics. But the Olympics stands for something. It stands, in part, for the human rights of all people. I think this Congress ought to take up this issue and bring on up on this floor the resolution urging that the Olympics not be held in Beijing while human rights abuses continue.

In addition, it is important that we interact with our friends in Congress keep these human rights issues in mind as we vote on annual, quota, “normal trade relations,” also known as most-favored-nation status when that issue comes to this floor. But for now, I urge all my colleagues to support H. Res. 160.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, I thank the gentleman for yielding me this time and I thank you for your outstanding leadership on House Resolution 160, calling on the Government of the People’s Republic of China to immediately and unconditionally release Dr. Li Shaomin and other American scholars of Chinese ancestry currently being held in detention. I also would commend the gentleman from California (Mr. SHERMAN) for his eloquent words today in support of this important resolution.

Madam Speaker, the Good Book says that we are to stand with those in prison as though we ourselves were prisoners. In this well of liberty, this well where resides the dreams and hopes and ambitions of the people all over the world, today’s resolution authored by the gentleman from New Jersey (Mr. SMITH) is an important statement. It is important that this Congress call on the Government of the People’s Republic of China to immediately and unconditionally release Dr. Li Shaomin and other American scholars of Chinese ancestry held in detention and that we call today on the President of the United States to continue to work toward the ultimate release on behalf of their release.

The Government of the People’s Republic of China, Madam Speaker, has targeted, arrested, and detained several scholars and intellectuals of Chinese ancestry with ties to the United States, including, as astonishingly as it may seem, two United States citizens and three permanent residents of the United States of America. According to the Department of State 2000 Country Reports on Human Rights Practices in China and international human rights organizations, the Government of the PRC has, quote, “continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms. Targeting of intellectuals and scholars for harassment, arbitrary arrest, detention and criminal charges has created a chilling effect on the nascent freedom of expression which has begun to take hold within the People’s Republic of China.”

Dr. Li Shaomin is a United States citizen, Madam Speaker, and a scholar who has been detained by the Government of the PRC for more than 100 days. He was formally charged with spying for Taiwan on May 15, 2001. Dr. Li has been deprived of his basic human rights by arbitrary arrest and detention and has not, as the gentleman from New Jersey (Mr. SHERMAN) stated with passion, even been allowed to contact his wife and child or his attorney or been offered even the most
rudimentary due-process rights which, while not secured and vouchsafed for the citizens of China, certainly ought to be respected for the citizens of the United States of America within the geographic boundaries of China.

Accordingly, this resolution, Madam Speaker, does in fact condemn and deplore the continued detention of Dr. Li, of Dr. Gao Zhan and other scholars detained on false charges by the Government of China, calls for their immediate release, deplores the lack of due process under which the Government of the PRC to consider carefully the implications to its broader relationship with the United States through this detention and coercion of American citizens and citizens of Chinese descent.

In closing, I urge my colleagues to vote yes on H. Res. 160 and to keep these issues in mind as other issues involving the U.S.-China relationship come before this House.

Mr. HUNTER. Madam Speaker, I want to thank Chairman HYDE and the distinguished East Asia and Pacific Subcommittee Chairman, Mr. Smith, for drafting this important, timely resolution.

I am very concerned that Chinese-American citizens and U.S. permanent residents of Chinese ancestry are being illegally held by the government of the People’s Republic of China. There is no rule of law in that country. In China, a person is not considered guilty until proven guilty. A person’s guilt or innocence is pre-determined by the government, and, as we all know, thousands of arrests and imprisonments are carried out for political reasons.

Let’s be perfectly clear about this. Government-sponsored kidnapping is terrorism. It is no less a crime than what is being committed by terrorists against Americans currently being held in the Philippines.

Madam Speaker, you will recall, the People’s Republic of China has done this before. One year it held actividades through non-lease, and another time it held Wang Dan and Wei Jingsheng.

Harry Wu was released to ensure the First Lady Hillary Clinton would attend the UN 1995 Beijing Women’s Conference. Wang Dan and Wei Jingsheng were temporarily released in 1993 as China was bidding to host the 2000 Olympics game. For years the Chinese dictatorship have been holding and releasing, and then holding and releasing Catholic clergy loyal to Pope John Paul II. Some of these hostages are beaten to death, while others are eventually released, some early, some late. These people were illegally detained and released after they were released.

So let us be clear. Our State Department is on notice that we want our people back immediately and unconditionally. The President should put on hold any consideration about his meeting with Chinese leaders until this occurs.

The Chinese government and the bureaucrats in the State Department who are still in place from the previous Administration must understand that our people are not pawns for trade. First the Chinese government must return our people and then we can talk about other things, such as trade.

The cautions U.S. response that we have given to date, just will not do. The taking of American and U.S. citizens is unacceptable.

Why should the United States sit idly by while the Chinese government continues to violate human rights, violate the standards, international standards of law, are not regulated consistent with the modern world that wants to be part of the modern world of trade, of academic inquiry and exchange, and international exchange.

I urge my colleagues to the strongest possible terms to pass this legislation. We must do all we can to see that these Americans are released as quickly as possible.

Mr. SMITH of New Jersey, Madam Speaker, I reserve the balance of my time.
As you know, in recent months we have seen the shocking arrest of United States citizens and permanent residents by the People’s Republic of China (PRC). These prisoners represent some of the best and brightest of the U.S. academic and business communities, and they have been falsely and tragically charged with committing crimes of espionage and violation of “state secrets” laws while traveling in China. In most cases, these prisoners have been held for long periods of time without formal charges filed against them, without the ability to meet with their attorneys, and without any communication with their families and loved ones.

Although the Chinese government has said that many of these individuals have confessed to their crimes, our own State Department contains condemning data showing the PRC routinely denies prisoners basic due process rights, and regularly extracts confessions by coercion.

As we know, this behavior by the Chinese is nothing new. We remember the brutal way that the PRC government suppressed a movement toward free speech in Tiananmen Square a decade ago, and we have seen no redeeming conduct since that time that would lead us to believe that they intend to change their ways. It was just several weeks ago that an American researcher was shot down to the bottom of the ocean while traveling in international waters, and the service members aboard held hostage while the Chinese government attempted to force an apology by the United States. To this date, we still have been unable to retrieve our own aircraft from Chinese waters.

This unending succession of events is being watched on the world stage by nations that the PRC would do well to please in order to secure their place in the world economy. However, China neither feels contrite regarding its actions, nor do they exhibit acceptable behavior. China must immediately release Gao Zhan, an academic researcher at the American University and a China study scholar who is not a security threat. In addition, the measure expresses the sense of the House that human rights violations inflicted on United States citizens and residents by the Government of the People’s Republic of China will reduce opportunities of United StatesChinese cooperation on a wide range of issues.

I congratulate Representative Smith for his work in bringing this resolution to the floor. This is an important statement by the people’s House today. It says to the Government of China, that the U.S. House of Representatives cares about the human rights abuses committed by the Government of China.

Just two months ago in March, I had the honor of leading a ceremony in which my constituent, Dong Hau Xue, husband of the imprisoned American citizen, Workers on the Wharf Dr. Li Shaomin and Mr. Wu Jianmin; permanent U.S. residents Mr. Qin Guangguang, Mrs. Teng Chunyan, and other scholars detained on false charges by the Government of the People’s Republic of China, and calls for their immediate and unconditional release. The resolution demands, and deplores the lack of due process afforded to these detainees, and the probable coercion of confessions from some of them.

Furthermore, it condemns and deplorers the continued detention of Li Shaomin, Gao Zhan, Wu Jinjian, Tan Guangguang, Teng Chunyan, and other scholars detained on false charges by the Government of the People’s Republic of China, and calls for their immediate and unconditional release. The resolution demands, and deplores the lack of due process afforded to these detainees, and the probable coercion of confessions from some of them.

In addition to calling upon the Chinese Government to immediately release Gao Zhan, an innocent women, wife and mother; an American citizen, Mr. Wu Jinjian; permanent U.S. residents Mr. Qin Guangguang, Mrs. Teng Chunyan, and Mr. Liu Yaping.

I urge a unanimous vote in support of H. Res. 160. I implore the Government of the People’s Republic of China to free Gao Zhan and the other scholars and reunite them with their families.

Mr. Delay. Madam Speaker, I rise today because I am outraged. Outraged that the People’s Republic of China is holding American scholars against their will. H. Res. 160, introduced by my colleague Mr. Smith of New Jersey, takes an important step toward addressing the human and civil rights abuses committed by the Communist Chinese government. This Congress must not let human rights abuses by China or any other nation go unchecked.

At the present time, Li Shaomin and other scholars are being held in Chinese prisons for “crimes against the State.” These Americans may be enduring torture and coercion, and may be forced into “confessing” to crimes they did not commit. But there is perhaps the least of the indignities that these men and women must endure.

The imprisonment of Li Shaomin and other American scholars of Chinese ancestry are just symptoms of the larger disease that is China’s treatment of human life and human rights.

Let our support for this resolution send a clear and compelling signal that this Congress and our Nation will not stand silently by while natural and universal human rights are curtailed in China or anywhere else.

Madam Speaker, I rise in strong support of House Resolution 160.

Madam Speaker, I am deeply disturbed by the Government of China’s recent arrests and detentions of American citizens and U.S. permanent residents. China must immediately release Gao Zhan, an academic researcher at the American University and a China study scholar who is not a security threat.

In an effort to address these matters, Madam Speaker, I commend Mr. Smith, Mr. Lantos and Ms. Ros-Lehtinen for introducing House Resolution 160. I am honored to be a co-sponsor of the measure.

In addition to calling upon the Chinese Government for the immediate and unconditional release of Dr. Li, Dr. Geo and other American scholars of Chinese ancestry who have been detained, this important legislation urges President Bush to appoint a special envoy and make the detainees’ release a top priority in U.S.-China relations.

I cannot agree more Madam Speaker, as American citizens and U.S. permanent residents, when they go overseas, must be protected and not be subject to arbitrary harassment and detention on unsubstantiated charges, whether by China or any other nation.

I strongly urge adoption of the legislation by our colleagues.

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

Mr. Smith of New Jersey, Madam Speaker, we do have some additional speakers; but regrettably, they are either en route from their home districts or are in appropriations markups. So
at this point since they are not here, Madam Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 160, as amended.

The question was taken.

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

Mr. SMITH of New Jersey. Madam 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.

CALLING UPON HEZBOLLAH TO ALLOW RED CROSS TO VISIT FOUR ABDUCTED ISRAELIS

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and adopt the resolution (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.

The Clerk read as follows:

H. Res. 99
Whereas on October 7, 2000, Hezbollah units, in clear violation of international law, crossed the Lebanese border into Israel and kidnapped three Israeli soldiers, Adi Avitan, Binyamin Avraham, and Omar Souad;
Whereas on October 15, 2000, Hezbollah announced that it had abducted a fourth Israeli, Elchanan Tannenbaum;
Whereas the 1999 Department of State report on foreign terrorist organizations stated that Hezbollah receives substantial amounts of financial assistance, training, weapons, explosives, and political, diplomatic, and organizational assistance from Iran and Syria;
Whereas Syria voted in favor of the Universal Declaration of Human Rights in the United Nations General Assembly;
Whereas Lebanon voted in favor of the Universal Declaration of Human Rights in the United Nations General Assembly;
Whereas Iran voted in favor of the Universal Declaration of Human Rights in the United Nations General Assembly;
Whereas the International Committee of the Red Cross has made numerous attempts to gain access to the condition of these prisoners; and
Whereas the International Committee of the Red Cross has been denied access to these prisoners: Now, therefore, be it

Resolved, that 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.

Resolved, that 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH). Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, even in the midst of war or violent conflict, the need for some limits must be underlined. Those limits are of crucial importance in that they remind us of our essential humanity. When humanitarian standards are ignored, we need to call them to the attention of those who seem to be violating them. In the case of the individuals mentioned in the resolution now before us, who are Israeli soldiers and civilians, the UHC rules are, in fact, being ignored. This resolution relates to several Israeli soldiers and one civilian who have been kidnapped from Israel itself or in Europe. Their captors have admitted holding them and they have said that they will keep them 20 minutes. That is all that is known about them.

In defiance of international norms, their captors are not permitting the International Committee of the Red Cross to visit them. Of course, the captives should be treated humanely. Of course, they should be released, but they should certainly, at the very least, be provided with protections of international humanitarian law. The International Committee of the Red Cross should be provided with access to them so that their welfare can be ascertained and other appropriate protections be afforded to them. It is cynical and cruel for Hezbollah to deceive the UHC rules and In fact, being ignored. This resolution asks those governments to use their influence to ask Hezbollah to do the right thing. It is not too much to ask, I request that my colleagues join me in supporting this resolution.

Madam Speaker, I would like to thank the chairman of the full committee, the gentleman from Illinois (Mr. HYDE); the ranking member of the full committee, the gentleman from California (Mr. LANTOS); and the chairman of the Subcommittee on the Middle East and South Asia, the gentleman from New York (Mr. GILMAN); and the ranking Democrat of the Subcommittee on the Middle East and South Asia, the gentleman from New York (Mr. ACKERMAN) for moving this bill through their committees.

I also want to thank the gentleman from New York (Mr. CROWLEY) for sponsoring it. It is a good resolution and it deserves the support of this body.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I thank my friend, the gentleman from New Jersey (Mr. SMITH), for his words in support of this resolution, and I rise in strong support of this resolution.

Madam Speaker, I want to begin by thanking the chairman of the full committee, the gentleman from Illinois (Mr. HYDE); our distinguished ranking member, the gentleman from California (Mr. LANTOS); my Republican colleagues, the gentleman from New York (Mr. GILMAN), the gentleman from Virginia (Mr. CANTOR), the gentleman from Illinois (Mr. KIRK), and the gentleman from New Jersey (Mr. SMITH) for their work; and my other colleague, the gentleman from New York (Mr. ACKERMAN), for helping to get this resolution to the floor for quick consideration today.

On October 2000, Adi Avitan, Binyamin Avraham, and Omar Souad were abducted while on a routine patrol of Israel’s northern border. A fourth man, Elchanan Tannenbaum, a reservist, was taken while on a business trip in Europe.

In the present time, these men are believed to be held by the Hezbollah on Lebanese soil. The United Nations Secretary General Kofi Annan and the International Committee of the Red Cross have made numerous overtures to Hezbollah in an effort to gain access to assess the physical condition and well-being of these prisoners. The Hezbollah has rejected these requests each and every time.

The continued detention of these men by Hezbollah troops is unacceptable and must be addressed immediately.

The conditions of their capture and the subject of detention run completely counter to the international standards and laws. Given the Department Report on Terrorism has named Iran and Syria as the patron states of Hezbollah, we must hold the governments in Tehran and Damascus responsible for the well-being of these men.

As signatories to the Universal Declaration on Human Rights, Iran and Syria have a responsibility to the international community to take concrete steps to encourage Hezbollah to permit this visit to take place. President Khatami and President Assad have made statements regarding the desire to join the community of nations. If these statements truly represent the desires of Iran and Syria, I ask them to take the first step toward achieving that objective by exerting their considerable influence over Hezbollah to allow the International Committee of the Red Cross to do their job without further delay.

I first met the families of these men on a visit to Israel earlier this year in January with Members from New York, the gentleman from New York (Mr. WEINER) and the gentleman from New York (Mr. NADLER). It was my hope...
that by the time we met again that their sons and fathers would be home.

Last month, I stood beside them once again here in Washington, but the void left by their sons and fathers still remains. I know that the families are grateful but most of all we must send hope to Adi, to Binyamin, to Omar, and Elchanan and their families. We can do just that by passing this resolution today.

Therefore, Madam Speaker, I urge all of my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SHAW. Madam Speaker, I rise today in strong support of House Resolution 99, a resolution to urge Lebanon, Syria, and Iran to allow the International Red Cross to visit the four abducted Israelis. Many of my constituents have contacted me to voice their concerns about the citizen and the loved ones of Israeli soldiers that were taken hostage. I recently received a group of letters from the fifth grade class at the Jacobson Sinai Academy of North Dame, asking me to “imagine how their families are crying from sorrow because their child has been taken.” I believe Congress has a responsibility to push for International Red Cross intervention to check on the status of the captured Israelis.

We should continue diplomatic efforts to seek the help of Syria and Iran in opening a dialogue with Hezbollah. H. Res. 99 sends an important message to the international community that these hostages have not been forgotten, even while the security situation in the Middle East has deteriorated since last fall. I urge the House to unanimously pass this resolution and continue to work towards a lasting peace in the Middle East.

Mr. GILMAN. Madam Speaker. I yield myself such time as I may consume and ask unanimous consent to revise and extend my remarks.

It is with regret that we have to bring this resolution before the House today, but it is necessary to do so, because of an ongoing human tragedy—the capture of several individuals by a terrorist band operating with the support, or perhaps the acquiescence, of three Middle Eastern states, and which is holding or perhaps the acquiescence, of three Middle Eastern states, and which is holding or perhaps the acquiescence, of three Middle Eastern states, and which is holding three of course they should be released. The narrow question we are focusing on is whether they should be allowed visits by the International Committee of the Red Cross—and who should be making that appeal to their captors.

There is no question about who is responsible for this kidnapping. Hezbollah has remained tight lipped on the matter. Hezbollah has not yet to be brought to justice; and

Whereas the families of these brave airmen still mourn their loss;

Whereas June 25, 2001, marks the fifth anniversary of the tragic terrorist bombing of the Khobar Towers military housing compound in Dhahran, Saudi Arabia;

Whereas 19 members of the United States Air Force were killed in the bombing and 250 other United States military personnel were wounded;

Whereas the 19 airmen killed while serving their country were Captain Christopher Adams, Sergeant Daniel Cafourek, Sergeant Millard Campbell, Senior Airman Earl Cartrette, Jr., Sergeant Patrick Fennig, Captain Leland Haun, Sergeant Michael Heiser, Sergeant Kevin Johnson, Sergeant Ronald King, Sergeant Kendall Kitson, Jr., Airman First Class Christopher Lester, Airman First Class Brent Marshalek, Class C. Brian McVeigh, Airman First Class Peter Morgera, Sergeant Thanh Nguyen, Airman First Class Joseph Rimkus, Senior Airman Joseph Taylor, Airman First Class Justin Wood, and Airman First Class Joshua Woody;

The Speaker pro tempore (Mrs. SMITH) for sponsoring this resolution and the gentleman from Illinois (Mr. HYDE) for bringing it to the floor today.

On October 7, 2000, Hezbollah terrorists crossed the Lebanese border into Israel and brutally murdered an Israeli civilian, was abducted while on a busi-

ness trip to Switzerland. Despite constant international pressure, Hezbollah has not yet shown any signs of releasing these four hostages. Hezbollah continues to deny any requests to meet with these four men.

The kidnapping of these three soldiers and one citizen is yet another intolerable element of the ongoing struggle in the Middle East. Iran and Hezbollah’s ongoing attempts to destabilize the region, which allow Hezbollah to operate, or which fund it—namely, Iran, Syria, and Lebanon—are in a position to influence this request.

We are asking that they use their influence. It’s just that simple. That is what this resolution is seeking.

Accordingly, I ask my colleagues to fully support this resolution, and I reserve the balance of my time.

Mr. KIRK. Madam Speaker, I rise today to call on the immediate release of these Israeli soldiers and one Israeli citizen who have been held hostage by Hezbollah in Lebanon for the last eight months. I thank the gentleman from New York (Mr. CROWLEY) for sponsoring this resolution and the gentleman from Illinois (Mr. HYDE) for bringing it to the floor today.

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New York (Mr. MCHUGH) and the gentle- 
woman from California (Mrs. TAU- 
SCHER) each will control 20 min-
utes.

The Chair recognizes the gentleman 
from New York (Mr. MCHUGH).

Mr. MCHUGH. Madam Speaker, I ask 
unanimous consent that all Members 
may have 5 legislative days within 
which to revise and extend their re-

The SPEAKER pro tempore. Is there 
objection to the request of the gen-
tleman from New York?

There was no objection.

Mr. MCHUGH. Madam Speaker, I 
yield myself such time as I may con-
sume.

Madam Speaker, I rise in strong sup-
port of this resolution introduced by 
the gentleman from Georgia (Mr. ISA-
KSON) honoring the commitment 
and sacrifice of the 19 service members 
killed 5 years ago today on June 25, 
1996, when a terrorist truck bomb de-
molished the Khobar Towers barracks 
in Saudi Arabia in which they were 
stationed.

This resolution should remind us 
that these brave Americans then, as 
well as in uniform today, are will-
ingly risking their lives to defend 
United States' interests and the free-
dom and the values that we all enjoy as 
citizens. Such commitment imposes on 
the rest of us an obligation to ensure 
that we do not break faith with those 
who serve and that we respond to such 
commitment by resolving to provide 
the resources necessary for our mili-
tary forces to successfully carry out 
the missions assigned to them.

For the families and loved ones of 
those who died on this day, this resolu-
tion signals our continued under-
standing of the pain and loss that they 
feel and that the sacrifices made by 
these 19 men and women, some of 
America's best and brightest, will not, 
cannot, be forgotten.

Finally, we as a Nation must un-
derstand that terrorism directed at 
Americans will continue for the foresee-
able future. Five years ago, terrorists killed 
19 Americans residing in Khobar Tow-
ers; 8 months ago, they killed 17 aboard 
the U.S.S. Cole. In the face of this ter-
rorism, we must be vigilant to prevent 
or reduce the probability of it occur-
ing, and relentless in the pursuit of 
those who perpetrate such horrendous 
actions.

While I am pleased that Federal in-
dictments have been issued in connec-
tion with the Khobar Towers attack, I 
and many others join me in a mutual 
concern that not all of those respon-
sible for this atrocity have yet been 
identified. America should not rest until 
all the perpetrators have been brought to 
justice.

Madam Speaker, I want to pay 
particular tribute to the gentleman from 
Georgia (Mr. ISAKSON) for his work in 
putting together and advancing this 
worthy resolution. His commitment, I 
know, is shared by many in this House, 
certainly many on the Subcommittee 
on Military Personnel; the gentle-
woman from California (Mrs. TAU-
SCHER), the ranking member; the 
gentleman from Arkansas (Mr. SY- 
DER); and so many others on both sides 
of the aisle who recognize that this 
issue of terrorism at home and abroad 
requires our full attention.

Rather, in joint celebration of lives 
that were cut off too short and in sol-
enn resolution of a recognition of the 
loss of those lives, we join together.

Madam Speaker, I would certainly 
urge all Members of this House today 
in joining me in supporting this 
very, very worthy piece of action.

Madam Speaker, I reserve the bal-
cane of my time.

Mrs. TAUSSCHER. Madam Speaker, I 
yield myself such time as I may con-
sume.

Madam Speaker, I would also like to 
join my esteemed colleague from New 
York (Mr. MCHUGH), the chairman of 
the Subcommittee on Military Per-
sone, in commending my colleague, 
the gentleman from Georgia (Mr. ISA-
KSON), for his thoughtfulness today.

This is a terrible day, a terrible an-
iversary, because 5 years ago today on 
June 25, 1996, a truck bomb exploded 
outside the fence around the Khobar 
Towers compound in Dhahran, Saudi 
Arabia. The bomb, estimated at more 
than 3,000 pounds, detonated about 85 
feet from a residential unit housing 
U.S. troops, killing 19 American serv-
icemen and wounded hundreds of other 
people.

The force of the explosion destroyed 
or damaged six high-rise apartment 
buildings and shattered windows 
throughout the residential compound. 
What is more, this attack demolished 
the illusion that American military 
posted in Saudi Arabia were immune 
from the terrorism that has plagued 
the rest of this very volatile region. It 
was a tragic and painful reminder of 
the risks our servicemen and women 
face in the quest to protect the peace 
and American interests abroad.

As we honor the 19 airmen who gave 
their lives in Saudi Arabia, we need to 
remember that they did not die in vain.

As a result, we are developing new 
ways to protect our military forces in 
the post-Cold War geopolitical 
environment. We now understand that 
this means deploying U.S. forces to pro-
"mote stability in new and unfamiliar 
areas. We must be even more vigilant 
than ever before to the security 
conditions under which our troops are 
deployed.

Madam Speaker, a few days ago 14 
Middle Easterners were indicted for 
this horrific act. I share a common sen-
timent with my colleagues and the rest 
of America that we regret it took so 
long to bring the indictments in this 
case. I know that we look forward to 
completing the court proceedings so 
the families of the heroes we honor 
today may begin to have a sense of clo-
sure.

Madam Speaker, our action on this 
resolution today is a message to those 
who died, their family members, our 
Nation and the rest of the world, that 
we honor the sacrifices of these 19 serv-
icemen and the families they left be-
hind. They served with the highest and 
best military traditions. No one could 
have served better or given more.

Mr. MCHUGH. Madam Speaker, I 
yield such time as he may consume to 
the gentleman from Georgia (Mr. ISA-
KSON). As the gentlewoman from 
California (Mrs. TAUSSCHER) and I have 
both mentioned, we are collectively 
very grateful to the gentleman from 
Georgia (Mr. ISAKSON) for having the 
concern and enacting the initiative to 
bring this resolution to us today on 
this very sad anniversary.

Mr. ISAKSON. Madam Speaker, my 
thanks to the gentleman from New 
York (Mr. MCHUGH), the gentlewoman 
from California (Mrs. TAUSSCHER), 
the gentleman from Arizona (Mr. STUMP), 
the chairman of the committee, and on 
behalf of the Congress and the Congress 
of the United States, today to pay tribut-
e to the 19 airmen who 5 years ago 
today sacrificed their lives in behalf of 
the people of the United States of 
America.

Madam Speaker, I thought when I 
was drafting this resolution, it is kind 
of ironic that if you think about today, 
just a month ago we celebrated Memo-
rial Day, where we honored the men 
and women who have died in the purs-
suit, and subsequently the defense, of 
freedom in wars, domestic and foreign, 
since the founding of our country.

Five months from now we will 
celebrate Veterans' Day, where we pay 
tribute to every man and every woman 
who has ever worn a uniform on behalf 
of this great Nation.

In 11 days, on the 4th of July, we 
celebrate the founding of America; we 
celebrate our birthday. We celebrate our 
Declaration of Independence, upon 
which our Founding Fathers pledged 
their lives, their fortunes, and their sa-
cred honor.

Today, we honor 19 airmen who 
gave their lives, the supreme sacrifice, 
at the hands of terrorists 20 miles away 
from Dhahran in Saudi Arabia. Today I 
join with all of this Congress in paying 
tribute to those men, who were Master 
Sergeant Kendall K. Kitson, Jr.; Tech 
Sergeant Daniel B. Cafourek; Tech Ser-
geant Patrick P. Fennig; Tech Ser-
geant Thanh Van Nguyen; Senior Air-
man Earl F. Cartrette, Jr.; Senior Air-
man Jeremy A. Taylor; Sergeant Mill-
dard D. Campbell; Airman First Class 
Brent E. Marthaler; Airman First Class 
Brian W. McVeigh; Airman First Class 
Peter J. Morgera; Airman First Class 
Joshua E. Woody; Captain Christopher 
J. Adams; Captain Leland T. Haun; 
Master Sergeant Michael G. Heiser;
June 25, 2001

Staff Sergeant Kevin J. Johnson; Airman First Class Justin R. Wood; Staff Sergeant Ronald L. King; and Airman First Class Christopher Lester.

As we celebrate our 4th of July or Memorial Day or Veterans’ Day on their behalf, for me it will be a constant reminder of the sacrifices of these men; and it is my hope that all of America pause on this day today and each year thereafter to give thanks for their sacrifice and also be reminded of the threats of terrorism as they exist both within our borders and abroad.

Today, in Washington D.C. the parents and loved ones of many of these who sacrificed their lives are the guests of the FBI in our city, and at this time I want to personally pay tribute to director Louis Freeh. Within hours after the announcement of this attack and this tragedy in Dhahran, Director Freeh boarded an aircraft, assembled 125 members of the FBI, and personally directed the beginning of the investigation in Saudi Arabia, which has led to the indictment last Thursday of 14 accused of conspiring in this great tragedy.

As Director Freeh announced his retirement last week, I am pleased today on the floor of this House on behalf of the many loved ones of these soldiers to express their grateful appreciation to his commitment to the very end of his tenure to attempting to bring to justice those who took the lives of our Nation’s sons in defense of freedom. Today is a day for us to give thanks for the men who died on our behalf on that tragic evening.

Madam Speaker, I ask the Members of this House to join in bipartisan and unanimous support in tribute for those brave 19, and to remind all Americans that we should continue to be ever vigilant of the threats of terrorists and their danger, and ever thankful for the men and women that serve in our Armed Forces, keep us safe and keep us free.

Mrs. TAUSCHER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge my colleagues to support H. Con. Res. 161.

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

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

Madam Speaker, with a final word of appreciation to the gentleman from Georgia (Mr. ISAKSON) and a final word of deepest sorrow and deepest appreciation to the families of these fallen heroes, we can never undo the tragedy that they have witnessed. We can never ameliorate the pain that I know is with them each and every day. But I would hope, and I know my colleagues join me in this hope, that with the adoption of this resolution, they will take from our actions in the face of this tragedy that we do not forget that this Congress remains committed to the resolution of justice and to bringing to trial and to a proper conviction those who have wrought this tragedy upon such innocence.

Madam Speaker, I again urge all of our colleagues to join us in support of this concurrent resolution.

Mr. GILMAN. Madam Speaker, I commend Mr. ISAKSON for introducing H. Con. Res. 161, which honors the 19 United States servicemen who died in the terrorist bombing of Khobar Towers and the 250 other military personnel who were wounded on June 25, 1996. On the fifth anniversary of the bombing, we honor those brave men and women that serve in our Armed Forces, keep us safe and keep us free.

Today, we remember the sacrifices to this Nation for over two centuries the country’s best interest ahead of their own for the benefit of all of our freedom.

Today, we remember the sacrifices to this nation, because they have made the world a safer place for democracy and freedom. May those Air Force 19 who lost their lives in the bombing of Khobar Towers are remembered for their bravery and commitment to this great nation.

I commend the work done by Federal law enforcement personnel in searching for those responsible for this terrible crime. I encourage all of my colleagues on both sides of the aisle to support this resolution.

Mr. MICA. Madam Speaker, June 25, 2001 marks the fifth anniversary of the terrorist bombing of the U.S. military housing facility Khobar Towers in Saudi Arabia. Nineteen American servicemen were killed and hundreds wounded in that vicious attack. Last week the United States indicted some of those responsible for those murders. However long it takes to bring those indicted and those responsible for this terrorist act to justice, our country must pursue all guilty parties. Until those who perpetrated this heinous international crime are brought to justice, we cannot rest.

I commend the Bush Administration, the Attorney General and the Federal Bureau of Investigation for making certain that this case is not forgotten. Florida and our nation has lost too many innocent victims for this matter to be brushed aside. My Congressional District and the mother and family of Al Cian McVeigh who was killed in Khobar Towers, continue to feel the pain of that great loss.

The United States Congress, these surviving relatives, and all the others who lost their loved ones cannot rest until justice prevails.

Mr. WELDON of Florida. Madam Speaker, I rise in strong support of House Concurrent Resolution 161, honoring the Service Men Killed in Khobar Towers.

From the frozen battlefield of Breed’s Hill, most commonly known as the Battle of Bunker Hill, to the war-torn provinces of Yugoslavia, the military has repeatedly proven its ability to meet the challenges offered by this nation’s leadership. Any time the nation called the men and women of the United States armed forces has answered in the affirmative and successfully met the challenges of their mission on the behalf of a free and independent United States of America.

Five years ago, on this date, June 25, 1996, a terrorist bomb at the Khobar Towers in Saudi Arabia killed 19 U.S. servicemen and wounded 400 others. On June 21st of this year, a Federal grand jury in Virginia returned a 46-count indictment that charged 13 Saudis and a Lebanese man with complicity in the bombing.

Although none of those charged is now in the United States, I along with members of the Judiciary Committee will be working to see that justice is served in this matter. Prosecutors brought the charges now because the statute of limitations were to expire next week. I request that Saudi Arabia cooperate fully in our attempt to see that the guilty are brought before a court to answer for this act.

I applaud the men and women of our nation’s armed forces who protect and defend our national interest around the globe. The sacrifices of the men and women who are the United States Army have for over two centuries put the country’s best interest ahead of their own for the benefit of all of our freedom. Today, we remember the sacrifices to this nation, because they have made the world a safer place for democracy and freedom.

We believe that reauthorizing the ILSA Act praise to the memories of the brave men and women who died five years ago today and serves as a warning to those who attack U.S. servicemen and women. The memories of these brave men and women will always be with us.

Accordingly, I urge my colleagues to fully support this measure.

Mr. WELDON of Florida. Madam Speaker, I rise in strong support of H. Con. Res. 161. It is fitting that we take a some time today on the floor of the U.S. House of Representatives to remember those who paid the highest price of freedom.

Five years ago, on June 25, 1996, the lives of five families in my congressional district were irrevocably changed by a horrendous act of terrorism. Five service members from Patrick Air Force Base were taken from their loved ones and from our community.

It has been a long five years for the loved ones of these men. I hope they can find solace in the fact that last week a federal grand jury indicted fourteen people suspected of carrying out this terrible act. I will do all that I can do to help bring those who committed this vicious act to justice. I call upon the U.S. Department of Justice to do all that they can to place a high priority on this.

These five men were:

Capt. Christopher J. Adams, he was 24 years old and was working on his college degree.

Master Sgt. Michael Heiser, who was also engaged.

Capt. Leland ‘Tim’ Haun, was a husband and stepfather.

Sgt. Kevin Johnson, turned 36 on the day of the blast, and was the father of three.

Airman 1st Class Justin Wood, was only 20 years old and was working on his college degree.

H. Con. Res. 161 resolves that: ‘‘The Congress, on the occasion of the fifth anniversary of the terrorist bombing of the Khobar Towers in Saudi Arabia, recognizes the sacrifice of the 19 servicemen who died in that attack, and calls upon every American to pause and pay
tribute to these brave soldiers and to remain ever vigilant for signs which may warn of a terrorist attack.”

Known to us as Capt. Adams, Master Sgt. Heiser, Capt. Haun, Staff Sgt. Johnson, Airman 1st Class Wood, and to their families and loved ones as Christopher, Mike, Tim, Kevin, and Justin, these men gave their lives in defense of peace and liberty. They must not be forgotten. Our nation owes them a debt of gratitude.

I salute each of you.

Mr. SCARBOROUGH. Madam Speaker, I come before the House today on the fifth anniversary of the tragic Khobar Towers bombing in Saudi Arabia.

Shortly before 10 p.m. on Tuesday, June 25, 1996, a van parked outside the Khobar Towers military complex in Saudi Arabia exploded. The van held an estimated 2,000 pounds of explosives, which killed 19 American servicemen and injured approximately 500 other people.

Of the 19 servicemen killed, 12 were members of Eglin Air Force Base’s 33rd Fighter Wing, known as the Nomads, located in my district. The Nomads were on a 90-day rotation as part of Operation Southern Watch, a United Nations mission to keep Iraq’s military from invading or harassing neighboring countries. Those killed were scheduled to return to Fort Walton Beach, Florida, the day following the attack.

Today, many family members of the victims will attend a memorial service at Arlington National Cemetery in Arlington, Virginia.

The recent arrest of 13 Saudi Arabians and one Lebanese citizen sends a clear message to the world that America does not tolerate terrorism. The families who lost their loved ones in this terrible crime deserve to see justice and those responsible prosecuted to the fullest extent of the law.

Madam Speaker, on the fifth anniversary of this tragic event, I urge the Congress to continue its efforts to see that justice does prevail for the parents and families of the 19 servicemen who lost their lives on June 25, 1996, in a terrorist attack on Saudi Arabia. They deserve nothing less.

Mr. McHUGH. Madam 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 New York (Mr. McHugh) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 161, as amended.

The question was taken and (two-thirds having voted in favor thereof), the motion to suspend the rules was agreed to by the yeas and nays; and the bill, H.R. 1668, as amended, was ordered to the Calendar.

Mr. SCARBOROUGH. Madam Speaker, I ask unanimous consent to vacate the Chamber and adjourn until 10 a.m. tomorrow.

I yield back the balance of my time.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to vacate the Chamber and adjourn until 10 a.m. tomorrow.

The SPEAKER pro tempore. The Chair declares the House in recess until approximately 6 p.m.

Mr. SCARBOROUGH. Madam Speaker, I ask unanimous consent to vacate the Chamber and adjourn until 10 a.m. tomorrow.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 53, as follows:

[Roll No. 186]
<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
<th>Not Voting</th>
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<tbody>
<tr>
<td>379</td>
<td>0</td>
<td>53</td>
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</tbody>
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So (two-thirds having voted in favor thereof), the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: “Resolution calling on the Government of the People’s Republic of China to immediately and unconditionally release Li Shaomin and 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 for other purposes.”

A motion to reconsider was laid on the table.

Announcement by the Speaker Pro Tempore

The SPEAKER pro tempore. The title was amended so as to read: “Resolution calling on the Government of the People’s Republic of China to immediately and unconditionally release Li Shaomin and 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 for other purposes.”

A motion to reconsider was laid on the table.

Calling Upon Hezbollah to Allow Red Cross to Visit Four Abducted Israelis

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 99.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 99, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 53, as follows:

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<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
<th>Not Voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>379</td>
<td>0</td>
<td>53</td>
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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.

**NOT VOTING—53**

Akkin
Berkeley
Blunt
Boucher
Brady (TX)
Burton
Carson (IN)
Clement
Coble
Dial-Balart
Ehrlich
Foley
Ford
Fossella
Gephardt
Gordon
Gonzalez
Hoekstra

**REMOVAL OF NAME OF MEMBER**

_Continued_
The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from Kansas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CHINA'S THREAT SHOULD BE CONSIDERED DURING APPROPRIATIONS SEASON

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

Mr. JONES of North Carolina. Mr. Speaker, tonight, as my colleagues know, the first vote we had dealt with the issue of American scholars of Chinese ancestry being held in detention, and this was passed overwhelmingly by the House. Everyone supported calling on China to release these people.

I had planned last week to come on the floor and talk about North Carolina because I am one who is very, very concerned about the fact as we begin very shortly to discuss and debate the appropriations for our United States military.

Too many times I think we as a Nation fail to realize that this is a very unsafe world that we live in. When I think about China and the things that China is doing to build up their military, then I think I have a responsibility back in the third district of North Carolina, which I have the privilege to represent to talk to the people about my concerns as their elected representative.

Tonight, I wanted to take just a couple minutes of my time to say to the House and to those throughout this Nation that China has definitely positioned itself, in my opinion, to be an adversary of this country. We know what happened with our reconnaissance plane that was forced down in China. Again, was long before our reconnaissance plane was forced down in China.

Mr. Speaker, there is a book that I have finished reading that I think is an excellent book to inform the people of my district, the third district of North Carolina. It is called The China Threat. It is written by Bill Gertz. Bill Gertz writes for The Washington Times, and I think he is highly respected in certainly this city of Washington, this Nation, and throughout the world of his accuracy and his research. If people hadn't already had a chance to read this book, I would like to introduce this, The China Threat, the subtitle, “How the People's Republic targets America.”

I want to read you just one aspect that is contained in this book: “An international Chinese military document exposes how Beijing is willing to launch a nuclear attack on the United States if America forces an attempt to defend Taiwan.”

I bring that point up again. Mr. Speaker, because you can see from this chart that Admiral Blair spoke to the House and Senate Committee on Armed Services back on March 28 of the year 2001, and the admiral warns of perilous buildup of Chinese missiles.

The commander of U.S. forces in the Pacific told Congress today that China's ongoing missile buildup opposite Taiwan is destabilizing and leads to a U.S. response unless halted.

Mr. Speaker, I think it is important that those in this Chamber that will soon be debating the needs of our military that we remember and the American people remember that this is a very unsafe world that we live in.

The only other chart I want to bring up. Mr. Speaker, was in The Washington Times just a few weeks ago. My colleagues can see this. It says, “China Secretly Shipping Arms to Cuba.” This was just a couple of weeks ago.

Mr. Speaker, I believe it is important that those in this Chamber who would be on the Committee on Armed Services, to talk here on the floor of the House as well as back in our district, that we need to remind the people of this country that there are those who do not appreciate our way of life and those who would like to challenge this country.

So, Mr. Speaker, in closing, I do want to again say that it is always a privilege for me to represent the third district of North Carolina, the home of Camp Lejune Marine Base, Cherry Point Marine Air Station, Seymour Johnson Air Force Base, and the Coast Guard. I have over 50,000 retirees in my district who have served this Nation, veterans and retirees.

Mr. Speaker, with that, I will close. I will say in closing this is a great book for anyone that is concerned about the national security of this Nation, The China Threat by Bill Gertz.

HIGH-PRICED PRESCRIPTION DRUGS

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

Mr. GUTKNECHT. Mr. Speaker, I rise tonight to talk about an issue that is not a partisan issue, but it is a very important issue that we have not talked much about on the House floor in the last year.

Last year, we passed an amendment to the House Appropriations bill, and ultimately was included in the omnibus bill that went to the President's desk, some language which clarified that Americans would have access to prescription drugs at world market prices.

Unfortunately, Secretary Shalala says that her department would not enforce that legislation. Up until this point, Secretary Tommy Thompson has followed suit. So we are going to be forced to offer another amendment in the next several days.

I would like to share with the Members tonight a chart talking about the outrageously high prices that Americans pay for prescription drugs. Now, unfortunately, this chart is outdated. We are having a new one made up. But even the worst news is that the differences between what we pay in the United States and what consumers around the rest of the world pay have not changed.

For example, my 82-year-old father takes a drug called Coumadin. It is a blood thinner. It is one of the most commonly prescribed drugs in the United States. A few years ago when we had this research done, the average price in the United States was $30.25. The average price in Europe was $2.85 for exactly the same drug in exactly the same dosage.

Now, as I said, the numbers have changed, and I have a new chart that is available. We will have it in this form probably by tomorrow at noon. But I would like to share with you this chart can go to my Web site. It is simply gil.house.gov. One can see for oneself the differences that Americans pay.

For example, let us take a commonly prescribed drug called Claritin that is prescribed for allergies. A lot of Americans take it. The average price for that drug in the United States is $63.06 for a 30-day supply. But that same drug, the average price in Europe, in the European Union, is only $15.00.

Let us take another drug that is commonly prescribed here in the United States, Prozac. In the United States, the average price for a 30-day supply is
$71.94, but that same drug in Europe sells for $44.10.

Now, these are the same drugs, Mr. Speaker. They are made by the same companies in the same FDA approved facilities.

Now, the big pharmaceutical companies are arguing safety. They are saying we have got to worry about safety. That is a legitimate concern. I am concerned about safety as well. But remember this, a drug that consumers cannot afford is neither safe nor effective.

Today in America, 14 million seniors have no prescription drug coverage. That speaks also to the some 53 million Americans who have no other health insurance. So we may be talking about as many as 57 million Americans who were forced to pay full retail price for these drugs. They get no help.

Now, some people say, well they have price controls in other countries, and that is true in some countries, they do have price controls. But it is also true there are countries in Europe that have no price controls. Yet, we pay in America sometimes three times more for exactly the same drug.

Now, Mr. Speaker, I am not asking for bulk importation this year, although I believe an amendment will be offered, and I will certainly support it. All I am really asking for is a clarification so that American consumers that have a legal prescription for a legal drug in the United States from the G-8 country or any NAFTA signatory country ought to be able to get those drugs from those countries at world market prices.

I believe that if we could simply have access to drugs at world market prices, because I am a free trader, I do not believe in price controls, but I do believe that ultimately markets are more powerful than armies. If Americans have access to those markets, we will see drug prices in the United States come down by at least 30 percent. And 30 percent last year or the last year that we have numbers for seniors, they spent something like $50 billion on prescription drugs. Thirty percent of $50 billion is real money even here in Washington.

So I am not asking for the world. I am simply saying we need a clarification for our own FDA that law-abiding citizens with a legal prescription ought to be able to buy drugs at world market prices. In some countries, they do have price controls. But it is also true there are countries in Europe that have no price controls.

We have maintained this for years, and this new study in Indiana proves it.

Unless we all work together in prevention, in treatment, in interdiction, and in law enforcement, we are going to continue to lose many more of our young people and adults to the scourge of illegal narcotics.

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

ILLEGAL NARCOTICS IN AMERICA

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

Mr. SOUDER. Mr. Speaker, I wanted to raise a couple of things that were in yesterday’s newspaper that illustrate that as much as we would like the drug problem in America to go away, it has not gone away.

The front page of The New York Times says, “Violence Rises as Club Drug Spreads Out Into the Streets.” And it is yet another story about Ecstasy. On the front page of USA Today just a month ago, “Ecstasy Drug Trade Turns Violent. What we see from the charts is that it is expanding on the West Coast, it is stabilized on the East Coast, in the Midwest it is soaring; and in the south it is roughly stabilized.

We are seeing more and more kids realize the extreme dangers as more and more overdose, as more and more lose ground in their schooling as they see side effects like depression, particularly at the so-called rave parties which have been featured a lot in New Orleans and other places on some national TV shows. Just as crack cocaine became an epidemic in America, we are seeing the start of the Ecstasy movement. This is partly because of the drug legalization movement in the Netherlands and in Europe. We are seeing Ecstasy exported from Belgium and other small European countries and the Netherlands into the United States, increasingly becoming the drug of choice. We need to be aggressive in our law enforcement, we need to be aggressive in our prevention and treatment programs, in our outreach programs, as well as our interdiction programs.

In the Indianapolis Star yesterday, the headline says, “Drug Test Ban Felt at State Schools. Ball State University survey shows rise in drug and alcohol use and student discipline since court rejected policy.”

A number of years ago, when I was a staffer for former Senator Dan Coats, we allowed drug-free schools money to be used for drug testing of student athletes. This policy had been spreading through the United States. I had just the athletic departments to general, random drug testing. In my district, at East Noble High School, at Fremont High School, we had several model programs developed. In Anderson High School, a State court ruled that drug testing the students was illegal search and seizure.

How exactly are we supposed to do prevention programs if the court decides it is the legislative body and does not have any legal precedent with which to decide that but makes that decision?

What we do know, and ironically it took a court decision to overturn a broad drug testing policy of schools, is in fact that in Indiana drug use and alcohol use had gone down, and then when they were ordered to stop the program, in 1 year it has gone back up.

So the question is, as we see the results when a program is pulled back, not whether drug testing works, it is how can we do it in a constitutional way, that is sensitive to the individual, whether in the workplace, whether at school or wherever it be? Because drug testing is one of the most effective prevention programs. We have maintained this for years, and this new study in Indiana proves it.

Unless we all work together in prevention, in treatment, in interdiction, and in law enforcement, we are going to continue to lose many more of our young people and adults to the scourge of illegal narcotics.

REJECT RENAMING OF NATIONAL AIRPORT IN METRO SYSTEM

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

Mr. MORAN of Virginia. Mr. Speaker, tomorrow this House is scheduled to consider the transportation appropriation bill. Within that bill there is a provision requiring that the local government in the Washington, D.C. area spend hundreds of thousands of dollars of their own money to add the name of Ronald Reagan to the Metro system every place it says National Airport.

Now, the local governments have the authority to do this. When a local government requests a name change, the name of the Metro station within its jurisdiction is changed. That deference to local government is really one of the principal things that Ronald Reagan stood for. But this body, deciding that it did not like the fact that the local government had resisted adding the name of Ronald Reagan to the Metro system is now going to require them to do so, even though this is not a Federal facility. It gets only 6 percent Federal money, 94 percent of...
which comes from the riders of the Metro system.

So we ought to ask ourselves, do principles only apply when it is convenient, when it suits our politics; or do we vote consistently with principles like the sovereignty of local governments in opposition to unfunded Federal mandates? Because this is what this is, an unfunded Federal mandate. It would not be done in other congressional districts, but we are going to try to do over the objections of this local government and the regional authority. We are going to do it out of what I can only consider to be partisan petty politics.

We greatly regret the fact that Ronald Reagan today is suffering from Alzheimer’s disease. But I know, and I particularly regret it for one reason because I know that if he were able to, he would adamantly insist the Congress not do this to his name. George Will wrote an editorial making this point: he quoted the famous Robert Kennedy, who made the point that he would rather have people asking why is this place not named after Cato, than asking why did they name this coliseum or facility after Cato. In other words, modesty ought to be a hallmark of great people. Resistance to arrogance. Yet that is what this provision is. It is an arrogant Federal imposition upon the will of local government.

Local government did not resist adding the presentment of Ronald Reagan, although they certainly resent the fact that they were never consulted when they changed the name of the airport from George Washington’s honor to Ronald Reagan. Because it is on the very road that leads to George Washington’s home, George Washington’s family owned the land that National Airport was built on. In fact, Franklin Roosevelt, when the main terminal was constructed, had it constructed on Mount Vernon. If they had been consulted, they would have said, well, we really think it should be continued to be named after George Washington since Ronald Reagan never used this airport. It did not offer transcontinental flights. He used Andrews Air Force Base when he was President. So they resent that.

But that is not why they resisted this. They resisted because it does not make practical sense. You cannot fit four presidents on Ronald Reagan National Airport, on the literature. But most importantly, all the stations are named after places, not after people. When some people wanted to honor Robert Kennedy by naming the Metro station at the RFK Stadium after Robert Kennedy, the Metro Board likewise resisted. They said, no, we name them after places, we will name it Stadium Armory, not after an individual. Likewise, this metro station should be named National Airport.

Now, many people will still think this is a petty picayune issue, but it is a principle. We voted unanimously against unfunded Federal mandates. This is an unfunded Federal mandate. That principle should be preserved, and so should respect for local government wishes. Mr. Speaker, this Congress should reject this language that purports to honor Ronald Reagan, but actually defiles his legacy.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2299, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-110) on the resolution (H. Res. 178) providing for consideration of the bill (H.R. 2299) making appropriations for the Department of Transportation 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.

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

(Mr. DeFAZIO addressed the House. His remarks will appear hereafter in the Extentions of Remarks.)

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

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

THE ENERGY SHORTAGE

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

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extentions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DeFAZIO) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, this evening I want to devote my comments to a focus on energy and the energy shortage that we have. On one hand I think in some areas we have an energy crisis, on the other hand I think at times we really have an energy problem. In either case, whether an energy crisis or an energy problem, the fact is we need to apply an ingredient called common sense.

There is a lot of areas of common sense. We can find a lot of common sense, like conservation. Issues like conservation, when applied to energy, can be done without a lot of pain. It does not affect our life-style. In fact, it is a contribution to our country’s energy woes, so to speak. So I will visit a little about conservation this evening.

I also want to address where we are, what kind of problem we are facing in future generations. I think it is incumbent upon us, as leaders, to exercise some leadership not for today, which obviously we have to do, but for the future. Our questions about energy should not be questions about energy today exclusively, but should in fact include questions about energy for tomorrow. Of course issues like conservation and issues like alternative power, solar and other types, wind power, et cetera, are a part of our leadership obligations to help address or at least help prepare some answers for future generations on their energy problems.

I thought it would be very good this evening to take a look at what comment use does for us. For example, hydropower. Hydropower does not use coal. Hydropower does not use electricity. It generates electricity. Hydropower does not require natural gas. Hydro does not require fuel that generates hydropower is the natural flow of water. So we are going to talk a little about hydropower. We are going to talk about why hydropower is important for our environment.

In our mad rush to supply energy, regardless of the source, we always have to consider what is the impact to the environment and how can we mitigate the environment. In some cases, not just mitigate the environment, and in fact mitigation of the environment may be old news, the new news for the environment may mean that we have to enhance the environment, a step higher than mitigation of the environment.

This is a contribution to our country and issues like alternative power, hydro is a part of this. We are going to talk a little about hydropower. We are going to talk about why hydropower is important for our environment.

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Mr. Speaker, I have addressed my colleagues any number of times about conservation, things that do not impact one's life; for example, making sure that your ceiling fan is going in a clockwise motion so it draws the cool air up to the ceiling. If it is going counterclockwise, it defeats your purpose.

We talked about the facts and I recommend to people across this country, take out your owner's manual on your car and take a look at the people who designed that car, who test drove that car, who manufactured that car, who sold it. I look at how often they say you should change the oil on that car, and then take a look at a quick lube recommendation, and I am not referring specifically to any quick lube. They will tell you change your oil every 3,000 miles. Guess what the manufacturer, the engineer, the salesman of that car, the owner's manual of that car will tell you? You do not need to change it every 3,000 miles. You can change it every 6,000 miles, and they will warranty the car. They will still warranty the car for 3 years or 24,000 miles.

It is not painless to turn off the lights in your house when you leave. In fact, in Europe in many of the hotels, you actually have to have a card. When you go into your hotel room, you take a card, there is a slot, and before you can turn your lights on, you slide in the card. What happens, when you leave, as you pull the card out, all of the lights go off in your hotel room. Now you can program it in such a way that if for security purposes you needed a light on, it would leave that single light on or a couple of lights, but it helps you remember to turn them off.

These are common-sense approaches on conservation and energy. Conservation can be employed by all of us without a lot of pain in our life-style. The bad news is conservation is not the answer. Conservation is a part of the answer. I am not referring specifically to any quick lube. They will tell you change your oil every 3,000 miles. Guess what the manufacturer, the engineer, the salesman of that car, the owner's manual of that car will tell you? You do not need to change it every 3,000 miles. You can change it every 6,000 miles, and they will warranty the car. They will still warranty the car for 3 years or 24,000 miles.

Alternative energy, exercising leadership in the future will allow us to go from 2 or 3 percent of alternative energy to making that a bigger part of our model. But in the meantime, we have to go to what we have been doing, and that is we have got to continue to explore for oil-based resources. There is no other way around it. You can have all kind of pie-in-the-sky wishes. You can have all kinds of people lecture from a podium like this to you saying alternative energy is the answer. It is not the answer. Conservation is the answer. It is not the answer. It is a part of the answer. Alternative energy is a very important part of the answer. Take a look. If you took all of the alternative energy known to mankind today throughout the world, and you put that energy exclusively for the use of the citizens of the United States of America, it would supply 3 percent of our needs. Three percent. That is assuming you take all of the alternative energy from around the world. We need to increase that percentage; but it is not the total answer. It is part of the answer.

Conservation, look at what happened in California. In California the people conserve not because Governor Gray Davis, who is trying to play like a car salesman and get your attention, and he is not, nor are some Republicans, but frankly the leader of California is trying to come across as the leader to take the people of California out of this crisis. In my opinion, he largely led them into it.

The fact is they are not conserving in California because of their Governor, it is because prices went up. It is the same thing with my wife and I. My wife and I have really been conserving on energy. Why? Not because Gray Davis is out of California is having a problem. It is not because I read some government program that said you ought to conserve, it is because of the fact that my gas bill doubled, and that has a way of forcing conservation.

Off the subject for a moment, that is one of the problems with price caps. When you go out to the consumer and say, no matter how much of this energy you use, no matter what time of day you use it, whether it is during peak usage or off-peak hours, it does not matter, you are going to pay the same price regardless, do you know what that does? It encourages use and discourages conservation.

What is the effect of price caps? It encourages more conservation than any other factor in the last 6 months? Price. The market. Supply and demand.

What has happened in California, and by the way, when you talk about California, I am not referring specifically to any quick lube. They will tell you change your oil every 3,000 miles. Guess what the manufacturer, the engineer, the salesman of that car, the owner's manual of that car will tell you? You do not need to change it every 3,000 miles. You can change it every 6,000 miles, and they will warranty the car. They will still warranty the car for 3 years or 24,000 miles.

What has happened in California, and by the way, when you talk about California, I am not one of those people that thinks that California should die on the vine. I do not think we should walk away from California. California is a State, and we are the United States. But that does not mean we should not say to California, hey, you are going to have to pull yourself up by your bootstraps. You are going to have to employ self-help. Part of the way you are going to have to help yourself is to be honest, elected officials, and go to your consumers and say this is the true cost of energy. Do not shield it and pretend that it does not exist by subsidizing it with State dollars.

The Governor is subsidizing your electrical costs. You are not paying the true costs. Does that mean you will never have to? Do not kid yourself. Soon it will come back to bite you. Right now California is spending billions and billions and billions of dollars buying bonds to pay this. They are keeping the prices capped to a large extent. In the short run it sounds great, and in the short run it is a political recipe for success. They think you are the greatest guy in town.

In the long run, trying to artificially alter the market, in the long run it has been proved since the days of Adam Smith when he wrote the book The Wealth of Nations, every time the government has stepped in on rent control, on gas control, on energy control, energy price caps, it always backfires. It has never worked. It has never worked in the history of the country.

Let us go back to California. Now, remember California, the Governor of California, and I am not trying to be particularly terse up here, but I have heard the Governor time and time and time again blame everybody but the people of California, blame everything except the leadership of California. It is because of Congress. It is the utility companies. Ironically, the Governor of California wants to run for President someday, so he blames the power companies in the State of Texas. If you have the utilities in Texas, you have the utilities in California.

You know what, California, we have 50 States. We have 50 States. One State is in your predicament. Why? Because California leads this country in the philosophy of do not build it in my backyard. California leads this Nation in the philosophy, no, we do not want natural gas transmission lines. Do not talk about electrical transmission lines in our State, or generation facilities in our State.

California, you are too important to this Nation for you to take those positions. California is the sixth most powerful economy of the world. If California was a country of its own, it would be the sixth most powerful economic country in the world, much more powerful from an economic point of view than the country of France.

We need, whether you like California or not, and I happen to like it, we need California. We need them healthy, and I am not referring specifically to any quick lube. They will tell you change your oil every 3,000 miles. Guess what the manufacturer, the engineer, the salesman of that car, the owner's manual of that car will tell you? You do not need to change it every 3,000 miles. You can change it every 6,000 miles, and they will warranty the car. They will still warranty the car for 3 years or 24,000 miles.

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California decided not to buy long-term contracts on the electrical market, but instead to buy on the spot market, which means you go out tomorrow and you say, what is the price? I will buy it. If the price goes up, you are stuck on Wednesday. If the price goes down on Thursday, if the price goes up, you are stuck on Friday. That is what California decided to do. They decided to roll the dice. Well, the consequences of that are that California pays itself into this energy crunch. Can we get California out of it? The answer is, yes, of course. Do we have an obligation to help California? In my opinion, yes, of course.

But California has got to pitch in. I want California to be successful, but California has got to help us on conservation, and kudos to the people of California. In the last month, I saw a number the other day where the California people have conserved a 10 percent increase in conservation. That is a significant figure. That is significant in some states. That shows us and the rest of the Nation that the citizens of California are taking this energy crisis seriously, and they are taking a look at this so-called energy policy that they have. They realize that the citizens of California need to be helped, too. It needs to be amended, but amended in such a way that your energy policy works for future generations.

Mr. Speaker, my focus here this evening is as it has been for future generations, our responsibility for tomorrow, and today. So California needs an energy policy that is realistic in price, that is realistic in alternative energy, that is realistic in conservation, but it is also realistic in exploration and allowing electrical transmission lines and allowing generation plants to be built.

At the national level can we stand up proudly and talk about the energy policy we have coming out of Washington, D.C.? There is no energy policy. There is none. For years under the Bush administration we had no energy policy. This President, and I commend the President and I commend the Vice President, Vice President Cheney, President Bush, they have made some tough statements. They said we have to put everything on the table. It does not mean that it stays on the table. But ANWR, and of course the publicity that you have seen about Alaska is so negative, I cannot imagine how they can get it out of the bill. But controversial or not, the President's energy policy said let us put it on the table. Let us put together an energy policy because we owe it to the future generation and our own generation and our colleagues like the State of California to come up with an energy policy that is going to work.

And that is why I am speaking tonight, because I think all of us, putting our minds together, we have the greatest minds in the world in this country, we can resolve this. It is not really the kind of crisis that some people say. Sure, we have rolling blackouts, and sure it is a crisis for an individual like a senior citizen who loses his air conditioning or a farmer whose fans go off for his chickens or turkeys. It is the warning sign. It is a shot over our bow. It is saying to us when Washington, D.C. is the leader of this country, you have an obligation. Washington, colleagues, we have an obligation to put together an energy policy.

The first thing we have to consider when we put together an energy policy is we have to make sure we do not buy more imported oil. The conservation alone is going to do it. Conservation will not. It will not do it alone. It is a part, it is a very important part, of our solution. Alternative energy will not do it alone. It is a part.

Do not buy this pie in the sky that we can walk right out of this without drilling another well for gas; without putting another electrical transmission line in place; without putting a natural gas transmission line in place; we can go ahead and get ourselves out of this energy situation or a production situation, and I will repeat, and protect future generations by simply adopting alternative energy.

Hopefully, in 50 years or 20 years or less we will have that available; but today, for our leadership today, we need to look at what tools are there. Conservation is a part. Alternative energy is a part. Exploration is a part. Hydropower, which we are going to talk about in more depth in a few minutes, is an important part. We can put these parts together on a model, put it there, stick it here, put it together; and it is an energy policy. It is in that energy policy that we can take our leadership roles. It is the energy policy that we can employ in this country so that not one State ends up in the kind of situation that the State of California is in. Because our country is much too strong a country to allow even one State like California or any State to get into the kind of crunch they are in.

But, like I said, California. I am a big fan of California. I love California. But I want you to know, it is like talking to your son or your daughter, tough love, you have got to help us out. There has got to be a little self-help involved here.

Let us look at the fundamental thing that we get in electrical generation, as we begin to construct this model of energy policy. Let us take a look at growth in U.S. energy consumption. Obviously, we know that growth in consumption is outpacing production. This is the energy production, 1990 to 2000, so that you can clearly see the growth rate, the green line. That is the projected. That was the production. This red line is energy consumption. Take a look at how this line, look at the angle of it versus the angle of our production, energy production in this country, by the way. In this country.

So my colleagues say, SCOTT, that's fine, you've got production here, you've got energy consumption there, this country would be in collapse. You're not meeting your demand. You've got too big a gap, this huge margin. How do you meet that gap? I will tell you how. We meet that gap because we are becoming more and more dependent on foreign oil. In other words, the leaders like Saddam Hussein, the leaders in different countries throughout this world who are not necessarily friendly to the United States, they will bargain with the United States with money, green; but they are not necessarily our friend. They can shut off the tap anytime they want to. We are becoming more and more dependent.

As long as this blue space continues to grow in width, it means we are becoming more dependent, not on alternative energy as we should, not on consumption as we should, but on foreign oil as we should not. If we could apply to this line energy consumption and we taxed it, we could get a large portion of it. And by conservation I do not mean you cannot drive your car anymore. I do not mean that you have to walk to the grocery store, that you cannot have a mountain bike that is not made of titanium, or you cannot have a boat made for you so you can river raft on the river or a lawn mower, these different things, refrigeration in your house and so on. I am not saying you have to shut that off, although if you have an extra refrigerator, by all means, get rid of it.

You could save yourselves $17 a month. That is just a little conservation hint there. So we can lower consumption. But the fact is this: we can with conservation lower this a little. The demand will continue, but we can lower consumption through conservation there. Alternative energy helps us. It does not lower consumption, but it gives us a different method of consumption. Those are answers, but they do not come anywhere close to filling the gap, which means we become more and more dependent upon foreign oil. That is not good energy policy.

Now, let us take a look at power plant generation. There seems to be a phobia out there that we are not building generation facilities anywhere in this country, that we have completely abandoned generation facilities. That is not true. Remember that primarily the problem that exists today is in the State of California. One State. There are reasons that that specific State got into trouble versus the other 49 States.

There are problems up in the Northwest. That is not because of a failure of planning or a failure of leadership. It is because they are having a drought. The Columbia River is way short on water. They do depend on hydropower up there. But in fact when you take a look at what we have coming online, believe it or not, last year we had 158 generation plants come online. Obviously,
they came online in most of the States except for the State of California, which did not have them in California. They were not building generation. But we are throughout the rest of the country.

So I wanted to point out, last year 158 new power units were completed nationwide, or three plants a week. Three generation facilities a week last year came online. Construction this year is slated to set a record for new power generation. A March report by the firm Energy Ventures Analysis found that power units already in operation or under construction will add 51,805 megawatts in 2001, enough to power half the homes in the Nation. In fact what this suggests is we may very well in certain areas of this country within the next 12 to 18 months actually have an electrical glut, an energy glut. Can you imagine, after what we have been through the last 3 months that actually we would go into a glut-type situation?

Let us go on. Utilities and generators have announced plans for equally ambitious additions for 2002 through 2004. According to the filings, the electricity industry expects to build 1,453 new power units during that 4-year period, taking time off for weekends. So if you take weekends off, that amounts to one new plant a day for 5 years running. Not all of these may ultimately be built, but the point is this: we are now building generation plants; we will have the generation plants that are necessary for us to meet electrical demand. This is not oil consumption. This is electrical demand.

But there is another factor to this. You may have a lot of power plants in the State of Texas, but you have got to have the ability to share that power, move that power among transmission lines. So you cannot just build an electrical generation facility. You have got to build transmission lines to distribute that to the areas where the demand is high and the supply is low. But I think there is pretty good news in the future, especially for future generations, as far as our capability to generate electricity. I think even California, that the market, once you get to the market, the less you try and artificially manipulate the market, the more market common sense comes into play. What do I mean? If a town closes its own hamburger shop, the only hamburger shop in the town, and there is a demand for hamburgers, what tends to happen? You not only have it replaced by one hamburger operation, you end up with two or three hamburger operations. It is the same thing here. If you do not artificially toy with the market, I think we are going to have adequate supply. But that means that we have to have capability to put that supply where the demand is. That means, Governor Perry, has indicated there are going to be more transmission lines in your State. Frankly, every other State has got to do the same, because we are not in California’s situation today. Forty-nine States are not. Forty-nine States in my opinion did more appropriate planning. The reason that we are not in that crisis is because we planned for today.

But the big question is: Have we planned for tomorrow? Every State should pay attention. Let us learn from the painful lessons that California has suffered. Let us take a look at what our own energy demands are. What can we do for conservation? What can we do for electrical generation? Where can we put transmission lines? Where can we put natural gas transmission lines? Those are the questions that an energy policy brings up.

Earlier I mentioned to you that the predominant problem was right here in the State of California. And of course we have explained why. California has tried to artificially toy with the market. They tried partial deregulation. They did not do full deregulation. They tried to manipulate the consumers that for at least a 3-year period of time, no matter how much energy they used, no matter what time of the day they used it, no matter where the generation or transmission was, the prices were pretty high. California continued to toy with the market. California continued to manipulate in an artificial fashion the market. That is why California is one of 50 States that now has that problem. The West Coast is still pretty much a market-driven market.

California continued to toy with the market. California continues to manipulate in an artificial fashion the market. That is why California is one of 50 States that now has that problem. The West Coast is still pretty much a market-driven market. Mayor of New York realized, Mayor Giuliani, that there were problems with electrical supply, they not only tried to slow down demand through conservation but they also figured out that problem—conservation is not the only answer, it is a part of the answer; the other part is we have got to put in some temporary generation facilities to get us through the summer until we can put our energy policy in place. That is what New York has done. It appears that problem New York is going to have much less of a problem getting through this summer than everyone originally anticipated.

As I mentioned earlier, there are a number of different alternatives that can provide energy that I think utilize the factor of common sense. There are a lot of things if we slow down enough to assess what kind of situation we are in and how we want to go out of it, i.e., an energy policy which this President, frankly, has decided to put forward, despite the criticism, despite the controversy, it has brought up the debate onto this House floor, which is going to be healthy for all of our constituents.

There is a hole here. It is good, commonsense ways of producing the energy that we need? One of them, of course, is hydropower.

Let us talk about hydropower for a moment. Hydropower electricity. Conservation combined with common sense. Conservation combined with common sense, the two Cs. Worldwide about 20 percent of all electricity is generated by hydropower. In our country it provides about 10 percent of our power. We are the second largest producer of hydropower. Canada is the first.

Now, keep in mind that every time you talk about hydropower, or you talk about hydro, you are going to have the radical environmentalists, the ones who in many cases are very hypocritical, hypocrites. They come to work; they drive up to the meeting to protest hydropower. They own all kinds of recreational vehicles, whether it is a mountain bike, a motorcycle or whatever. They are very dependent on the energy market, and they are dependent on hydropower. Yet it is the radical environmentalists who are not using common sense. It is the commonsense environmentalists that are helping develop and deploy an energy policy that will work for this country.

Let us move and talk for a moment about hydropower. I know my colleagues have an understanding of hydropower; but to some of them out here, they are in areas where they are not dependent on hydropower. Out in the West we are very dependent on hydropower. In fact, Lake Powell provides a great deal of hydropower. Ironically, the national Sierra Club, the radical environmental policy of that club, not all Sierra Club members, but the radical policy of the national Sierra Club is to tear down Lake Powell. That is not a commonsense approach.

Let us take a look at how a hydroelectric dam works. You have the dam. We are going to have the dam. Behind the dam obviously you end up with a reservoir. That reservoir does a number of things. Environmentally, while some of the radical environmentalists will tell you that all it does is damage the environment, in fact at Lake Powell, it has provided lots of water and habitat for species. It has become very important. It is one of the major recreational areas, if not the major recreational facility, in the entire west of the United States. We talk not only about how to bring more people and unite families. You go down to Lake Powell. That is the family recreation spot of the West.
So you get a lot of benefit out of the reservoir. What you do with the reservoir, you drop the water through the reservoir. It turns the turbine and this is your generator. The turbine goes up to your generator and produces electricity. Hydropower plants capture the energy of falling water. It is the fall of the water, the creation of that energy. It is that that generates the electricity. We do not have to use natural gas here. We do not have to use coal. We do not have to use gasoline or diesel oil. It is a part of nature. We are able to take water, drop it at a steep enough angle; and that water, the power, the energy of that water, generates that electricity.

Hydropower is clean. When you use hydropower, it prevents the burning of 22 billion gallons of oil. Listen to this. The hydropower in our country, which provides 10 percent of the power of our country, because we use the energy off the drop of that water, it saves us from having to burn 22 billion gallons of oil, or 120 million tons of coal each year. Imagine that. Because we have been able to capture the energy from that drop of water, we do not burn 120 million tons of coal. Think of that. You want to talk about cleanliness for the environment. We save and do not burn 22 billion gallons of oil.

So the next time you have a radical environmentalist come up to you and talk to you about how evil hydropower is, say, wait a minute. If we did not have the hydropower but we continue to have the need for the electricity, how would you meet that need?

Now remember that we should not say that any of these are not efficient. We are going to need a combination of all of these in combination with conservation, in combination with solar and so on. Look at hydroelectric. Hydroelectric has operation. It has maintenance, but there is no fuel expense with hydroelectric generation. Why? As I have said earlier, the fuel for hydroelectric generation is the result of the energy that is created with the drop of the water. That is what this chart shows you. Here is the gas turbine. Look how much energy it takes, how much fuel it takes to turn that gas turbine to create that generation of electricity.

That is why hydropower is important. That is why when you hear comments by people that say take it out, that dam is terrible, keep in mind that dams do a number of things. One, they provide recreation. Two, they provide fisheries. Three, they provide flood control. Four, in the West, as you know, in the West it is arid. Out where I live, we get all the water we could possibly use for about 5 weeks. It is called spring runoff from the mountains.

I live at the highest elevation in the country. My district is the Rocky Mountains of Colorado. Now, for 6 weeks we have all the water we can use. Unfortunately, most of the time it comes when we are not using it. So what do we have to do? We have to store it. For 6 weeks we are okay, but the next 6 weeks we have to get through. All of those other weeks in the year. We have to go through 46 or whatever other weeks are left we have to go through those weeks, and we have to have storage. So the dams provide storage. So if you are not using the water, that water is going to be provided. If you are going to provide flood control and you are going to provide flood control and you are going to provide fisheries, why not generate electricity? Why not use hydropower to the extent that we can?

That is not speaking to the elimination of nuclear. In fact, most of France is generated, their electricity is nuclear. It is not to say we should not use natural gas. It is not to say we should not use natural gas. It is not to say we should not use the coal generated, but it is to say that when combined with conservation, when combined with alternative energy, this commonsense approach of putting hydropower is a major factor of generation in this country of electricity in this country; something we simply cannot ignore and we should not ignore it.

Let common sense dominate every other approach we are using in here. Now, this chart allows me to take another chart here. Let us talk about it, the primary purpose or benefit of all U.S. dams. So this chart takes a look at all the dams in the United States and figures out in a pie chart exactly what is that dam utilized for. Remember, I told you that you will often hear the radical side of environmentalism, the radical side, not the commonsense approach, not the approach most of us use, but the radical approach will say no dam is a good dam. The national Sierra Club, the radical environmentalist leadership of that group that exists are the ones who want to take down Lake
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Powell, have never in their organization's history supported a dam storage project. Well, can you find out very many situations where never is always the answer? Never have hydropower? Never have conservation? Of course not.

There is a balance in there. Somewhere there is a balance. Take a look at what the balance does. Irrigation, 11 percent. Do not discount what irrigation means. In the West, as I told you, most of our water comes in a very short time. We do not get heavy rainfall. In fact, it was not until I left the mountains and came out here to Washington, my home is in the mountains but this is my work station. I could not believe the rains you guys get back here.

It is incredible, but back there we have to store it. And a lot of what you ate today is a result of somewhere water being stored so the crops can be irrigated.

Recreation 35 percent. Most of my colleagues here, somewhere during their year they will enjoy recreation provided as a result of storage of water. In some sport, whether it is sitting on a houseboat, whether it is fishing, etcetera, et cetera.

Stocked farm ponds, very important, again storage of water. Flood control. Now, in the West that is huge. Anywhere it is huge. Flood control, take a look at what happened, the devastation of floods before we were able to control floods, before we were able to get a hand on water and control it.

Public water supply, 12 percent. Now when you buy on, when somebody comes to your door and they do this all the time, some of the radical environmentalist approach is to come to your door with a petition and they ask for a contribution, by the way. It is usually a money raising racket but they will come to your door and they will say, hey, you stop the terrible oppression of the environment, because they want to build a hydroelectric. What your response should be is, first of all, I care about the environment. I want that environment protected.

On the other hand, we are enjoying lights and our municipality needs water. When you are at your home, we kind of take for granted, especially when you live in a city, anywhere really but I guess in a city you kind of take for granted you turn on the water in the city you better have the water running.

The city supplies the water. It comes out of city hall. It is clean. It tastes good and it is there whenever we want it. Know what? The way the cities, most cities in this country, are able to provide that is because they have stored it somewhere, because it does not rain equally every day. It does not rain necessarily when you need it. So you have to store it.

So let me ask you to sign a petition and want to lead you down the path of the London Bridge for sale in the U.S. by telling you that there is no need for dams or hydropower, step back, use common sense and say, in some cases a dam may not be right and in all cases that it is right, the environment must be mitigated or enhanced. It cannot be ignored. In the past, I would be the first to admit that somewhere we may have paid for that and paid for that. We cannot allow it ever to happen again, but somewhere in the middle there is common sense. Somewhere in the middle this energy warning that we are getting is more of a crisis than it is anywhere else in the country. Let us listen to the message that is being sent to us and that is we, as mature leaders, we have an inherent obligation, it is inherent and it is an obligation, it is a fiduciary responsibility to provide for the future generations and to exercise leadership for today. We do that is we take a look at the energy package as a whole. We put everything on the table. We put conservation on the table. We put alternative energy on the table. We put the environment on the table. You know what? Common minds with a little sense can put together common sense, and that is how we are going to be able to do this.

As I said, and I want to reiterate a couple of very important points, I have a chart here on conservation, I have a couple of charts on conservation, I said earlier in my comments this evening I complimented California. Now I have been harsh on the people of California, particularly the elected leadership of the State of California, because frankly they are trying to make believe that there is an easy way out of this. Well, it is too good to be true. If it sounds too good to be true, it is. So I have been critical to the leadership. I have been critical of price caps, which are great on a short-term basis. I am sure that the Governor of California, particularly the elected leadership of California, particularly the elected leadership of the State of California, because frankly they are trying to make believe that there is an easy way out of this. Well, it is too good to be true. If it sounds too good to be true, it is. So I have been critical to the leadership. I have been critical of price caps, which are great on a short-term basis.

We have got to be able to move the power that we produce from the supply point to the demand point all at the same time.

When we deal with demand, conservation helps lower demand. Alternative energy helps answer demand, like hydropower. That is why I focused this evening on hydropower. There is an energy production facility that does not use fuel. It does not need coal, it does not need natural gas, it does not need oil-generated steam to produce electricity. Hydropower produces it without fuel.

That does not work, to destroy our environment like that; and I do not know anybody that is seriously proposing anything like that. But what we have to do is meet in the middle. We have to use a combination of conservation, alternative energy, exploration and transmission. We have got to be able to move the power that we produce from the supply point to the demand point all at the same time.

The fact is, and what is important here that I want to compliment, is that the people in California have in the last 30 to 40 days, not as a result of their Governor, not as a result of their elected leadership, but as a result of the market, have begun conservation more seriously than they have in many, many years. And the rest of us, taking a look at California's pain that they have had, has decided too maybe we ought to conserve.

Look, I am the first one to tell you, I am the first one to step forward and tell you last year at this time, when natural gas was plentiful, when electricity was plentiful, I ran the air conditioner because I needed to cool the house. I probably had it running when I ran out to the grocery store. I probably did not check to see what direction my fan was running to make sure it was cooling the house instead of defeating the purpose.

But you know what? I saw what happened in California. I have an obligation. All of us have an obligation, and we can do it without a lot of pain to help conserve.

But while we conserve, and again I compliment those people of California who have done that, and throughout the rest of the Nation, do not kid yourself. Remember once when I was young, my father told me, my father and mother both sat us all down, they are wonderful people, both are alive and well in Glenwood Springs, they sat us down and said to us, The last person you ever want to fool is yourself. Don't fool yourself. Don't pretend that what is happening is not happening. Figure out what is happening and figure out how you are going to adapt to it.

That is exactly my point here this evening. Let us figure out what is going on. We know we have an energy shortage, but do not buy into the pie in the sky that we can resolve it all through conservation, because we cannot. Do not buy the pie in the sky that we can do it all through alternative energy. At least today, we cannot. Do not buy that all we need to do is build and build and build power plants and put oil wells wherever they want to put them, because that is not common sense.

It does not work, to destroy our environment like that; and I do not know anybody that is seriously proposing anything like that. But what we have to do is meet in the middle. We have to use a combination of conservation, alternative energy, exploration and transmission. We have got to be able to move the power that we produce from the supply point to the demand point all at the same time.

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That does not mean every river or every location is good for a dam. Obviously, as I said earlier, and I want to stress it again, because there is misinterpretation that is often taken advantage of when you speak like this, hydropower and the environment can go hand in hand, and there will be times where the protection in the environment overrides the need of hydropower in a particular location. But it is just as crazy to say that the environment will always prevent hydropower as it is to say that the environment should never be a consideration and hydropower should go wherever we want to put hydropower.
Again, coming back to the theme of my remarks this evening, in the middle, as I think our President and Vice President have attempted to say, in the middle we need to have an energy policy; and in the middle of America, meaning the people, not the geographical location, but the middle of common sense, we as a people can figure out how to provide, without a dramatic change in our life styles, because I do not think it is necessary, we can provide the energy needs on one hand for the people, the demands that they have, while at the same time protecting and enhancing our environment, while at the same time reducing our dependence on foreign oil.

That is not a dream, but it can only be accomplished if we have an energy policy; and we have not had one in the last administration, 8 years. We had plenty of gas; we had plenty of oil and plenty of transmission. We did not plan for the future.

We did have some planning then, but we have got to plan today. And despite all the criticism and all the controversy that is being heaped on the President and the Vice President, primarily, by the way, by the Democratic operatives, not by the conservative Democrats on this House floor, but by the Democrat operatives, by the people who are more focused on the election of the next President than they are on the needs of this Nation, those are the people that are really developing the criticism and manipulating it and marketing it in such a way that some people can be convinced we should not have an energy policy that involves any type of electrical generation, any type of exploration. They simply are not aware of what I have tried to emphasize this evening, and that is it will always demand a combination, a combination of protection in the environment, combined with exploration, combined with alternative energy, combined with conservation.

We all need to drill it in. We all need to drill it in such a way that some people can be convinced we should not have an energy policy that involves any type of electrical generation, any type of exploration. They simply are not aware of what I have tried to emphasize this evening, and that is it will always demand a combination, a combination of protection in the environment, combined with exploration, combined with alternative energy, combined with conservation.

So, in summary, Mr. Speaker, I intend to continue to come to you, to urge that we as a body come up with commonsense solutions. It may sound repetitive, but I have got to drill it in and drill it in. We all need to drill it into each other.

This country demands and deserves that its leaders provide an energy policy. We should follow the direction of the President and the Vice President in trying to put one together. It does not have to be his, but at least we ought to have this debate that we are having tonight.

STRONG HMO REFORM NEEDED

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. GREEN) is recognized for 60 minutes as the designated Democratic minority leader.

Mr. GREEN of Texas. Mr. Speaker, I am glad to follow my colleague from Colorado. I appreciate his statements on Texas and our power success. Typically, we do have success in power because we build generation plants.

But that is not what I am here tonight to talk about. I am really here to talk about managed care reform and the Patients' Bill of Rights and HMO reform, and give this perspective, because we have had since 1977 a very strong HMO reform bill that is in Texas law. Let me give the reasons why we need a Federal law to that effect.

For one thing, last week the Senate kicked off their debate on legislation that is critical in importance to our Nation's health care system, which is a Patients' Bill of Rights. In the Senate it is the McCain-Kennedy-Edwards bill; and in the House it is the Ganske-Dingell-Norwood Bipartisan Patient Protection Act. They both do the same thing, the Senate and House bills. They ensure patients and their doctors have control over the important medical decisions, physicians and patients or someone else who may not know anything about medicine except what they may look at in files.

America's health insurance system has changed dramatically over the last 25 years. As a result, Congress passed the Employee Retirement Income Security Act in 1975, most Americans had some type of traditional insurance indemnity plan, an 80-20 plan like most of us used to have. They went to their doctor, they prepaid the health care they needed, and the doctors were reimbursed by insurance companies.

But all of that has changed with the advent of managed care, which has meant most patients first get preapproval for their health care from their insurance company. If the HMO does not approve the treatment, the patient cannot get it. If that patient is hurt because they are denied appropriate health care, that is just too bad. The patient is not held responsible for his or her medical decisions that hurt or kill a patient.

Even worse, a patient cannot seek redress against that HMO for the damages in State court or even Federal Court, although there have been Federal cases filed recently; and some of them may sound better than others. But, again, typically Federal law does not allow a patient to sue under ERISA. ERISA exempts HMOs from being sued in State court, and requires them to be filed in Federal Court. Again, typically Federal law does not allow a patient to sue under ERISA. ERISA exempts HMOs from being sued in State court, and requires them to be filed in Federal Court.

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The Texas bill eliminates gag clauses which prohibited doctors from discussing treatment options with their patients, even though those treatment options were not part of or provided for in their plan.

It provided for emergency room care for patients who reasonably believe they are suffering and went to an emergency room, an emergency medical condition.

One of the important parts of Texas law is required for internal and external appeal. It ensures patients have access to independent objective panels to determine if treatments are medically necessary, so it is not just the HMO saying you are not eligible for that treatment. You can appeal to an independent and external panel and that decision is made.

Accountability. That is why it is important that any Patients' Bill of Rights includes accountability, because all the other things I have listed are important. If you do not have accountability, accountability in health insurance plans. Denial of claims results in that injury or death to that patient, so you have to have accountability.

In 1997 in Texas they originally passed it in 1995, they originally passed a Patients' Bill of Rights that then Governor Bush, now President Bush, vetoed. But in 1997 there were compromises made and the bill passed the legislature overwhelmingly. Governor at that time did not sign the bill, but he let it become law without his signature.

My concern is we are hearing some of the same arguments today that we heard in 1997 about the cost and the increased number of lawsuits against doctors and other health care providers in Texas that they used in 1997. We are hearing that same argument today here 4 years later on the Federal level.

But the exact opposite is true in Texas. Since Texas enacted that law, only 17 cases have been filed. Texas has a strong independent review organization, the external review. Insurance patients must exhaust all appeals processes before they can go to court.

Also, a patient can only sue their HMO if that HMO disregards that recommendation, that independent review organization. If a plan follows the independent review organization, then they cannot be held liable in State court for that. So we only have had 17 cases in 4 years.

This process ensures that patients get treatment. That even if they have to go in a timely fashion. They do not have to go to court and wait 2 or 3 years like we do now under ERISA. That is we have any kind of justice on treatment. Despite cries that this would increase the cost of health care premiums in Texas, premiums in Texas are already 10 percent lower in Texas than they have in the rest of the Nation, who may not enjoy a State Patients' Bill of Rights. Texas' Patients' Bill of Rights provided patient protections for many of its residents and many Texans, but many Texans cannot benefit from that Action law because they receive their health insurance through their employer who is covered under ERISA. That is why we need other colleagues and enact the Patients' Bill of Rights on a Federal level.

Mr. Speaker, I see my colleague from San Antonio, Texas, who was in the legislature in 1997 and helped pass the Patients' Bill of Rights in Texas, so if I would be glad to yield to my colleague from San Antonio to talk about a little bit of what went on in the Texas Legislature and what he sees that we need to do here on the Federal level now.

Mr. RODRIGUEZ. Mr. Speaker, first of all, I want to congratulate the gentleman for being here tonight. I know it is kind of late, and it is difficult to be home during the weekend and then coming here and spending some late hours. But there is one issue that is so important to all Americans, including Texans.

Let me just say that the Patients' Bill of Rights is very straightforward. It allows the opportunity, first of all, to see specialists. It makes all the sense in the world. One of the basic principles is that one wants to be able to see the doctor of one's choice, and that is important.

Secondly, what it also does is it allows an opinion especially in those cases, and I had some particular constituents of mine who had some difficulties with lupus and some of the serious illnesses that they needed to see specialists for, so that when one has a very serious problem and requires specialists, one does not have to find that they are not only fighting the disease, but also fighting the HMO because they are not being responsive. So it becomes really important that we allow that opportunity, that a physician should have the right to be able to determine whether one should see a specialist or not. We all recognize that they are the ones that are the most qualified to be able to do that, and that we should not depend on someone who is doing the accounting or some insurance company to make their decision based on economics, but it should be based on what is the best thing for that particular patient in terms of seeing a specialist.

In addition to that, it is important to the importance of independent review. The gentleman explained it pretty clearly. A lot of times we have a situation, and now, this is one of the areas that we need to correct back at home, where we have a decision that is made by a company that has their own doctors, and the company decides that they are not going to allow that particular doctor to refer or do certain things, and then it is detrimental to the patient, and then that patient has the right to sue. The guidelines right now in Texas are that if they choose not to go based on the independent review organization recommendations, and something drastically happens that is wrong and bad, then they should have that right to sue.

But as the gentleman indicated, and I have seen some statistics, I just saw an article that showed only 10 lawsuits. There is one other that showed 17.

Mr. GREEN of Texas. Mr. Speaker, there are 17, from my understanding. Again, in Texas, we do not have any hesitation at all about going to the structure when we feel that, and so after 4 years, only 17 lawsuits. We have not had an overwhelming number of lawsuits filed under that law, but we have had people get the health care that they need.

Mr. RODRIGUEZ. Mr. Speaker, as the gentleman indicated, also one of the things that we still have to do that we did not do in Texas, and that is with the businesses. We have a lot of businesses that have their own insurance on ads they say that the cost is going to go up. Again, in Texas, we do not have any hesitation at all about going to the structure when we feel that, and so after 4 years, only 17 lawsuits. We have not had an overwhelming number of lawsuits filed under that law, but we have had people get the health care that they need.

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Mr. GREEN of Texas. Mr. Speaker, I wish to thank the gentleman from San Antonio, Texas (Mr. Rodriguez), my colleague. There are 200 miles, or roughly 190 miles separates Houston from San Antonio. San Antonio was a great city. The gentleman I served in the legislature together before we came to Congress, and I enjoy serving with the gentleman, working on national issues, particularly his effort on national defense issues and a number of military bases that we have in San Antonio. I tell people the only military base, outside of our Reserves in Houston, is our Coast Guard station, and they cannot take that away, because we have the highest foreign tonnage port in the country, so we have to have a Coast Guard station.

Let me go back and talk a little bit about the employer liability sections, which is a big issue here in Washington, just like it was in Texas. Many opponents of the Patients' Bill of Rights argue that employers will be faced with a barrage of frivolous lawsuits if they pass the Ganske-Dingell-Norwood bill. That claim is untrue. The bill exempts employers from liability so they would not directly participate in medical decision-making, and that is why I am following my colleague in saying that that is a divergence in Texas law. This provision encourages employers not to get involved in health care decisions.

Some Members of Congress and Senators believe that all employers should be exempted from liability, even if they are involved in medical decisions. Well, at one time as a business manager, I never wanted to be involved in medical decisions. That is why we contracted that with insurance carriers. But it is bad public policy to create a blanket exemption for employers, even when they actually make medical decisions.

I hope our employers out there are not making those medical decisions. If they buy a policy or they hire someone to administer a plan, that plan needs to be fairly plain, and that employer should not be the one who makes the decision about whether one receives a bone marrow transplant; again, something that is readily accepted all across the country for the treatment of cancer. It is worse policy to create an incentive that employers more involved in medicine.

I have said this before, but I think it bears repeating: The Ganske-Dingell-Norwood bill has very strong internal and external review provisions similar to Texas. Any insurer or employer who follows that process will be building a very strong evidentiary record that they had neither acted negligently or maliciously in dealing with a patient, and it would be virtually impossible for an entering trial lawyer to build a case under these circumstances. But one has to have accountability to be able to have a successful internal and external appeals process. Employers who are involved in medical decision-making will be protected from frivolous lawsuits and unlimited liability as long as they play by the rules.

Again, as a former business manager, we have lots of rules we have to play by if one is a business person. But if employers are going to play doctor or medical provider, then they should be held accountable, just like doctors and medical providers should be.

Let me talk a little bit about why we need to proceed to State court, because that is a concern, not only as a former business manager, but as someone who practiced law and enjoyed practicing in State courts instead of Federal courts, because you could get to trial quicker in State courts.

Some proponents of the Patients' Bill of Rights argue that patients do not need access to State courts if they are injured by their plan. They think Federal courts are the appropriate venue to resolve health coverage disputes, but legal experts disagree. The American Bar Association, the National Judicial Conference, the State attorneys general, and numerous Federal judges take the position that medical injury cases belong in State and not Federal court. For example, Chief Justice William Rehnquist stated that, "I have criticized Congress and Presidents for their propensity to enact more and more legislation which brings more and more cases to the Federal court system. Much that should be handled by States should be left to them."

Well, the States clearly can adequately handle these types of cases. State courts have been the traditional forum for medical injury cases for more than 200 years and have vast experience in dealing with these types of matters. Federal courts, on the other hand, are not an appropriate place for all civil cases for several reasons. First, there are significantly fewer Federal courts. In my home State of Texas, there are 360 Federal courts available to hear these cases, but there are only 39 Federal courts.

Geographical obstacles also prevent patients from accessing the Federal court. Families may have to travel significant distances to have their cases heard, and they would have far more cases for several reasons. First, there are significantly fewer Federal courts. In my home State of Texas, there are 360 Federal courts available to hear these cases, but there are only 39 Federal courts.

The reason is that in Texas we have a very strong independent review organization, or an IRO. If a health care plan denies treatment to a patient, they must appeal to an IRO. The IRO is made up of experienced physicians who have the capability and authority to resolve the disputes and the cases involving medical judgment. Their decisions are binding on both the plans and the patients. If an IRO determines that a course of treatment is medically necessary, then an HMO must cover it. If a plan complies with the independent review organization decision, they cannot be held liable for punitive damages.

They have worked well. Since 1997, we have had 1,000 patients and physicians who have challenged the decision of their plans. The process is fair. The independent review organizations do not favor patients or health plans. In fact, in only 5 percent of the cases, the independent review organization fully or partially reversed the HMO.

Although that shows me that the HMO was wrong more than half the
time, but they were corrected without having to go to a courthouse. In fact, the process worked so well that despite the U.S. 5th Court of Appeals’ ruling that external appeals are violations of ERISA, Aetna and other HMOs agreed to voluntarily submit disputes to the Independent Review Organizations for resolution.

Mr. Speaker, I stated earlier there have been only 17 lawsuits filed in Texas since we passed the Patients’ Bill of Rights. I believe the external appeals process has been instrumental in the success of our plan and is giving the patients what they really want, access to timely, quality medical care while protecting the insurers from the costs of litigation.

I believe that the success of the Ganske-Dingell-Norwood bill provides that same process that we would have. Patients must exhaust all internal and external appeals process before they can proceed to the courts. They need to be swift appeals, and there is no doubt that any patient who is trying to get health care really does not want to sue their insurance plan. They really want to get their health care.

Let me talk about the costs. We have heard the opponents of the Patients’ Bill of Rights argue that it would increase costs so much that an employer would start dropping their coverage. In Texas, however, providing patients with the same kind of protections has not lead to an increase in costs.

Like I said earlier, the costs of uninsured HMOs and managed care insurance in Texas has not grown any more than in States that do not have the same protections. Texas premiums are growing at the same rate of insurance rates in other States that do not have a patients’ bill of rights.

Even if the costs do go up, as some estimates suggest, it will only rise 4 percent, that equals about $2 per month per patient. Let us face it, $2 a month is not a big outlay these days. It barely pays for your coffee, maybe a cup of coffee, no frills. If you want a cappuccino, you are going to have to pay $3: six first class stamps; two 20-ounce bottles of Coca Cola or Diet Coke. Such a low cost is not going to drive up the cost of health care, we have failed to act. Mr. Speaker, it is time to replace fear with facts.

In Texas, we passed a Patients’ Bill of Rights in 1997. This bill was passed over the veto of then-Governor George Bush. Since that time, the Texas Patients’ Bill of Rights has provided patient protection for many of the residents of my state. The bill of rights allows Texans with health insurance to have direct access to specialists. When a patient sees a doctor, the medical professional is allowed to discuss all treatment options, even those not covered by the plan. If there is a disagreement between patient and provider, there is a strong Independent Review Organization that ensures that patients have an appeal process that recommends solutions. All of these protections have been accomplished with only a slight increase in health care premiums. America deserves the kind of patient protections that cannot be bought and sold. Mr. Speaker, I hope that Members of this House can explain to their constituents why they cannot have the standard of care currently enjoyed in Texas.

THE FUTURE OF AGRICULTURE IN AMERICA

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker’s announced policy of January 3, 2001, the gentleman from South Dakota (Mr. THUNE) is recognized for 60 minutes.

Mr. THUNE. Mr. Speaker, tomorrow we will engage in a debate on this floor which I think will be the first volley of what will be a very long discussion here in the House about the future of agriculture in America.

Tomorrow we will pass legislation here that provides emergency disaster assistance to our producers. Unfortunately, Mr. Speaker, as that bill moves through the Agriculture, all USDA’s programs as of which I am a Member, it was pared down from what was originally proposed. I believe that it was a mistake, Mr. Speaker, to do that, because we have a responsibility to the producers of this country.

Frankly, we had set expectations at a certain level about what we were going to do to help address the catastrophic losses which we have seen for year after year after year.

Mr. Speaker, the legislation that will move through the House tomorrow, is in my judgment inadequate and insufficient to get the job done for American agriculture in this year. What that does in the future will do, Mr. Speaker, is begin to lay the groundwork for the ensuing debate and that is the debate over foreign policy in this country.

We are long overdue of making some changes in agricultural policy for America. The farm bill debate is under way in the House of Representatives. It has been for some time. We have been listening intently across this country to producers about what they want to see in the next farm bill and we have listened from coast to coast in different regions. And we have had hearings after hearings here in Washington from different commodity groups and grower groups.

Mr. Speaker, it is clear in my mind that producers across the country want a bill, a farm bill that is written specifically for producers, not one that is written with some ulterior policy object in mind or some other agenda, but a farm bill that is specifically written for producers, and hopefully will lay the framework that will help govern our foreign policy as we head into the years ahead.

Mr. Speaker, this is a very, very desperate time for American agriculture. We are seeing people leave the farm. We are seeing outmigration from rural areas. We are seeing the family farm structure which, in my mind, is the backbone of America, start to disintegrate partly because of the farm bill. This situation is just coming out west, from coast to coast in different regions. And we have had hearings after hearings here in Washington from different commodity groups and grower groups.

They are, unfortunately, in a position where the future of agriculture is very much in question in America, and I think it is high time that this Congress take necessary steps to correct the problems.

Granted, foreign policy is not going to solve this. We are going to write a farm bill. That is not going to be the only solution. There are a lot of issues that impact agriculture today. We lost some foreign markets. We need new farm policy as well.

We need strong trade policies that recognize that we have to have a level playing field around the world in order for our producers to compete and compete fairly, but when we write this foreign policy, we need to hear in mind, I believe, Mr. Speaker, that there are some very necessary component parts that need to be in it. Of course, the
most immediate is what do we do when prices are where they are today. We need to have a countercyclical re-payment program that provides assistance to our producers when prices fall; and as they begin to improve that, that government assistance begins to phase out. But we need a program that recognizes those types of rises and falls in the market and allows our producers to continue to farm.

I believe, Mr. Speaker, in this next bill that we have a strong conservation component and make the necessary investment to not only support our producers, but also to improve the land and the water so that they will implement conservation practices, enhance our soil and our water, and add the wildlife production around this country. It is going to be very important. I believe, that as our rural economy and the overall Gross Domestic Product of this great economy, being and the need to survive and to prosper and to continue to move forward is what we are going to do to save and preserve our rural culture.

I think it is critical that this farm bill also highlight and recognize the importance of value-added agriculture, of allowing our producers and providing incentives and encouraging them to take what we grow, what we do well, which is production agriculture. We do it very efficiently in this country, and to reach up the ag marketing chain and capture the whole value of our agricultural production, by processing, whether it is ethanol, by processing, whether it is corn, soybean processing, flour milling, seed crushing, value-added meats, finding those markets, Mr. Speaker, that will enable our producers not only to compete by putting more money into their pocket, but by adding economic activity and jobs on Main Street around this country.

Mr. Speaker, as we debate this bill tomorrow, it is the first step in what I hope will be a very spirited and vigorous debate about the future not only of agricultural policy, but about the future of rural America and what we are going to do to save and preserve our rural way of life.

It is not just an economic issue. It relates to health care and education, to telecommunications, all of those things that people in rural areas expect and need to survive and to prosper and to continue to grow and add to the overall well-being and the overall Gross Domestic Product of this great economy, because, I believe, that as our rural economy goes, eventually so will our national economy go.

Food security is very closely tied, Mr. Speaker, to national security. I would like to touch on another subject, which I think ties into that whole issue. The one that is in my mind is the question of energy policy and where we need to be going, because not only have we seen prices fall in agriculture, but we have also seen costs go up.

Agriculture is a very energy-intensive industry, and we need to address what I believe has become a crisis not only in agriculture but a crisis in America, and that is our lack of affordable energy for farmers, for ranchers, for working families, for our small businesses to keep this economy expanding and adding to the quality of life here in America.

Mr. Speaker, this evening I am joined here on the floor by the gentleman from the third district of Nebraska (Mr. O'NEILL). He is a new Member of Congress and a member of the Committee on Agriculture. He cares deeply about the future of agriculture in his district which borders mine.

I think we share a lot of similar concerns, a lot of similar anxiety as we talk about commodity programs and all of these other issues, but we are losing jobs on our Main Streets.

We are expressing an economic downturn that has gone on now for several years and we need to do something to reverse that.

I think it is critical that this farm bill also highlight and recognize the importance of value-added agriculture, of allowing our producers and providing incentives and encouraging them to take what we grow, what we do well, which is production agriculture.
So there is some significant differences, and I think that is one reason why people have to understand that there needs to be a farm program. It is not something we can simply throw open on the world market and hope that we will survive.

Lastly, just let me mention this. If we do try to go to the low-cost producer, we did that in energy. Back in the 1970s OPEC would sell us oil for $3, $4, $5 a barrel. So we said, okay, that is great. We cannot produce it, we cannot pump it out. So we are going to cap our wells and quit exploring, and we are going to farm our energy, our petroleum supply out to OPEC. We did that, and they took it gratefully.

Of course, now that price has gone up as high as $35 a barrel, and they are in control, and we have got 60 percent of our dependence on petroleum going to OPEC.

We can do the same thing in agriculture very quickly. We can say, okay, in Brazil one can have two growing seasons. Land is 2- or $300 an acre. One has no environmental regulations. Labor is cheap. So we are not going to help our farmers, and we are going to let the producer win. Then in that case, we will be dependent on overseas sources for our food supply. I do not think we can allow that to happen in terms of national security.

So, basically, those are some of my thoughts on where we need a farm program. I know that the gentleman from South Dakota (Mr. THUNE) is interested in many different aspects of this issue.

Mr. THUNE. Mr. Speaker, I appreciate the gentleman’s observations and comments, and I would echo much of what he just said in terms of the need to have a level playing field. The United States has not had the experience that many of the countries around the world have had, knowing what it is like to go without. A lot of the countries that we have to compete with subsidize their agricultural sectors on a level that we do not in this country. Yet we arguably are trying to compete with them, and the international marketplace has become very competitive.

So it is important, Mr. Speaker, that we look at what we can do to drop those trade barriers internationally so that America can compete, and compete on a playing field with our foreign competitors, because I believe our producers are the most efficient producers in the world, but they have to have that opportunity, and they have to have the same set of rules to adhere to and abide by and play by as the other countries around the world.

As the gentleman from Nebraska (Mr. OSBORNE) noted, one of the things I think is going to be very important in the future, too, is that we have renewable resources. We have corn. We have products that we can have been diverted into other products, that can help address and diversify our energy supply in this country, our production, and make us less dependent upon foreign countries for our energy supply.

One of the people who has become a new leader on that subject is the gentleman from Minnesota (Mr. KENNEDY), whose district also shares the border with Canada. Minnesota has been a very strong advocate for ethanol, for other value-added industries, who understands clearly how important it is that we take what we do well, that we take production agriculture, figure out a way to harness that, to add value to our commodities, to add value to our industries, and then be able to put more dollars in the pockets of our producers, and also to add economic activity in our rural economies and our rural main streets.

So I am happy to yield to the gentleman from Minnesota (Mr. KENNEDY) for his thoughts on that subject as well as his thoughts on where we go in terms of a farm policy as we get into this debate in the weeks and months ahead here in the Congress.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from South Dakota for all his good efforts and for yielding to me. We look forward to working together to improve the farm bill for our farmers in southwest Minnesota.

I also thank the references to growing demand by tapping the energy market. I often tease groups of farmers that I am with that we all seem to be well enough fed in southern Minnesota, at least in most parts of our State, and we have room to go in terms of feeding the world and feeding our country. But we have our best opportunity for growing demand in our energy markets.

I am just still very pleased with the President’s decision to deny California waiver from their Clean Air Act and know in my recent conversations over the weekend with farmers across our district and with people that work with ethanol plants, that it is going to result in a great boon to our farmers throughout the country.

This is something, in the case of ethanol, that is a win-win-win situation. It is win in that it helps us create a renewable and domestic source of energy, something that we are in great need of today. It helps us with the environment by helping gas burn cleaner. It helps us provide jobs to many of our local communities. I have six ethanol plants throughout our district. It helps as well in having a very growing demand for our products. There is that. There is biodiesel we will be working on and certainly opening up markets, as the gentleman from South Dakota referred to.

These are all not necessarily parts of our farm bill, but something that we in the Committee on Agriculture are fighting hard to make sure we advance. In the end, they result in more flexibility to do things with the farm bill because naturally increase the price of products.

But our farm bill needs to be focused on making sure that we have counter-cyclical payments to help our farmers in times of need as we clearly have today, and coming up with a program that gives them better support than they currently have; also, making sure that we have a strong insurance program and expanding our conservation efforts to nurture the environment at the same time that we are growing the food to feed the world.

Finally, in rural development, and I was pleased to be able to award two rural development grants in our district to help increase value-added farmer-owned production. So those are the things we will be focusing on. But I, too, was disappointed in the House Committee on Agriculture’s recent votes to reduce supplemental aid to farmers in the new farm package to $5.5 billion. I opposed the amendment offered by the gentleman from Texas (Mr. STENHOLM) to reduce that supplemental aid and supported the proposal of the gentleman from Texas (Mr. THOMAS), our Subcommittee Chair, to provide $6.5 billion of funding.

Our farmers are struggling, and we need to provide them with the aid they need. I voted for the final passage because we need to give them support, I hear that over and over as I am out in the district.

But we are at a time when our prices remain low. We have had very poor planting conditions in our part of the country, and it is likely to reduce our yields. Our production costs are higher than they have been with the increased cost of energy. So this is really not the time to reduce the funding that the farmers have historically received during these times of need.

I hope this is a first step in progress that we can make to continue to assist our farmers. We do need to move forward on a fast timetable on passing the farm, a new farm bill this year. I am very pleased that the House is moving forward on that.

I am working together with the gentleman from Arkansas (Mr. BINKLY), and received over 90 signatures from my fellow colleagues here in the House to encourage that both bodies move forward on a pace to get the farm bill done this year. Our farmers have waited long enough. We have ideas for needed relief. We need to move forward on them.

We have the budget flexibility. It is time to write the farm bill this year. Besides, I think we would all prefer, our farmers would prefer and deserve that we focus on policy this year rather than politics next year.

With that, I look forward to working with the gentleman from South Dakota.

Mr. THUNE. Mr. Speaker, I simply note as well that it is important in my mind that we do this farm bill this year set the right parameters so that our producers know with certainty going into the next planting season.
Now, there is a tendency among some in this body and some here in the Congress to say, well, let us wait and do this next year. After all, then it will be a political year. But, frankly, I think heads think a lot more clearly and judgment is a lot more focused in the absence of the political climate that we will be encountering next year. I think this is the time that we need to do this.

So as the House prepares to write their farm policy, I would hope that we will do so as the gentleman from Minnesota (Mr. Kennedy) noted, by our colleagues in the Senate, because it is important that we get it put in place this year.

Mr. Speaker, one of the issues that I think ties into this whole debate is the cost of doing business in agriculture. We have all talked about prices. Farmers cannot control prices. They have to take what they get at the elevator, what they get from the packer. They do not own the land. They have a lot of control over what they receive. But of late, it has also become true they do not have a whole lot of control of what it costs them to do business.

Look at the input and cost of energy in the farm sector. What has happened as we have seen prices go up and up and up in natural gas, so fertilizer is up 90 percent, the price for diesel fuel. Farming is a very energy-intensive business. In States like my State of South Dakota, the second probably one of the next major economic benefits in my statement is tourism, the travel industry. As gas prices go up and up and up, one sees people look into their pocketbooks and saying, I have less and less to spend, to travel.

The farmer cannot control the rising costs of what the expense is for him to stay in business and to continue to plant the crop every year and harvest it.

Mr. Speaker, that is something that this Congress needs to zero in on. We have a responsibility because we have for. I should not say we, but for the last, essentially last administration, last 8 years, not had an energy policy. We sit and we point fingers, and we will blame the Clinton administration, and they will now blame the Bush administration, and the Republicans blame the Democrats, and the Democrats blame the Republicans, and it goes on and on and on.

The American people are sitting out there and saying, wait a minute. What about us? What about what it costs us to drive to work in the morning? What about the cost of transporting our kids to and from school, the cost of the family vacuum, the cost of the home heating bill in the winter months?

These are issues that impact directly and profoundly people across this country. It is important that we focus on this, that we develop an energy policy, forget the fact about who is responsible and the reason that we did not have an energy policy for the last 8 years, and we all have our opinions about that. I do not think that the last administration paid much attention to this.

But the reality is we have a problem that is not a Republican problem or Democrat problem, it is an American problem. It is something that directly impacts working families across this country.

Now, this President, President Bush, has put forward a proposal. And not everybody may like it, but he has provided leadership. He has put together an energy policy for this country. This is a comprehensive and detailed specific recommendations. It is comprehensive. It is detailed.

It has been roundly criticized because people say, well, it does not put enough emphasis here or here or here. The fact is this is a balanced approach. Now, there are parts of it I may not like. There are parts of that that the individual Members of Congress may not like. But the reality is the President of the United States has given us a framework of working off of. He has given us an energy policy that is specific and comprehensive and detailed, that includes recommendations for executive action, that includes directives to agencies, the changes they can make, and which includes specific recommendations for the Congress to act on through legislation. Some of them deal with energy supply. Some of them deal with renewable energies and alternative sources of energy, something that I care deeply about. Some of them deal with conservation, recommendations in here deal with conservation or renewable sources of energy, alternatives.

But the fact of the matter is, Mr. Speaker, that we need to be looking at this in the context of what can we do to, one, increase supply of energy in this country, or, two, reduce demand. The rest is conversation.

We can have this discussion, but the fact is how do we get more supply of energy? We are in a growing economy. We need energy for energy and the supply is staying flat or even dropping off. So the gap between what we use, what we consume, and what we produce is growing every day to the point that Saddam Hussein is going to be writing the energy policy for this country if we fail to do it.

So I hope we can have an honest debate. Let us talk about finding sources of oil. Let us talk about domestic sources of petroleum, and, if we can, get at that in an environmentally sound way; and I happen to believe there are places in this country where that can be done. We have an honest debate, not one that is based on emotion, not one that is based upon some preconceived notion about how things ought to be, but one based on science and fact and truth, Mr. Speaker. Let us get after this problem for the American people.

I am also joined this evening on the floor by the gentleman from the first district of Kansas, what they call The Big First. My State of South Dakota, the district I represent, is 77,000 square miles, just slightly larger than the gentleman from the first district, which I think is about 66,000 square miles. But the gentleman from Kansas is someone who has been a strong advocate, a strong leader on energy policies and rural economic development in this country, someone who cares deeply about the plight of rural areas of America, about the quality of life of our citizens who live there. And I am happy to be joined on the floor this evening by the gentleman from Kansas (Mr. Moran); and, Mr. Speaker, I yield to him.

Mr. Moran of Kansas. I thank the gentleman from South Dakota for yielding to me, and I am pleased to participate with my colleagues from Nebraska and South Dakota and Minnesota. And I know there are many other Members of Congress who care deeply about our issues and our tasks before us. It is difficult to meet those challenges. Rural America is suffering. We have heard a lot during my early days in Congress about the boom and bust cycle, the boom and bust of commodity prices. I have also been a strong advocate, a Democrat problem, it is an American problem. It is about the rules and the system that we have to work with. He has given us an energy policy that is specific and comprehensive and detailed. It is specific recommendations. It is comprehensive. It is detailed.

But the fact of the matter is, Mr. Speaker, that we need to be looking at this in the context of what can we do to, one, increase supply of energy in this country, or, two, reduce demand. The rest is conversation.

We can have this discussion, but the fact is how do we get more supply of energy? We are in a growing economy. We need energy for energy and the supply is staying flat or even dropping off. So the gap between what we use, what we consume, and what we produce is growing every day to the point that Saddam Hussein is going to be writing the energy policy for this country if we fail to do it.
It is not about whether or not there is a new factory arriving in town but whether or not there is a hardware store and a pharmacy.

So much of what we do here increases the cost of being in business, and yet we do not do enough growing population, partly because such that we can spread those increased costs to meet those rules and regulations and taxes and workers compensation premiums and health care costs among more customers. So it is agriculture, it is small business, it is transportation, and we do wonder. What can we get on the middle of the country. The answer was our transportation costs, it was cheaper to put it on a boat from South America and ship it to the United States than it is agriculture, it is small business, it is transportation. How do we make certain that we can get from one community to another, that we can get our agricultural products to market?

Not too many months ago we received complaints from our constituents about soybeans being imported into the United States from Brazil, from South America. And my constituents, my farmers who grow soybeans, could not understand how can they bring soybeans and soy meal from South America to the United States and sell it in North Carolina cheaper than we can get it there from the middle of the country. The answer was our transportation costs. It was cheaper to put it on a boat from South America and ship it to the United States when it was put on a train and move it just halfway across our country.

Transportation costs matter to us, and whether or not we have roads and bridges and highways and railroads, and airports and aviation will affect whether or not rural America remains alive and well.

It is about education and technology. I know the gentleman from Nebraska has championed issues related to education and technology. This is certainly an agricultural week in Congress. The plight of our farmers and our ranchers is not forgotten here. We have, as has been mentioned earlier tonight, addressed an issue of lost payments for market, the last several years of assistance. The Committee on Agriculture will have a bill on the House floor tomorrow dealing with this assistance to try to tide the farmers over for a while longer until we can do some other things.

Farmers do not want payments from the government; they want to earn their living from the markets. But unfortunately, government puts many stumbling blocks in their way. And as the gentleman from Nebraska said, our competitors, those particularly in the European communities, they are subsidized eight times what we are in the United States. My hands are going up because there is a bar graph in the office which reflects the Europeans subsidize agriculture eight times what we do in the United States. Yet we tell our farmers to farm the markets, to compete in the world. It is not a level playing field at all.

A pie chart in my office reflects that 82.5 percent of all subsidies to help export agriculture commodities around the world is provided by the European Community. Our slice of that pie is 2.5 percent. Yet we tell our farmers to compete in the world. Go out and grow the crops, sell them. Yet we have such an uneven playing field.

We have trade embargoes and sanctions against other countries. The farmer did not ask for those; yet because of the embargo, we cannot sell wheat or grain or meat products to some country around the world because we do not like their behavior. The reality is we do not change their behavior; we just cause our farmers, our ranchers to lose one more market.

It seems to me those of us who care about agriculture have to care about a farm bill and farm policy. That farm bill is going to be discussed, debated and written. This is my first time in Congress in which we have tried to draft a farm bill, and I am looking forward to being fully engaged in that debate. That will take place in the House Committee on Agriculture during the month of July, and we will be back on this House floor with an agricultural bill that will be important to farmers. But we have had low prices in many farm bills, so that is not the total answer to the problems we have, to the trade embargoes and sanctions and exports. These farm commodities must be assumed. We have great concerns about lack of competition in agriculture. Everybody that the farmer buys from and sells to is getting larger and larger, and the farm and ranchers seem to make sure our antitrust laws are effective and are enforced. So the challenges are there, and yet the reality is that without prosperity in agriculture, there is no prosperity in rural America.

We are in the middle of a wheat harvest in Kansas, and it is working its way from south to north. It has been to Texas and Oklahoma, it is now in Kansas working its way into Nebraska and South Dakota. We have lived in Kansas for over 25 years, and I think these terribly low commodity prices because we have had good yields. Last year the drought hit Kansas and decimated the soybean crop.

This year in wheat harvests, the number of acres that will be harvested in Kansas is expected to be the lowest number of acres since 1957. So now this year not only will we have terribly low commodity prices but we have no crop to harvest, or a smaller crop to harvest. And what we are not to be harvested in Kansas it is estimated. And although the early harvest reports have been good, we have concerns about kernel bunt and rust. And, unfortunately, as has been mentioned by my colleagues, the increased cost of inputs, particularly fuel and fertilizer, estimated by our Kansas farm management database, is an increase of 33 percent in costs for fuel.

So our work is cut out for us. I look forward to working with my colleagues across the country to see that we have disaster assistance, the market loss assistance program tomorrow on the House floor, that it is passed and sent to the Senate and that it is addressed quickly, and that we have an agricultural policy, a farm bill through the Committee on Agriculture later this year. And I agree with the gentleman from Minnesota, it is critical that the Senate join us in addressing this issue. And the bankers need to know what farm policy is going to be in this country.

This issue is important to me. It is not just whether farmers make a living. This is about a way of life, and it is a way of life that is evaporating in this country. It is about a way of life in which sons and daughters work side by side with moms and dads and grandparents, and where character and values and integrity is passed from one generation to the next. So although to talk about money in dollars, what we are really talking about is a way of life, and a way of life that was the history of our Nation.
I look forward to joining my colleagues tonight and my colleagues throughout the year and my colleagues across the country to make sure that rural America is not forgotten in the United States House of Representatives.

Mr. THUNE. I thank the gentleman from Kansas for yielding, and I would simply again say that we are joined geographically by the gentleman from Nebraska, but strong similarities in the concerns, the people that we represent, the geography of the land, the things that we raise, and absolutely the issues that we are concerned about with respect to the quality of life in rural areas of America.

As the gentleman from Kansas noted, so much of it is about agriculture because there is no prosperity in rural America unless agriculture is prospering. When we see these succeeding years of low prices, and in agriculture the last few years it seems like the prevailing theory has been and we lose a little bit on each sale, but we make up for it in volume. We have tried to make up for what we have lost in price in the numbers of bushels we produce; yet this year, as the gentleman from Kansas noted, we are suffering, because of weather and other related issues, all sorts of problems in getting the kinds of harvest and the kinds of yields necessary in order to make our farmers pencil out and break even.

I am anxious, along with my colleagues, to engage in this debate. I do believe that there is no question that when we deal with this whole issue of farm prosperity that it is about prices; it is also about the cost of production, the cost of energy, and that it is an issue which we are going to have to address.

I understand the gentleman from Texas (Mr. RODRIGUEZ), over here on my left, would like a minute; and I would be happy to yield to him for a moment.

Mr. RODRIGUEZ. Mr. Speaker, let me thank the gentleman first of all for bringing this up tonight. I think it is so important. I think we forget that we are all involved in agriculture when it comes to the issue of eating.

I represent a district that runs from San Antonio north to south, all the way to the Mexican border, and I take pride in the fact that in the seventh province of peanuts in the Nation. But I also do not take pride in the fact that we are having a rough time, as the gentleman has indicated. Nature determines a lot of times what happens to our farmers. It is something where they basically put all their money into that crop. I had one year, in 1998, where I had a major flood that destroyed a lot of the crops that we had. Previously, we had about 5 years straight where droughts hit and devastated a lot of our farmers. Those kinds of things we forget.

One of the things that I think the gentleman mentioned, and that I think is important, is that we continue to mention the importance of our national security when it comes to agriculture and food. We cannot depend on foreign food when it comes to our national security. We have got to make sure that we continue to grow that food on the American land. I think that is also important, as mentioned earlier in the discussions, the fact that a lot of our farmers now are senior citizens. The young are choosing not to go into it because it is very difficult, and a lot of times losing the profits, and the risks are just tremendous.

So we as a Congress and as a people need to make sure that we protect our farmers, and we need to do everything we can to make that happen. We talk about maximum profit and that kind of thing; we are valuing wage, but we very seldom talk about a prevailing price for that product that those farmers have. I think it is important that we do that. There is no doubt there is no way we can compete with Europe when they get subsidized. There is no way we can compete with Latin America, when they almost do not get paid for anything.

The bottom line is, for our national security, which we have to have strong as our farmers, and I want to thank the gentleman for being out here tonight talking about the ag bill and what we need to do. We need to make sure that food continues to be on the tables.

Mr. THUNE. I thank the gentleman from Texas (Mr. RODRIGUEZ) for his comments. Again, agriculture is not a Republican or a Democrat issue. It is something that is important to the future of America and to our national security, and it is something that we need to be working as a body and focusing on in a cooperative way, in a bipartisan way, to try to solve some of these problems and see that our producers have a living wage, because they do not. All the time I hear is a fair price for their products.

Unfortunately, as the gentleman from Nebraska pointed out earlier, because of the way that we have to compete with countries outside their own farm economies at much higher levels, it does put our producers at a competitive disadvantage. And that is something that we have to try and correct through our trade policies. But we have a responsibility as a Congress to right now focus like a laser beam on the farm bill, on writing a new farm policy, on the energy policy in this country to help increase the prices that farmers receive and to lower the prices they have to pay for their inputs, so that that bottom line will begin to show up in the black again instead of in the red. This will help us, hopefully, keep our young people in this country on those family farms that form and shape the bedrock values of America.

2115 I believe we are much better served as a culture if we have family farmers farming the land and producing the products and the commodities that we consume in this country and we export around the world.

The gentleman from Nebraska (Mr. OSBORNE) has been a leader on a number of issues, one of which is technology, and so many other issues which are important to rural America. I yield to him at this time for his thoughts on this matter.

Mr. OSBORNE. Mr. Speaker, I appreciate the preceding comments from the gentleman from Minnesota and the gentleman from Kansas.

Mr. Speaker, we are talking about the new farm bill, and many times people hold great promise on the farm bill, and it is not the whole answer. It will hopefully provide a safety net which will allow people to continue in farming. We have been losing 16 percent of our farmers every year. Sometimes people say you are keeping the inefficient people in business, but all the inefficient people are long since gone. All of the people left have skill and ability.

Of course, Freedom to Farm had some good ideas behind it. One is basically the philosophy of Freedom to Farm was that the farmer would produce all that he could. The farmers produced fence row to fence row, and the government’s part of the bargain were that they were going to provide the markets, make sure that we had free trade, fair trade. And I am sad to see that part of the bargain has not been kept. We did not fully fund market access programs, foreign market development, and we continued to have foreign trade sanctions, trade embargoes.

We have great hope for the WTO and NAFTA and World Trade Organization, but most of the farmers I talk to are not happy about implementation. They do not feel that we have a level playing field and that we have been aggressive enough in our trade practices. We need to open up markets and fully fund the programs that we have in place to help our marketing procedures.

The President needs fast track authority, the ability to negotiate quickly. No one would have thought that over the last few years, we have had over 200 international trade agreements drawn up, and the United States has participated in 2, 2 out of 200. So the President needs to be given this authority. This is the only thing that will make coming down the road fairly quickly.

We have touched on value-added agriculture. That is a big part of profitability. We have talked about ethanol, which will add 15 to 20 cents per bushel of corn; and ethanol could triple with MTBE going by the wayside.

We currently have 62 ethanol plants in the United States, and that should
Some of the things that separate us
are the research issue. So far
the advantage that we have had in the
United States has been technology in
agriculture and infrastructure, the
ability to move our products. As the
gentleman from Kansas mentioned ear-
lier, the infrastructure advantage is
quickly disappearing. Other countries
are beginning to move their products
equally as well.

So the things that leaves us with that
is an edge in technology. So often
groups that come before the Com-
mittee on Agriculture and present
their ideas, research is sometimes left
out. It is left out of the equation. For
instance, in ethanol alone right now we
can get a better conversion rate. It
takes so much energy to produce a gal-
lion of ethanol. The ethanol that is pro-
duced produces more energy than what
it takes to produce the ethanol; but
that could be double or even triple. We
could use switchgrass and all kinds of
products. We could plant switchgrass
on CRP acres, which would make CRP
more profitable. We need to keep work-
ning on BSE, Foot and mouth disease.
Karnal bunt was mentioned earlier in
regard to the wheat industry. This is a
great concern. So I am a great advan-
ocate of making sure that we can ensure
and maintain our edge in technology.

Of course, one last comment would be
simply the fact that we are losing young
people, losing population in rural
areas. The reason we are losing them is
that they are going places where they can get more money. And the
reason that they can make more
money is there is more technology and
more telecommunications. So the dig-
tal divide has hit rural America very
hard.

People will tell you that roughly 90
percent of new industry is not willing
to go into an area unless there is broad-
band services and high-speed Internet
access. We have to do everything that we can to make sure that
the rural America has the ability to
provide those kinds of services which
will allow us to keep more of our young
people at home.

Mr. Speaker, I want to thank the
gentleman from South Dakota for al-
lowing me to participate in this discus-
sion.

Mr. THUNE. Mr. Speaker, I would re-
iterate what the gentleman from Ne-
braska said about technology. We
do have a digital divide in this country.
One of the things that separates us
from more populated areas of the coun-
try is that having access to broadband
services, high-speed Internet services,
all of those things that improve the
quality of life, allow for greater speed
and efficiency in conducting business,
and connecting rural areas with the
rest of the world in a very timely and
efficient way.

So as we talk about the issues that
impact rural areas, obviously agricul-
tural policy is at the heart of that, en-
ergy policy is at the heart of that. Also
appropriations which in our edu-
cation for young people, rural
health care, quality of life, as the gen-
tleman from Nebraska mentioned.
We have aging population areas of this
country which present some unique
challenges and unique needs.

One of the things that we want to see
is the young people have the opportu-
nity, if they choose to, to grow up
and raise their families in rural areas
of this country, in our small towns and
farms and ranches. We have seen a con-
tinual decrease in the number of farms
across the country. In my State of
South Dakota, we have about 32,000
plus farms and ranches. The average
size of those operations is about 350
acres. So it is the small, it is the fam-
ily farm that constitute the real back-
bone of the economy in rural areas. So
many of these issues tie into that.

Again, as we talk about what we can
do to improve the quality of life and
provide incentives for investment there
for all farmers, there is legislation I am
cosponsoring legislation that provides a
tax credit for those companies that
would go out and offer broadband serv-
ices in rural areas. I believe we need
tax incentives in place for value-added
industries. We need to move from the farm-
run cooperatives so farmers can
take more control of their own des-
tinies and begin to create opportunities
and increase in the overall prices that
they receive for their products. These
are all issues that impact the future of
rural America.

Mr. Speaker, as I would simply say in
closing again, I think if we look at the
things that the Congress has to deal
with, they are many. We have all of the
appropriations bills, the Patient Bill of
Rights, campaign finance reform, and
they are all important. But when you
come down to it, there is nothing more
important to the future of this country
than putting in place a solid farm pol-
cy and an energy policy for America’s
future that will lessen our dependence
on foreign sources of energy by uti-
lizing the great renewable sources we
have in America and finding those
sources additional sources of energy.

Mr. Speaker, I am pleased to have the
opportunity to discuss these issues and
look forward to engaging in colloquies
with my colleagues on these important
issues for all Americans, including
those of us who choose to live in rural
areas.

WOMEN AND CHILDREN IN AMER-
ICA DENIED VITAL MEDICAL
AND FOOD BENEFITS BECAUSE OF
IMMIGRATION STATUS

The SPEAKER pro tempore (Mr.
KENNEDY of Minnesota). Under the
Speaker’s announced policy of January
3, 2001, the gentleman from Texas (Mr.
RODRIGUEZ) is recognized for 15 min-
utes as the designee of the minority
leader.

Mr. RODRIGUEZ. Mr. Speaker, this
special order tonight is to highlight
some injustices, an injustice that is
not only unfair, but unwise. Tens of
thousands of women and children in this
country are denied vital medical and
food benefits because of their im-
migration status. What does this policy
say about our country, the richest in
the world, especially now in these
times of surplus? What kind of country
are we building for our children when
we say some are eligible and some are
not, even though they have played by
the rules?

These are people that are legal immi-
grants, that have worked, that have
played by the rules. Today hundreds of thousands of women
and children are left outside without
assistance in times of need. These are
people who are here legally. They
have followed the guidelines. They have
paid taxes. They are individuals that are
out there baby-sitting our children, that pick up our trash. These
people have been working hard, and
they are strong Americans.

But in 1996, Congress decided that
it was not the American benefit to pro-
vide safety net services to the commu-
nities that contribute so much. Last
week we observed the first Inter-
national French Citizen Day. It is only
fitting that we recognize the contribu-
tions of this community and restore
their access to the health and medical
assistance that they need. I strongly be-
lieve that we need to look at this as a
national public health issue.

When children go sick because their
families cannot afford care, it is a pub-
lic health issue. When pregnant women
cannot get prenatal care, it is a pub-
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other countries to find better futures in our country, and who have left with their families and have come here. None of us would be here if it were not for immigration. Our country would have not had the academic, scientific, nor our industrial strength it does today without the contribution of our immigrants.

So why do we choose to raise obstacles in the way that we have? It is wrong. We should change our misguided policy as soon as possible. Numerous bills are pending in the House under the banner of health solutions for hardworking American families that offer solutions for correcting this problem. The Legal Immigrant Children’s Health Improvement Act, H.R. 1143, introduced by the gentleman from Florida (Mr. DIAZ-BALART) and the gentleman from California (Mr. WAXMAN), the Nutrition Assistance for Working Families and Seniors Act, which is H.R. 2142, introduced by the gentleman from California (Mr. WALSH), and the Women Immigrants Safe Harbor Act, H.R. 2258, introduced by the gentleman from Michigan (Mr. LEVIN), the gentlewoman from California (Ms. PELOSI), the gentlewoman from Maryland (Mrs. MORRIN), and others. These three bills help to basically address one of the problems that we have encountered.

Should we deny health care and nutrition to this baby? The answer should be no. This baby should have access to good nutrition. We need to understand that these people are here legally and they have gone through the process. But because of our laws that we passed in 1996, we excluded them from participating in access to Medicare and the CHIP program that helps youngsters to be able to have access to insurance coverage; and in addition, we have excluded them from food stamps that are very critical, and in some cases we will find different families that have one that is law-abiding, some that qualify, some that do not. So we have in our laws things that need to be corrected. Hopefully, we will have an opportunity to do this in this session.

In addition, the Women Immigrants Safe Harbor Act, which is the third piece of legislation that is important, we have a lot of women that are abused. They do not have the opportunity to be able to get the services that they need. One that I feel will correct some of the injustices that exist out there and try to correct the situation where all people are created equal.

Unfortunately, our current laws do not treat all people equally, especially legal immigrants. Most Americans who pay their taxes can count on food stamps, Medicaid or other safety net programs if they fall on hard times. But as my colleague, the gentleman from Texas (Mr. RODRIGUEZ), mentioned, the 1996 welfare reform act denies this kind of assistance to many lawfully present immigrants, including children up to 5 years. As a result, immigrants and their children who played by the rules and are here legally face the impending threat of hunger and sickness in a way that no other taxpayer in our country could fathom. Additionally, because of the 5-year ban, U.S.-citizen children in immigrant families are less likely to be enrolled in Medicaid or CHIP programs even though they are still eligible for these programs.

Mr. Speaker, each year immigrants pay approximately $1,800 more in taxes than they use in services; but in their time, they are not able to look them in their face and say, Come back when you’ve been here 5 years. This law is arbitrary, unfair and I think we should overturn it. That is why I am proud to speak in support as my colleague is of H.R. 1143, the Legal Immigrant Children’s Health Improvement Act of 2001. I was a cosponsor of this in the last Congress and a cosponsor in this Congress. This legislation gives the States the option of allowing low-income legal immigrant children and pregnant women to participate in the State Children’s Health Improvement Program, the CHIP program. If States opt to cover pregnant immigrant women and their children, then Federal matching funds would be available, because again if you are here legally and you are pregnant, we want that mother to have a healthy child. And if we provide those women with prenatal services, we will make sure that child is healthier; and in the long run it is to the benefit of us because we want healthy children.

I also support H.R. 2142, the Nutrition Assistance for Working Families and Seniors Act. This important legislation restores food stamp program eligibility and woefully the legal immigrants and makes other modest improvements in programs for working families and our elderly. I represent a very urban district. We have Hispanic elderly who literally have been here almost their whole life, although in the intervening time, they have become citizens at a record pace; but there still are individuals who have built this country and need this assistance.

I am also a strong supporter of the Women Immigrants Safe Harbor, or the WISH Act, which would provide vital support service to immigrant women who must endure the tragic and difficult situation of domestic violence. Women and children victims of domestic violence are especially dependent on their abusers because of the restrictions passed in the 1996 welfare reform act. This law inhibits battered immigrant women from accessing the resources they need when they need them the most. The WISH bill would allow legal immigrants who are victims of domestic violence to apply for critical safety net services such as medical and food assistance if they are victims of battery or extreme cruelty by a family member; and, two, demonstrate that receiving benefits would significantly lessen the risk of that battery.

Mr. Speaker, eligibility for vital support services should be based on need and not just your immigrant status. Many tax-paying legal immigrants work in low-wage jobs and their families could use these vital support services to continue to succeed in our country. I want to thank my colleagues for asking for this Special Order tonight to highlight the need for our immigrants because he is right, we are an immigrant Nation. Some of us just got here sooner than others. We need to able to have them conform and succeed in our country because we all came from somewhere. That is why I am proud to be not only an American but also allow for legal immigrants to come and build this country, to help this country like our forefathers did whether you be in San Antonio, Houston, or anywhere in our country.

I thank the gentlewoman for taking the time tonight.

Mr. RODRIGUEZ. I want to thank the gentleman from Texas (Mr. GREEN) as he so eloquently indicated was the fact that we are talking about legal immigrants. We are not talking about individuals that are illegal. These are people that went by the rules and played by the rules and abide by all the laws that we have. They have not become citizens as of yet and find themselves in this situation. At this time, I would like to point out that for everyone, I urge my colleagues to cosponsor these important pieces of legislation that I have mentioned.

Once again, it is the Legal Immigrant Children’s Health Improvement Act, H.R. 1143 and S. 582; number two is the Nutrition Assistance for Working Families and Seniors Act, which is H.R. 2142; and the third is the Women Immigrants Safe Harbor Act. These are three very important legislations that I feel will correct some of the injustices that exist out there and try to correct the situation where these individuals will be able to apply.

As the Congressman has also indicated, when we look at those two pieces of legislation, first the Legal Immigrant Children’s Health Improvement Act, it is one about making sure
that people get included into Medicaid. The legislation does not require any State to cover these immigrant children and pregnant women. It merely allows the State to draw down Federal moneys to be able to provide the care. And if you do that, you can; but it is not mandatory. Secondly, the CHIP program is that program of those families that are working hard and making money but yet do not have access to any kind of coverage. They are not poor enough to qualify for Medicaid, but they are finding themselves that they qualify for CHIP because of what is known as the fact that they are in this status that they arrived here after August 22, 1996, they have to wait 5 years. Children and pregnant women who are denied coverage through the CHIP and Medicaid 5-year ban can get other vital health care coverage.

We all know and recognize that preventive care minimizes emergency room visits, a costly and inefficient way of providing health care. More alarming is a recent Kaiser study that was done which reports that even though noncitizens are more likely to be without usual sources of care, they are less likely to go to emergency rooms than citizens. This particular study finds that if you are a noncitizen but here legally, you are less likely to have access to health care. This means that noncitizens are less likely to be able to have those opportunities, to be able to have preventive care, to be able to get to the emergency care when it is needed.

The second piece of legislation, the Legal Immigrant Children’s Health Improvement Act, gives States the option to allow low-income legal immigrants, children, and pregnant women to access not only to Medicaid and CHIP, but it also looks in terms of access to additional services. When we look at the health of children in immigrant families, it is important that now the States are having a crisis in this particular situation. Certain States are burdened, in addition, more than others. Some have more noncitizens than others. So we see the disparity that exists.

According to a recent Urban Institute study, children of immigrants are three times as likely as children of natives to lack the usual sources of health care and more than twice as likely to be as fair or poor in health. For pregnant women and their children, regular prenatal care and early intervention saves lives and dollars as we all know. Children who have routine office visits and immunizations grow to be healthier adults with less medical complications. By contrast, pediatricians are less likely to be victimized by chronic and communicable diseases. The 5-year ban on providing Medicaid and CHIP coverage has been the greatest barrier to health care for legal immigrants, a matter of basic health care and as a matter of public health, legal immigrant children and pregnant women deserve the same access to essential health care coverage offered to citizens.

We are talking about people who also pay their taxes, and we are talking about individuals that are here legally. This group has been singled out, and they are forbidden from accessing the very services they need. Studies show that each year, immigrants pay approximately $1,800 more in taxes than they use in services. This is according to the National Academy of Sciences.

I would like to point out that the vast majority of immigrant families are mixed-status families that include at least one U.S. citizen and typically a child. The mixed status makes it impossible to have continued good continuity of services for the family. For instance, one child may rely on emergency room care while a U.S.-born sibling might qualify for Medicaid.

And so you find those situations in particular households where you have the parents that are here legally, now have children and now find themselves that the children might qualify, but they do not or the other children do not. The same complications are true for accessing other services such as food stamps. Having National Food Bank Network study that was recently done found nearly 38 percent of emergency food assistance for clients that were children. That is, 38 percent of emergency food assistance clients were children. So we find a situation where children are lacking good nutrition.

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The food stamp program has played a vital role in helping low-income working families, the elderly and the disabled make ends meet. It is a crucial support for hard-working families trying to make ends meet. For families who are in mixed immigrant status and that is where they have some kids that are citizens and some that are in the process of becoming citizens, it is the child that is hurt the most. Children who are U.S. citizens may not receive food stamps because their parents have legal permanent resident status declined 70 percent from 1994 to 1998, So we have actually had a decline in the participation from 1.35 million to 350,000. Twice the overall rate of participation declined in the food stamp program.

I think that a lot of this is attributed to the provisions of legislation that we have in place. We will hopefully be able to correct that. I find this appalling, especially when you consider the reports that document hunger among children in America. This year the Urban Institute reported that between 37 percent of all children immigrants lived in families worried about encountering difficulties with purchasing food. Should we deny food and nutrition services to children that are babies and would you deny this particular baby the right to have access to good quality nutrition and to good care?

I think it is important for us that we be responsive and treat everyone in an equitable manner. So you have thousands of children throughout this country that are children of immigrants and are in particular loophole that I feel that needs to be corrected and these three pieces of legislation helped do that.

So as we move forward, I urge my colleagues to cosponsor the Nutrition Assistance for Working Families and Seniors Act, which would restore food stamp benefits to qualified immigrants and primarily affecting families with children.

I also want to say a few words about a bill recently introduced by the gentleman from Michigan (Mr. Levin) on Women Immigrants Safe Harbor Act, which is H.R. 2258. This particular legislation allows legal immigrants, who are victims of domestic violence, to be eligible for public benefits such as food stamps and Medicare and SSI for the period of time long enough to allow them to escape from their abusers. I will say that time and time again we need to care for the most vulnerable in our communities. Individuals fleeing domestic violence certainly need our help. It is time to talk about compassion, about fairness, about keeping our community healthy. Now is the time to give legal immigrants a chance to escape their abusive relationships. Under the present situation, they cannot. Now is the time to restore both the medicaid and the CHIP benefits to lawfully presenting in any event women and children. Now is the time also to restore the food stamp benefits to qualifying families and to the seniors who rely on the assistance in time of need.

I urge my colleagues to support the healthy solutions of American hard working families. This is the right thing to do for the immigrants, for the children and for all Americans.

I want to take this final opportunity, Mr. Speaker, to just indicate that it is three pieces of legislation that will help correct the problems that we see now. Once again, it is the Legal Immigrant Children’s Health Improvement Act that talks about only people that are legally in this country. I am not...
talking about illegal. These are people once again that went by the rules, played by the rules and now they find themselves in that 5-year gap. I ask for assistance and for people to sign up.

Secondly, when it comes to nutrition and food stamps, we want to make sure that the Nutrition Assistance for Working Families and Seniors Act also is passed so they will have access to food stamps if they are in need.

Finally, the Women Immigrants Safe Harbor Act allows women that are being abused the opportunity to qualify for these programs as they flee from those situations that are not healthy.

GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-McDONALD (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. POMEROY (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. BURTON of Indiana (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

Mr. PAUL (at the request of Mr. ARMEY) for today on account of family illness.

Mr. PLATTS (at the request of Mr. ARMEY) for today and the balance of the week on account of his father’s illness.

Mr. SHADEEG (at the request of Mr. ARMEY) for today on account of undergoing a medical procedure.

Mr. TOOMEY (at the request of Mr. ARMEY) for today on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. SOUTHE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MORAN of Virginia, for 5 minutes, today.

SENATE BILL REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred as follows:

S. CON. RES. 54. Concurrent resolution authorizing the Rotunda of the Capitol to be used on July 26, 2001, for a ceremony to present Congressional Gold Medals to the original 29 Navajo Code Talkers; to the Committee on House Administration.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o’clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 26, 2001, at 9 a.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third and fourth quarters of 2000 and the first quarter of 2001, by Committees of the House of Representatives, pursuant to Public Law 95–384, and for a miscellaneous group in connection with official foreign travel during the first quarter of 2001 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Date</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
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<td></td>
<td></td>
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<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
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<tr>
<td>Visit to Scotland, Germany, Italy, Qatar, Jordan and England, August 7–13, 2000: Delegation expenses</td>
<td>8/12</td>
<td>8/14</td>
<td>Italy</td>
<td>3,774.38</td>
<td>13,356.14</td>
<td>17,100.52</td>
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1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.


AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

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<tr>
<th>Name of Member or employee</th>
<th>Date</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td></td>
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<td></td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
</tr>
<tr>
<td>Visit to Korea, Thailand, Singapore and Taiwan, November 30–December 2, 2000: Delegation expenses</td>
<td>11/04</td>
<td>11/08</td>
<td>Thailand</td>
<td>4,402.00</td>
<td>4,402.00</td>
<td>4,402.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>4,402.00</td>
<td>4,402.00</td>
<td>4,402.00</td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

#### Name of Member or employee

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Date</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
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<td>Foreign currency</td>
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</tr>
</tbody>
</table>

1. Per diem constitutes lodging and meals.
2. If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

#### Name of Member or employee

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Date</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td></td>
</tr>
<tr>
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<td></td>
<td></td>
<td>Foreign currency</td>
<td>Foreign currency</td>
<td>Foreign currency</td>
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</tr>
</tbody>
</table>

1. Per diem constitutes lodging and meals.
2. If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001—Continued

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Date</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Arrival</td>
<td>Departure</td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency; 2</td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency; 2</td>
</tr>
<tr>
<td>Hon. R. Lewis (Rogers Codel)</td>
<td>4/5</td>
<td>4/16</td>
<td>France</td>
<td>4,166.00</td>
<td>1,250.00</td>
<td>1,890.00</td>
</tr>
<tr>
<td>Hon. M. McNulty (Watts Codel)</td>
<td>4/5</td>
<td>4/11</td>
<td>Senegal</td>
<td>3,910.00</td>
<td>1,300.00</td>
<td>1,960.00</td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND APR. 23, 2001

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Date</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Arrival</td>
<td>Departure</td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency; 2</td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency; 2</td>
</tr>
<tr>
<td>Hon. D. E. Stumpf (Tate Codel)</td>
<td>1/31</td>
<td>2/2</td>
<td>Japan</td>
<td>3,110.00</td>
<td>700.00</td>
<td>1,890.00</td>
</tr>
<tr>
<td>Hon. J. J. Cullum (Lindsey Codel)</td>
<td>2/1</td>
<td>2/4</td>
<td>France</td>
<td>3,075.00</td>
<td>1,000.00</td>
<td>1,900.00</td>
</tr>
<tr>
<td>Hon. R. Lewis (Rogers Codel)</td>
<td>4/5</td>
<td>4/16</td>
<td>Turkey</td>
<td>4,166.00</td>
<td>750.00</td>
<td>1,920.00</td>
</tr>
<tr>
<td>Hon. G. Gifford (Teste Codel)</td>
<td>2/1</td>
<td>2/4</td>
<td>Greece</td>
<td>3,075.00</td>
<td>1,000.00</td>
<td>1,900.00</td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Date</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Arrival</td>
<td>Departure</td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency; 2</td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency; 2</td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Date</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Arrival</td>
<td>Departure</td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency; 2</td>
<td>Foreign currency</td>
<td>U.S. dollar equivalent or U.S. currency; 2</td>
</tr>
<tr>
<td>Hon. R. Lewis (Rogers Codel)</td>
<td>4/5</td>
<td>4/16</td>
<td>France</td>
<td>4,166.00</td>
<td>750.00</td>
<td>1,920.00</td>
</tr>
<tr>
<td>Hon. H. B. Gross (Caldwell Codel)</td>
<td>2/1</td>
<td>2/5</td>
<td>Greece</td>
<td>3,075.00</td>
<td>1,000.00</td>
<td>1,900.00</td>
</tr>
</tbody>
</table>
EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

2632. A letter from the Secretary, Department of Agriculture, transmitting a report entitled, ‘‘Assessment of the Cattle and Hog Industries, Calendar Year 2000’’; to the Committee on Agriculture.

2633. A letter from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department’s final rule—Water and Waste Disposal Programs Guaranteed Loans (RIN: 0472–AB57) received June 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2634. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Cyprodinil; Time-Limited Pesticide Tolerance (OPP–301120; FRL–6778–7) (RIN: 2070–AB78) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2635. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Triebafenozide; Re-establish Tolerances for Emergency Exemptions (OPP–301141; FRL–6738–4) (RIN: 2070–AB78) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2636. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Mesotrione; Pesticide Tolerance (OPP–301439; FRL–6778–6) (RIN: 2070–AB78) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2637. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Isoxadifen-ethyl; Time-Limited Pesticide Tolerance Technical Correction (OPP–301013A; FRL–6786–5) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2638. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—L–Glutamic Acid and Gamma Aminobutyric Acid; Exemptions from the Requirement of a Tolerance (OPP–301138; FRL–6778–6) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2639. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Mesotrione; Pesticide Tolerance (OPP–301139; FRL–6767–7) (RIN: 2070–AB78) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2640. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, ‘‘Protections for Children in Research’’; to the Committee on Energy and Commerce.

2641. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Revision to the California State Implementation Plan, Antelope Valley Air Pollution Control District (CA 228–0271; FRL–6998–3) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2642. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Implementation Plans North Carolina; Approval of Revisions to Miscellaneous Organic Compounds Regulations within the North Carolina State Implementation Plan (NCCIP); received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2643. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control of Volatile Organic Compounds (VOCs) for Aerospace Operations and Miscellaneous VOC Revisions [PA155–78] (FRL–6998–6) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2644. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Maintenance Plan Revisions; Ohio (OH148–1a; FRL–7001–6) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


2646. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Implementation Plans; States of Illinois and Missouri; 1-Hexyne, Onium Attendant Demonstrations, Motor Vehicle Emissions Budgets, Reasonably Available Control Measures, Contingency Measures, Attainment Date Extension, and Withdrawal of Nonattainment Determination and Reclassification (Tracking No. MO–0132–1132, IL 196–3; FRL–7001–7) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2647. A communication from the President of the United States, transmitting the President’s bimonthly report on progress toward a negotiated settlement of the Cyprus question, covering the period April 1 to May 31, 2001, pursuant to 22 U.S.C. 2573(c), to the Committee on International Relations.

2648. A letter from the Under Secretary for Export Administration, Department of Commerce, transmitting a report on the imposition of foreign policy export controls on certain fertilizers to terrorist supporting countries; to the Committee on International Relations.

2649. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the Policy Terminating the Arab League boycott of Israel and Expanding the Process of Normalization Between the Arab League Countries and Israel; to the Committee on International Relations.

2650. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department’s final rule—Amendment to the International Traffic in Arms Regulation: Sweden—received June 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2651. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2652. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.
pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.  
2654. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.  
2655. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.  
2656. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.  
2657. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.  
2658. A letter from the Acting General Counsel and Designated Reporting Official, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.  
2659. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department’s final rule—Endangered and Threatened Wildlife and Plants: Establishment of a Nonessential Experimental Population of Whooping Cranes in the Eastern United States (RIN: 1018-AH66) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.  
2660. A letter from the Staff Attorney, Department of Transportation, transmitting the Department’s final rule—Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization’s Technical Instructions (Docket No. RSPA-2000-7702 (HM-215D)) (RIN: 2127-AD41) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.  
2661. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Safety Zones: Captain John D. Porter (Air-Drug) Zone (907-04B) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.  
2662. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; CFM International CFM56-2, -2B, -3, -5B, -6C and -7B Series Turbofan Engines (Docket No. RSPA-2001-418-18-AD; Amendment 39-12246; AD 2001-11-05) (RIN: 2112-AK64) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.  
2663. A letter from the Director, Office of Regulations Management, Department of Veterans’ Affairs, transmitting the Department’s final rule—Veterans Education: Increased Allowances for the Educational Assistance Program (RIN: 2900-AKX4) received June 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans’ Affairs.  
2664. A letter from the Director, Office of Regulations Management, Department of Veterans’ Affairs, transmitting the Department’s final rule—Veterans Education: Increased Allowances for the Educational Assistance Program (RIN: 2900-AKX4) received June 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans’ Affairs.  

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:  
[Pursuant to the order of the House on June 21, 2001 the following report was filed on June 22, 2001]  
Mr. ROGERS of Kentucky: Committee on Appropriations. H.R. 2299. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-107). Referred to the Committee on Ways and Means.  
Mr. HYDE: Committee on International Relations. H.R. 2305. A bill to require certain Federal officials with responsibility for the administration of the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council, and for other purposes; to the Committee on Government Reform.  
By Mrs. MALONEY of New York: H.R. 2304. A bill to provide that Federal reserve banks and the Board of Governors of the Federal Reserve System be covered under chapter 51 of title 5, United States Code, relating to labor-management relations; to the Committee on Government Reform.  
By Mrs. MORELLA (for herself and Mr. NORTON): H.R. 2303. A bill to require certain Federal officials with responsibility for the administration of the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council, and for other purposes; to the Committee on Government Reform.  
By Mr. LEWIS of Kentucky: H.R. 2303. A bill to amend the Internal Revenue Code of 1986 to provide incentives to increase the sale and use of certain ethanol and biodiesel fuels; to the Committee on Ways and Means.  
By Mrs. NORTON (for herself, Mr. TOM DAVIS of Virginia, Mr. GILCHREST, Mr. HOFFER, Mr. MCINTYRE, and Mr. PICKERING): H.R. 2306. A bill to amend the Federal Water Pollution Control Act to increase the Federal share of the cost of constructing treatment works in the District of Columbia; to the Committee on Transportation and Infrastructure.  
By Mr. RADANOVICH: H.R. 2307. A bill to establish the National Commission on Budget Concepts; to the Committee on the Budget.  
By Mr. WATKINS (for himself and Mr. THURMAN): H.R. 2308. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to allow investments by certain retirement plans in principal residences of children and grandchildren of plan participants who are first-time homebuyers; to the Committee on Ways and Means.  

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE XI

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:  
[The following action occurred on June 22, 2001]  
By Mrs. MORELLA (for herself and Mr. PAYNE):
H. Con. Res. 172. Concurrence resolution recog- 

By Mr. REYNOLDS:
H. Res. 178. A resolution providing for con- 

MEMORIALS
Under clause 3 of rule XII, memorials were presented in accordance with the

Additional sponsors

H.R. 68: Mr. SWENNY, Ms. LOPHOREN, Mr. MATHERSON, and Ms. MCKINNEY.
H.R. 168: Mr. LUCAS of Kentucky.
H.R. 189: Mr. HAYWORTH, Mr. MILLER of Texas, Mr. HADAN, and Mr. GREGG.
H.R. 239: Mr. MANZULLO, Mr. DAVIS of Illinois, Mrs. JOHNSON of Connecticut, Mr. GUTIERREZ, Mr. BLUMENAUER, and Mr. WYNN.
H.R. 327: Mr. COYNE, Mr. KILDRE, Ms. SLAUGHTER, Mrs. TAUSCHER, Mr. RANGEL, Mr. ACKERMAN, Mr. KENNY of Rhode Island, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. COURNOYER, and Mr. WHEELER.
H.R. 303: Mr. ENGEL.
H.R. 311: Mr. CHABOT.
H.R. 366: Mr. SANTEN and Mr. PETE of Florida, Mr. HALL of Ohio, Mr. KENNY of Rhode Island, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. COURNOYER, and Mr. WHEELER.
H.R. 389: Mr. OWENS, Mr. NADLER, and Mrs. MALONEY of New York.
H.R. 470: Mr. HILLIARD and Mr. BISHOP.
H.R. 510: Mr. DREIER, Mr. CRANE, Mr. DINGELL, and Mr. RODRIGUEZ.
H.R. 528: Mrs. BOROWITZ, Mr. SCOTT, Mr. UNDERWOOD, Mr. HASTINGS of Florida, Mr. ACREDO-VILA, Ms. CARSON of Indiana, Mr. CLYBURN, Mrs. CLAYTON, Mr. HINOSA, Mr. HOLLEN, Mr. HONDA, Mr. HARTSON-LEE of Texas, Ms. EBBIE BERNICE JOHN- 

H.R. 704: Mr. ARMSTRONG.
H.R. 721: Mr. CROWLEY, Mr. POMEROY, Mr. KING, Mr. MORLANE, Mrs. CLAYTON, Ms. DEGETTE, Mr. THOMPSON of California, Mr. ACKERMAN, Mr. LARSON of Connecticut, Mr. HASTINGS of Florida, and Mr. KENNEDY of Rhode Island.
H.R. 746: Ms. MCKINNEY.
H.R. 751: Mr. TOWNS and Mr. WALSH.
H.R. 756: Mr. CLEMENT.
H.R. 778: Mr. FOLEY and Mr. BAIRED.
H.R. 832: Mr. HORN.
H.R. 902: Mr. MALONEY of Connecticut.
H.R. 959: Mr. PAUL.
H.R. 967: Mr. CAPUANO, Mr. RUSH, Mr. NEAL of Massachusetts, and Mr. GILMAN.
H.R. 969: Mr. HAYWORTH.
H.R. 981: Mr. BLUNDT, Mrs. BOSO, Mr. CHANE, Mrs. CUSHN, Mr. DUNCAN, Mr. SHAW, and Mr. KING.
H.R. 984: Mr. ERHIM.
H.R. 1038: Mr. FILNBER.
H.R. 1073: Mr. CLYBURN, Mr. KLIECKA, Mr. MCINTYRE, and Mr. HOBSON.
H.R. 1076: Mr. HINOJOSA, Mr. HILL, Mr. CONDIT, Mr. LUCAS of Kentucky, and Mr. DELAHUNT.
H.R. 1077: Mrs. JO ANN DAVIS of Virginia.
H.R. 1090: Mr. CAMP, Mr. BOUCHER, Mr. GILMAN, Mr. BERMAN, and Mr. JEFFERSON.
H.R. 1107: Mr. BOREHAM and Ms. NORTON.
H.R. 1112: Mr. BONIOR.
H.R. 1286: Mr. BOUCHER, Mr. CAMP, Mr. DELAHUNT, Mr. WU, Mr. DAVIS of Illinois, and Mr. SCASEBOURNE.
H.R. 1293: Mr. UDAAL of New Mexico.
H.R. 1340: Mrs. JONES of Ohio.
H.R. 1348: Mr. SNYDER.
H.R. 1354: Mr. KASSITE and Mr. WOLF.
H.R. 1353: Mr. HOYER.
H.R. 1388: Mr. TURNER, Mrs. JONES of Ohio, Mr. PETTISEN of Pennsylvania, Mr. FRIED, Mr. KINNIS of North Carolina, Mr. OSBORNE, and Mr. ETHERIDGE.
H.R. 1465: Mr. WU.
H.R. 1434: Mr. WYNN, Mrs. THURMAN, Mr. PALLONIK, and Mr. COYNE.
H.R. 1438: Mr. LATHAM, Mr. DIAZ-BALART, Mr. LEWIS of Kentucky, and Mr. BLUNT.
H.R. 1487: Mr. FROST, Mr. CANNON, and Mr. TOWNS.
H.R. 1494: Ms. LOPHOREN and Mr. JACKSON of Illinois.
H.R. 1556: Ms. ESCHOO, Mr. DELAHUNT, Mr. HOLDIN, and Mr. WELLER.
H.R. 1585: Mr. MILLER-MCDONALD.
H.R. 1592: Mr. CALVET.
H.R. 1615: Mrs. FELLOM, Mr. ABBERCROMBIE, Mrs. MCCARTHY of New York, Mr. RUSH, Mrs. CARSON of Indiana, Mr. DAVIS of Illinois, Mrs. LOPHOREN, Mr. HEPLEY, Mr. DEMPLOY, Mr. RYAN of Wisconsin, Ms. SUNUNU, Mrs. JONES of Ohio, Mr. GUTIERREZ, Mr. SAWER, Mr. GREENWOOD, Mr. TIAHET, Mr. NEAL of Massachu- 

H.R. 1901: Mr. DAVIS of Florida, Mr. SHERMAN, Mr. FALEOMAVAO, Mr. WHEELER, and Mr. HOFFMANN.
H. Res. 121: Mr. KUCINICH, Mr. DeFAZIO, Ms. BALDWIN, Mr. ALLEN, Mr. RANGEL, Mr. McGovern, Ms. CarSon of Indiana, Ms. JACkSON-Lee of Texas, Ms. SLAUGHTER, Ms. MELLONER-McDONALD, Mr. SANDERS, Mr. GUTIERREZ, Ms. LEE, Mr. BROWN of Ohio, Mr. HILLIARD, Mr. BErMAN, Mr. ROHRABACHER, and Ms. ROS-LEHTINEN.

H. Res. 152: Mr. WOLF and Ms. JACKSON-LEE of Texas.

H. Res. 160: Mr. FERGUSON, Mr. PASCRELL, Mrs. ROUKEMA, Mr. HILLIARD, Mr. HONDA, Mr. PAYNE, Mr. SHERMAN, and Ms. PELOSI.

H. Res. 172: Mr. WELDON of Pennsylvania.

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. MOORE.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2299

OFFERED BY: Mr. ANDREWS

AMENDMENT No. 1: In section 326 (relating to Amtrak Reform Council), after the dollar amount, insert the following: “(reduced by $335,000)”.

H.R. 2299

OFFERED BY: Mr. DeFAZIO

AMENDMENT No. 2: Page 2, line 8, after “$67,726,000” insert “(increased by $720,000)”. Page 9, line 14, after “$6,870,000,000” insert “(reduced by $720,000)”.

H.R. 2299

OFFERED BY: Ms. JACKSON-Lee of Texas

AMENDMENT No. 3: Page 53, lines 15 through 17, strike section 329.

H.R. 2299

OFFERED BY: Ms. JACKSON-Lee of Texas

AMENDMENT No. 4: Page 15, line 24, before the period insert the following: “: Provided further, That the Secretary shall make available $5,600,000 of the amount made available in this paragraph for the operation of the control center that monitors traffic in Houston, Texas, known as ‘Houston TransStar’”.

H.R. 2299

OFFERED BY: Mr. TRAFICANT

AMENDMENT No. 5: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated or otherwise made available in this Act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

Agriculture FY 2002 Appropriations

OFFERED BY: Mr. TRAFICANT

AMENDMENT No. 1:

SEC. . No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the “Buy American Act”).

Energy and Water FY 2002 Appropriations

OFFERED BY: Mr. TRAFICANT

AMENDMENT No. 1: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated or otherwise made available in this Act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).
The Senate met at 2 p.m. and was called to order by the Honorable JOHN W. WARNER, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, without whom we can do nothing of lasting value, but with whom there is no limit to what we can accomplish, we ask You to infuse us with fresh strength and determination as we press forward to the goal of finishing the work which needs to be done before the upcoming recess. Help the Senators to do all they can, in every way they can, and as best they can to finish well. Inspire us to follow the cadence of Your drumbeat.

Strengthen the Senators in the week ahead. Replace any weariness with the second wind of Your Spirit. Rejuvenate those whose vision is blurred by stress, and deliver to those who may be discouraged. In the quiet of this moment, we return to You, recommit our lives to You, and receive Your revitalizing energy.

Dear Father, we thank You for the life of Oliver Powers of the Recording Studio. We pray for his family as they grieve his physical death. We accept the psalmist’s reorienting admonition, “Wait on the Lord; be of good courage, and He shall strengthen your heart; wait, I say, on the Lord!”—Psalm 27:14. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN W. WARNER 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.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BIPARTISAN PATIENT PROTECTION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1052, which the clerk will report. The assistant legislative clerk read as follows:

A 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. Pending:

Frist (for Grassley) motion to commit to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions with instructions to report back not later than that date that is 14 days after the date on which this motion is adopted. Gramm amendment No. 810, to exempt employers from certain causes of action.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina. Mr. EDWARDS. Mr. President, we come back today to resume debate on a very important bill to the people of this country, the Bipartisan Patient Protection Act, which we spent the better part of last week debating. It is an issue about which we have talked a great deal over the course of the last few years in the Senate. Let me discuss what the McCain-Edwards-Kennedy bill does and the reason it is important. Fundamentally, the reason we need this bill is that the law needs to be taken from being on the side of the

Senator

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 legislative clerk read the following letter:


To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable John W. Warner, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD, President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished assistant majority leader.

SCHEDULE

Mr. REID. On behalf of Senator DASCHLE, I announce to the Senate that we are going to resume consideration of the Patients’ Bill of Rights. We were on it all last week. There will be no rollcall votes today. We have rollcall votes scheduled tomorrow at 11:30 a.m. in relation to the Grassley motion to commit and the Gramm amendment regarding employers. We are still scheduled to finish this bill by the end of this week.

Senator DASCHLE has also indicated he wants to give every consideration to the supplemental appropriations bill. The way Senator STEVENS and Senator BYRD have been working, it should not take too long to do that. We have pending the organizational resolution.

The main item we wish to complete this week, however, is the legislative matter we are now considering, the Patients’ Bill of Rights. The prayer given by our fine Chaplain indicated we should all join together and complete the work that is at hand. The work at hand is the Patients’ Bill of Rights.
HMOs and put on the side of patients and doctors so health care decisions in this country are, in fact, being made by people who are trained and have the experience to make them, those being the doctors, the health care providers, for the families who are so dramatically affected by those decisions.

The purpose of this legislation is to provide certain substantive and enforceable rights to families and to children who need quality health care. For example, we provide specifically that if a member of the family needs to see a specialist, particularly outside the HMO plan, they can have access to that specialist.

Second, we ensure that patients who need access to clinical trials will have access to those clinical trials. Clinical trials are often the places of last resort, places where the cutting edge of medicine is being researched, and we want to be sure patients who have exhausted alternatives and need access to clinical trials, even if they are not federally approved clinical trials, including FDA clinical trials—will have access. We specifically provide that benefit in this bill.

Third, women should have access to an OB/GYN as their primary care provider. Women are going to rely on OB/GYNs as their primary care providers. We provide that right in our legislation.

Fourth, we want to make sure patients have access to emergency room care. If a family suffers an emergency crisis and needs to go directly to the hospital, the nearest hospital, we don’t want people to first have to call the HMO, call the 1-800 number and get permission to go to the nearest emergency room. There have been many horror stories of families that could not go to the nearest emergency room because they couldn’t afford it and the HMO would not pay for it. We want to be sure families have that right.

With this group of rights we wish to provide, patients and families across the country, we want to make sure every individual and family who is covered by health insurance, covered by HMO coverage, is in fact covered by this legislation. Our bill does that.

These rights do not mean anything unless they are enforceable, unless they have the force of law behind them. Without the force of law behind them, they are not a Patients’ Bill of Rights; they are a patients’ bill of suggestions. We wish to provide a meaningful way for patients to receive the rights we are giving.

We provide several stages. If the HMO overrules the doctor and says, whatever your doctor says, I don’t believe that treatment that care is needed, the first step is that the patient can then go through an internal review within the HMO to try to get that decision reversed, hopefully finding a group of people within the HMO who are willing to be more objective and make a decision the doctors do not provide. If that is unsuccessful, the second stage is an independent review process, a panel of physicians with expertise who can look at the medical situation and decide whether or not that care should have been provided in the first instance. Last, if the patient has been injured and if these other areas have been tried, including the appeals process, the patient can take the HMO to court.

There are several stages: First, the HMO hopefully will make the right decision, in which case none of this will be necessary; second, if they don’t, an internal review within the HMO to review the decision has already been made; third, if that is unsuccessful, to go to an independent group of doctors who can reverse the decision of the HMO. That is independent, meaning not connected to the patient, not connected to the treating doctor, not connected to the HMO. So you have an impartial group that can reverse the decision. All of that occurs before a case goes to court.

If in fact it becomes necessary for the case to go to court, we simply want the HMOs—that for many years now have been privileged citizens that, like diplomats, get a kind of immunity in this country—we want the HMOs treated just as everybody else.

If they are going to reverse or overrule decisions that are being made by doctors, we want them to be treated exactly the way the doctors are treated; that is, if they make a medical judgment, reverse the decision of a doctor, that case will go to the same court as the doctor’s case. Their case would be subject to the same State court limitations on recoveries as is the doctor’s. So we leave that issue to State law.

But the bottom line principle is No. 1, HMOs should not continue to be privileged citizens. They ought to be treated as all the rest of us. There is no reason in the world that they are entitled to be treated better than everybody else.

No. 2, if they are going to be in the business of reversing doctors, overruling doctors, making health care decisions, then they ought to be treated exactly the same way the doctors are treated.

Our legislation providing real and meaningful rights, providing a way to enforce those rights, and as a matter of last resort providing for patients to go to court if in fact they have been hurt and no other recourse is supported, we believe, by a majority of this body, we believe a majority of the House of Representatives, and importantly, by the American Medical Association, and virtually every health care group in America.

There is a reason for that. It is because the people who have been fighting for HMO reform, the people who have been fighting for HMO reform to change this system we have in this country and to give patients more power to put the law on their side, are supporting our bill because we have real rights that are enforceable. It is a bill where the patient, along with the patient’s doctor, gets to make most health care decisions. They have more control over their health care decisions. If the HMO does not do the right thing in the beginning, they have a way to do something about it to get those decisions reversed.

There has been some discussion over the course of the last 2 days on the pending amendment, the issue of employer liability. We start, I think, in principle, in agreement with the President of the United States. The President said in his written principles that he did not want employers to be held responsible in litigation—I am paraphrasing now—unless they actually made individual health care decisions. That is what our bill does.

The reason for that is very simple. No. 1, we want to protect employers. In principle, we agree about that. No. 2, if an employer, in fact, overrules an HMO and stands in its shoes, or overrules a doctor, then and only then under our bill can they be held responsible, or if they overrule the HMO with respect to how the plan applies. Basically, what we have done is we have put a wall around employers unless they step into the shoes of HMOs and start making health care decisions.

Issues have been raised. They have been raised in this debate by Senator Gramm with his amendment. Issues have been raised by employers around the country with whom we have been talking and with whom we will continue to talk. As a result of those discussions, consistent with the principle that the President of the United States and we have established, we have worked and we have had meetings, I will tell my colleagues, over the last few days. On Friday, for example, I met with a number of Senators from both sides of the aisle, Democrat and Republican, to try to address the language, to try to craft language that will deal with concerns that people have about this issue—a bipartisan compromise on this issue. We are continuing to work on this compromise. There are a number of Senators involved. We will continue to work on it.

But the amendment that is pending is at the extreme. It is inconsistent with the principles established by the President of the United States; it is inconsistent with our legislation, which is supported by virtually every health care group and consumer group in America. It is more extreme than the Norwood-Dingell bill that passed the House of Representatives last year. It is out there at an extreme.

We believe there is a better, more reasonable middle-of-the-road approach that will provide maximum protection to patients and that will not completely eliminate patients’ rights. That is what we are working on. We are working on crafting language.

This is one of the issues on which we agree in principle with the President; Senator Moynihan would like to see employers protected unless they are overruling doctors and making individual health care decisions. Of
Mr. GREGG. Mr. President, the Senate is in the details.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished Senator from New Hampshire.

The devil is in the details. The bill as currently constructed does that. But in the spirit of trying to have strong bipartisan support for this bill, we have continued to work on it, and we will continue to do so.

The issues come down in the classic way, in the classic line, to “The devil is in the details.” The bill as brought forth by Senator McCain, Senator Edwards, and Senator Kennedy is essentially “go to court” bill. It is not a Patients’ Bill of Rights bill. I have referred to it as a “lawyers who want to be millionaires bill,” and I have referred to it in other terms, but essentially it is a lawyers’ rights bill. It creates an incredible number of new opportunities to bring lawsuits.

We just happened to go through and outline some of these and this chart shows them. First, you can sue your employer. Under this proposal as it is structured, that should not be our goal. Our goal should not be to create lawsuits against the employers in the country. I noticed my colleague always used the term “health maintenance organization,” HMO. It is a pejorative—or it has become pejorative. I never heard him use the word “employer.” Yet for the 56 million people who are covered by self-insured plans—plans where the employer is the one who gets sued by the employees. What is the practical effect of that? We know the practical effect is a lot of employers are going to drop their insurance so the people who have insurance today will not have it tomorrow.

If this is what the employers are going to say: Hey, I am not in the business of being sued for health care problems. If a doctor makes a mistake, I don’t want to be sued. If I make a product and make a mistake, I understand I will be sued, but I don’t want to be sued if a doctor or nurse or pharmacist or hospital makes a mistake. I don’t want to be put out of business for that.

We are talking about mom-and-pop employers. We are talking about employers who have 10, 15, 20 employees.

The average cost of a malpractice suit is $77,000. So you have a situation where their whole profit for the year may be wiped out if you are running a small grocery store or a restaurant or a gas station. You will be wiped out because you had nothing to do with it as an employer.

This bill adds massive liability for employers. They can be sued in the Federal court or in the State court, which is really ironic.

Brand new causes of action. These are almost almost 200 new causes of action under this bill for ministerial activities under which an employer may make a mistake. The damages are unlimited under those causes of action. It is not $100 or $200. It is not a fine from the Labor Department, as it is under present law or a fine from HHS as is under present law. There is a new private cause of action that accrues against the employer for not sending the proper forms or for not informing you or for not informing you is appropriate if you have a situation where the injury is immediate. You should be able to go to court during the external appeal process and get that taken care of. If it is necessary. That is the way the Frist-Breaux-Jeffords bill is written.

The way their bill is structured, you go to court, period. You don’t even bother with external appeals. You allege your harm. They claim it is just window dressing. It is just a lawyers’ rights bill. You essentially get taken care of, which is appropriate if you have a situation where there is an economic or punitive damages. By putting on a new title, they are trying to go around with this classy, misty, “special assessment.” In Federal court, there is a limit of $100 million in punitive damages. Of course, they do not tell you that. Under this bill, and in most States there is no limit on damages. This new “special assessment” is just window dressing.

Punitive damages are uncapped, economic damages are uncapped, and non-economic damages are uncapped.

This is a lawyer’s fantasy world. It is similar to a lawyer walking into Dis-
have no statute of limitation under this bill because you can essentially bring a cause of action after 180 days. The external appeals process is eliminated. All you have to do is claim that you have just found the injury and you are off and running again. Ten years after the accident the statute is almost irrelevant under this bill.

As I mentioned, forum shopping, picking your forum, is a classic love-fest for plaintiff’s lawyers.

There are provisions taught in the trial practice courses when you go to law school is forum shopping. That is black letter education in law school. I was there. I know. I even passed that course. I think I put down “forum shopping” on every answer.

This bill puts it right at the top of the list, as you might expect. Two bites at the apple: You can sue in both courts. They are not happy enough with forum shopping.

The advantage of the trial bar in designing this bill is almost humorous it is so aggressive. They weren’t happy to just put in forum shopping, which doesn’t exist today. They had to go with simultaneous forums. You can bring the lawsuit in both courts. You can go to State and Federal at the same time. It is lawsuit Disney World.

Of course, you can bring multiple lawsuits. Sue, sue, sue, and everybody sues under this bill.

You can have class action suits, which is something you can’t have under present law. There is a very good reason for that under federal law.

What is the practical effect? This is the bottom line. With all of these lawsuits, you end up with a bill that, if it were to pass, according to OMB’s estimates, would cause 4 million to 5 million people to become uninsured. According to the CBO estimate, it is 1.3 million. Either way, it is a huge number of people.

They don’t get patients’ rights under this bill. They get no insurance under this bill because their employers are not going to be able to afford or justify giving that benefit in exchange for all the lawsuits to which they would be subjected.

What is going to happen in the real world? The bigger employers will say: All right, I know you need health insurance, but we can’t manage it anymore. I don’t just want to take the adverse risk of all of these lawsuits. So we are going to give you some money as one of your compensation functions, and you can take that money and go into the market and buy your insurance.

The only problem is that the employer’s insurance plan is inevitably going to have been much better—much better for the employees than what they can go out and buy with the dollars or the voucher they are given by the employer because the employees will be out there with one voucher trying to buy their insurance in an open market, and they won’t have a whole lot of market force behind them. But an employer that maybe employs 50, 100, or even 15,000, 20,000, or maybe even 50,000 people, has huge market clout. They can get better rates, and therefore they can get better options. They can maybe get eyeglass options or drug options or a variety of other things that the employees can’t get with the voucher they are going to be given by large employers.

A lot of people may not lose their insurance altogether, but the quality of their insurance under this bill is going to drop radically.

Then there are the other people who do not use employers. They are self-insured who do not have a lot of employees. There are 100, 50, 35, or 20 people. These employers are going to say to their employees: We are sorry; we can’t afford it at all. We can’t afford it at all. You are going to have a lot of people without any insurance, period.

That is the practical effect of this. There are negotiations going on. There are ways to fix this. They are not radical. They are not reactionary. They are reasonable. In fact, they are so reasonable that they have been put forward by Senators Frist, Breaux, and Thune. They put it in as an amendment. They have a liability section which makes sense. It is not just limited to designated decisionmakers. It is a much broader term than that. It goes to this whole issue of external appeal. It goes to this issue of punitive damages and to the issue of forum shopping. It goes to the issue of bringing in all these causitive causes of actions under COBRA, ERISA, and HIPAA which are not appropriate in this bill.

So if you want to fix this bill—I hear the other side saying that on occasion; I am not sure if they really mean it. But if they want to really fix the bill, just take the Frist-Breaux-Jeffords language en bloc in the area of liability and punitive damages and put it in the bill. The bill has a liability section which makes sense. It is not just limited to designated decisionmakers. It is a much broader term than that. It goes to this whole issue of external appeal. It goes to this issue of punitive damages and to the issue of forum shopping. It goes to the issue of bringing in all these causitive causes of actions under COBRA, ERISA, and HIPAA which are not appropriate in this bill.

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I look forward to the vote on this amendment. I think it will test whether or not the statements coming from the other side of the aisle—that they want the Texas law—are backed up by a vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Thomas). The distinguished Senator from North Carolina.

Mr. Edwards. Let me respond briefly to some of the comments made by my colleague from New Hampshire.

This is the same tired old rhetoric they have been hear for years now to keep any kind of reform from occurring. They are now, by the way, spending many millions of dollars on lobbyists and public relations campaigns, and on television, to try to defeat any kind of reform.

These are the same arguments we have heard before. We need to get past that. We need to get to talking about providing real protections and real rights for patients. That is what Senator McCain and I worked for many months on this legislation to address many of the issues about which my colleague has just talked but nothing ever changes. No matter what we bring to this Chamber by way of patient protection, we hear these same arguments made. Let me speak to just a couple of those arguments briefly.

First, on the issue of forum shopping, cases going to State court, I say to my colleague from New Hampshire, he should see what the Chief Justice of the U.S. Supreme Court, by way of the Judicial Conference of the United States, which the Chief Justice heads, said about this issue. He specifically said in a written letter dated March 3, 2001:

The Judicial Conference urges Congress to provide that, in any managed care legislation agreed upon, the state courts be the primary forum for the resolution of personal injury claims arising from the denial of health care benefits. . . .

What we have done in our bill is exactly what the Judicial Conference of
the United States has said should be done. We have done what the American Bar Association says should be done; we have done what the Attorneys General of the United States say should be done; and we have done what the U.S. Supreme Court said, in the Pogram decision, for the employee;

I know it is a wild idea that Senator McCain and I have decided to adopt the consensus of every objective group in America on this subject, including the U.S. Supreme Court. I am telling you, they would comply no matter what we did, because this is the rhetoric of anti-form. That is what this argument is about.

Ultimately, this debate evolves into a very simple question: Are we going to do something about this problem or are we going to continue to kill reform legislation? We have to make a decision about whether we are going to make progress or whether we are going to obstruct progress.

Another issue my colleague raises is the issue of caps and whether there are limitations on recovery. He had his chart, which is not here anymore, that had lots of information about unlimited lawsuits and that there were to limit that issue. I say to my colleague, what we have done, that he does not like, is we have treated HMOs exactly the same way as every doctor, every hospital, and everybody else in America is treated.

All of the rest of us, everyone listening to this debate, whether on television or in person, is treated exactly the way we treat HMOs in this bill. They do not like that. HMOs, I am sure, would like to maintain their privileged status. That is why they are spending millions of dollars to try to defeat our legislation with respect to the specific issue of employers.

I say to my colleague, the President of the United States—the Republican President of the United States—and I am referring from his written principles says:

Only employers who retain responsibility for and make final medical decisions should be subject to suit.

Mr. WARNER. Mr. President, will the Senator entertain a question on that point?

Mr. EDWARDS. I will, yes.

Mr. WARNER. Having had some modest comparison to my distinguished colleague in the trial courtroom. I know that is a key phrase. I am not sure just how it is going to end up, or not end up, in the legislation, depending on the amendments, but I think it would be helpful to have some legislative history on what the meaning is of an employer participating in the medical decisions of an employee.

Let’s take the example of a small employer. Most often, that employer has a great deal of personal contact with his employees, has a great deal of empathy for the employee or his family stricken with some type of problem.

Suppose I were an employer, and my long-time secretary appears to be ill, and I say: I think we had better go to the hospital. So I drive her to the hospital. Maybe some other employee in the firm drives her. Then, while in the hospital, I went to call on her, and somehow I am involved in the discussion as to whether or not an operation should be performed—whether that employee should be left in the cold.

Mr. EDWARDS. I thank the Senator for his question. I think the Senator is concerned about some of the same issues others have raised and on which we have been working. I think it is a legitimate question.

I say to the Senator, what we did in our bill is have language that was intended to protect employers unless they stepped into the shoes of the HMO and actually made a medical decision essentially overruling the HMO. That is what is in our bill, and that is conceptually what the President says in his principle.

The problem with completely carving out the employer, as this amendment does, is that in some cases you may have an employer, a large employer, where they are a self-insured and a self-administered plan. Let’s say a bookkeeper, says we are not paying for the employee’s care, and the employee suffers some serious consequence from that. Under this carve-out, there is nowhere that child could go because there is no HMO. It is a self-insured, self-administered plan. Under the President’s bill, where I say—‘‘only employers who retain responsibility for and make final medical decisions should be subject to suit,’’ there would be somewhere for that child of that employee to go.

What we are trying to do—and I think it can be done—is to fashion language that provides maximum protection for the employer but at the same time does not leave that small group of employees that would be impacted by it completely out.

Mr. WARNER. Mr. President, I thank my colleague.

Let’s talk about a large employer. I am simply the manager of a section with perhaps seven or eight employees, but they are good friends. They have worked with me for a very long time. One suddenly becomes ill. Were I to drive that person to the hospital and in any other way participate in trying to alleviate the pain and suffering of the employee, it is my overall firm to liability by virtue of my actions, say, as a good Samaritan.

Mr. EDWARDS. That kind of unintended consequence is exactly what we want to avoid. The issues the Senator from Virginia is discussing in this colloquy are the same kinds of issues that have been addressed by employers to us and my colleagues who are working to try to fashion language to solve the problem the Senator raises and the President’s amendment in the earlier example and to make sure, for an employer that has improperly been brought into a case—if they have been brought into a case and they don’t belong in the case, we provide a mechanism, a procedural mechanism that can get out of the case so they don’t get dragged through a court proceeding when they don’t belong there.

Those are the kinds of issues that need to be addressed, that we are attempting to address, and I believe we will find a solution, consistent with the principle the President has laid out and the principle in which we believe.

Mr. WARNER. I thank my colleague.

Mr. EDWARDS. Mr. President, what we have done in the McCain-Edwards-Kennedy bill is structured a system that, unlike my colleague describes, is actually intended to avoid cases going to court. If we didn’t want to avoid cases going to court, we would not first have an internal appeal and then have a decision by a panel of experts. What we have learned from experience is the majority of cases get resolved. In Texas, California, and in Georgia, for
the three examples, when that system is in place, most cases get decided by that system. I think in Georgia and California there actually hasn’t been a single lawsuit filed. That is good because purpose is to get treatment to patients quickly.

But there will be rare cases where the HMO does something inappropriate, wrongful, and, as a result, somebody gets hurt. It is not right, under our system of justice, for a family to be responsible for the rest of their lives to pay for that. If the HMO is responsible, they should be held accountable, just as all the rest of us. That is the reason we have set up this system the way it is.

What we have ultimately is real rights that are enforceable through an internal review, then an external review, and then, if necessary, if someone gets hurt, the case can go to court. And the cases that go to State court, where the HMO is treated just as everybody else, back in line to whatever else. So there are, in fact, limitations. The rhetoric that there are no limitations is, in fact, not true.

The majority of States in this country have found recoveries. And as the judicial conference suggested, as the American Bar Association suggested, the Attorney General of Nebraska suggested, we have sent those cases to State court, to a place where there are limitations on recovery got where we treat the HMOs not as privileged citizens anymore but just as all the rest of us. To Senator MCCAIN and me, as we worked on this, it seemed the fair, right, and just thing to do—that HMOs get treated the same as everybody else. If they are going to make medical decisions, they ought to be treated as the doctors whom they are overriding. That is exactly what the structure of this bill is.

My colleague said something that was incorrect a few minutes ago. He said that all you had to do to avoid the appeals process and go straight to court was to allege that you had irreparable harm. That is not the case. That word does not appear in our legislation. But if, in fact, someone has died as a result of what an HMO has done to them, we thought it was a little unreasonable to make the family of someone who has already died go through an appeals process. After the fact, they are being treated exactly the same as doctors and hospitals. There is not much reason for them to be exhausting administrative remedies. We think we have a commonsense approach, one that works.

The model of California, Georgia, and Texas, and other States shows that these laws work. They give patients rights. They don’t result in a lot of litigation. In fact, in those three States, in spite of the rhetorical arguments being made that people will lose their health insurance, in those three States, while waiting for a review. With real patient protection, the number of uninsured has gone down, not up. So at least the evidence, according to the three models we have used, is that people think this system works. Lawsuits are not created by it. In fact, they are avoided.

Third, the number of uninsured, at least in those three jurisdictions, has not gone up. In fact, it has gone down. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I have to say that when I listen to the Senator from North Carolina, I almost always agree with what he says, but when I read his bill, A, I never find it does what he says, and, B, I never agree with it.

First of all, when the Senator chastised some for saying his bill simply required that there be an allegation in order to escape the external review process, that was not a figment of the imagination of critics or paid lobbyists or special interest groups, as if special interest groups don’t support the Senator’s bill, as if only special interests oppose it and none supports it. But no one made that up. That is a word on page 149 of the previous version of their bill.

In fact, I raised this very issue over and over and over and the Senator and his cosponsors changed their bill to drop the word. This was not a word made up by anybody. This was a word that appeared in the original bill.

Now as for treating HMOs like everybody else, the assertion is, that they are treated like doctors and hospitals. Let me explain why. First of all, I refer to the bill that is before us, the McCain-Edwards-Kennedy bill, and specifically to the section related to suing employers: “Cause of action against employers.”

I begin with the assertion that this bill treats doctors and hospitals exactly the way it does HMOs.

In fact, the Senator says, by putting these cases back in State court, they are treated the same. Surely, the Senator and his cosponsors changed their bill to drop the word. This was not a word made up by anybody. This was a word that appeared in the original bill.

Now as for treating HMOs like everybody else, the assertion is, that they are treated like doctors and hospitals. Let me explain why. First of all, I refer to the bill that is before us, the McCain-Edwards-Kennedy bill, and specifically to the section related to suing employers: “Cause of action against employers.”

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In fact, the Senator says, by putting these cases back in State court, they are treated the same. Surely, the Senator must be aware that under State law, for example, in Texas and in California there are limits on liability for doctors and for hospitals, but there are no limited liabilities for health plans or employers under State law either in Texas or in California.

So to assert that by putting these cases that arise under Federal law—ERISA is a Federal law—by putting these cases that arise under Federal law, they are being treated exactly the same as doctors and hospitals is factually inaccurate, because State laws often do impose liability limits on doctors and hospitals, but almost never do they impose liability limits on employers, or insurance companies.

Finally, so I can get on to my point, let me say that when the Senator says his bill treats doctors and hospitals exactly the same as it treats HMOs, I find that an interesting assertion. I turn to page 148 of his bill and I see an exclusion. In fact, on line 12, 148, it says: “Exclusion of Physicians and Other Health Care Professionals.” This is in the section on liability for employers. I will go into that in some detail.

I want to make this point. At the end of this section on liability for employers, it has two specific carve-outs where entities are treated very differently from employers. The first entity on line 12 is physicians. ‘No treating physician or other treating health care professional of the participant or beneficiary, and no person acting under the direction of such a physician or health care professional, shall be liable under paragraph (1).’

And then on page 149, there is an exclusion for hospitals. It says: “No treating hospital of the participant or beneficiary shall be liable under paragraph (1).’”

So on page 148 it exempts the treating physician. On page 149, it exempts the hospital from the same liability section for the employer. But then, to say that just absolutely certain that no one is confused, let’s come down to the bottom of page 149 and see if employers are treated the same and HMOs are treated the same as doctors and hospitals. It says: “Nothing in paragraph (6) shall be construed to limit the liability of the plan, the plan sponsor, or any health insurance issuer, or the plan sponsor, of course, is the employer.

So to say that this bill treats doctors and hospitals the same way it does insurance companies, HMOs, and employers, sounds very good and reassuring. The problem is that it is not true.

Now let me begin and make the point I want to make. First of all, I send three letters to the desk and ask they be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

DEAR SENATOR GRAMM: On behalf of the 600,000 small-business owners who are members of the National Federation of Independent Business (NFIB), I am writing to express our strong support for your amendment to provide an employer liability exemption model for the Federal legislations. As you are well aware, groups on both sides of the issue agree that under Texas law, employers are explicitly exempt from liability. We will work diligently to ensure that members on both sides of the aisle support your amendment—especially those who specifically stated that they do not want employers to be held liable for voluntarily offering health care to their employees.

Small-business owners are already being forced to drop health-care as a result of the high cost of premium insurance. Only uninsured Americans, 26 million (61%) are small business owners and their employees. The most recent Kennedy-McCain-Edwards model actually increases the likelihood that more small employers and their families will join the ranks of the uninsured. For
the first time, it would authorize several new bases for lawsuits that could be initiated under federal law for unlimited damages. Employers could be sued in both state and federal courts. Their proposal does not include any employer from being named as a defendant in the growing number of cases that are now being filed as class action lawsuits. If Congress enacts any legislation that exposes employers to unfair lawsuits, many small-business owners would stop offering health insurance altogether for fear that one lawsuit could wipe out their business. Even if employers are shielded from lawsuits, imposing liability on health plans would lead to higher premiums, which would then be passed on to employers and their families. Small-business owners and their employees simply cannot afford to supplement the income of wealthy trial attorneys. Fifty-seven percent of small businesses said in a recent poll that they would drop coverage rather than risk a suit that will undoubtedly threaten the livelihood of their business. It's easy to see why, given the fact that the average cost for a business to defend itself from a lawsuit is $100,000.

Again, I commend you for your continued support on behalf of small-business owners and their employees. We look forward to working with you to ensure that employers are not penalized for voluntarily offering health-care benefits to their employees.

Sincerely,

Dan Danner
Senior Vice President
U.S. Chamber of Commerce

To the Members of the U.S. Senate:

As the largest business federation representing more than three million employers and organizations of every size, sector and region, the U.S. Chamber of Commerce is greatly concerned about the liability provisions of S. 1052, the Kennedy-McCain “Patient Protection Act of 2001”, that expose employers to lawsuits and unlimited damage awards.

The U.S. Chamber of Commerce strongly supports the amendment offered by Senators Phil Gramm and Kay Bailey Hutchison to S. 1052 to allow employers to escape lawsuits for the actions of the health plans they sponsor. It should be noted, however, that this amendment, on its own, does not address administrative or fiscal flaws in the underlying legislation, nor will it protect employers from the huge liability costs imposed on health plans by this proposal.

Employers voluntarily provide health coverage to 172 million Americans, at an average cost of $5,351 per working family. While this amendment exempts employers from being party to a lawsuit, the cost of open-ended liability on health plans will ultimately be borne by businesses and working families. The U.S. Chamber is concerned that these plans directly pay the cost of damages and litigation out of their bottom line, even if they use a third-party administrator to make claims decisions.

Given our sluggish economy, employers will not be able to bear the passed-on costs of litigation and unlimited damage awards. Much of these costs will also be borne by employees, who, studies show, are increasingly turning down their employers’ offer of coverage because they cannot afford the higher monthly premiums and out-of-pocket deductibles, coinsurance and copayments. Our health care system does not need any more litigation. In addition to supporting the Gramm-Hutchison amendment, we urge you to remedy the onerous liability provisions of S. 1052 so that employers can fully benefit from the protection offered them by the Gramm-Hutchison amendment.

Because of the importance of this issue to working families, the small business community strongly urges you to support the Gramm-Hutchison amendment to S. 1052. The Chamber will consider using votes on or in relation to Gramm-Hutchison in our annual “How They Voted” ratings.

Sincerely,

R. Bruce Josten
American Benefits Council

Hon. Phil Gramm,
U.S. Senate
Washington, DC.

Dear Senator Gramm:

The Senate will soon vote on your amendment to limit the liability of employers under the Kennedy-McCain version of the Patients’ Bill of Rights.

We strongly share your view that the Kennedy-McCain bill is fundamentally flawed and should not be enacted. It is certain to drive up health costs well beyond the double-digit increases that employers are already facing, and with increased numbers of uninsured Americans and place all employer-sponsored group health plans under the constant threat of unlimited liability and inconsistent decisions made by separate state courts.

The Gramm amendment responds directly to one of the primary concerns raised by both large and small employers throughout the long debate over this legislation. There can be no doubt that many employers who voluntarily offer this highly valuable benefit to employees will be unwilling or unable to do so in the future if the Kennedy-McCain bill is enacted. There is no subtle way to express how profound and destructive the threat of unlimited liability and unlimited damages would be to our nation’s employer-sponsored health benefits systems.

Support for the Gramm amendment would be a vote in favor of preserving health benefits sponsored today by employers and a vote in favor of the millions of Americans who rely on health benefits through their employers today. However, it should also be clear that even if an amendment is approved to shield employers from direct liability, our position on the bill itself remains firm and unchanged. The Kennedy-McCain bill is an extreme measure that should not be enacted and the bill would still impose unacceptably high burdens on the health plans and others involved in employer-sponsored health benefits for which employers themselves would ultimately shoulder the higher costs.

We commend you and your supporters for offering this amendment to protect employers from the excessive liability that would result from the Kennedy-McCain bill. We urge the Senate to comprehensively cure the problem that this bill poses by rejecting the Kennedy-McCain proposal and enacting a sound Patients’ Bill of Rights that meets the President’s principles and can be signed into law.

Sincerely,

James A. Klein
President

Mr. GRAMM. The first letter is from the National Federation of Independent Business on behalf of 600,000 small business owners in America. They have endorsed the amendment I have offered that will be voted on tomorrow, which exempts employers from being sued under this bill.

The second letter is from the Chamber of Commerce of the United States, the world’s largest business federation, representing over 3 million employers, making this vote a key vote for the Chamber of Commerce.

Finally, the third letter is from the American Benefits Council, which is in support of this amendment.

Let me try to explain briefly what this is all about. These are complicated issues and they are very easy issues to get confused. Let me start with the Federal bill, since there has been so much talk about it. Let me be sure that everybody knows exactly what we are talking about. This is S. 1052, which is the pending bill that was originally authored by Senator EDWARDS, for himself, Senator KENNEDY, and others.

I will start on page 144 of the bill. A lot has been said about suing employers. Almost everything that has been said has been said that you can’t sue employers. I want to just go through the bill briefly. Not at any doubt about the fact of whether or not you can sue employers, and try to explain the concern that I have that the National Federation of Independent Business has, and that the U.S. Chamber of Commerce has about this bill, and the fact that it would expose employers to liability.

Let me remind my colleagues that employers are not required by law to provide health insurance to their employees. There is not a Federal or State law that says that employer benefits must be provided. Employers provide benefits because they choose to, because they care about their employees, or if they believe that in order to be competitive in getting good employees and holding them they have to provide benefits, they decide to do it on a voluntary basis. So the cause of not just concern, but alarm, in the business community is that under this bill it will be possible to sue not just the HMOs, but the people who are practicing, such as doctors and hospitals, but you will be able to sue the employers.

Let me start with the language of the bill. This bill has in this section, as it appears in many other sections, language that is very confusing and misleading.

I want to give a simple example. Look on page 144, on line 5, it says: “Exclusion of Employers and Other Plan Sponsors,” which implies that they are talking about other sponsors. And then in section (A), line 7, it says: “Causes of Action Against Employers and Plan Sponsors Precluded.” Read that sentence. You say you can’t have a cause of action against employers and plan sponsors; they are specifically precluded. That is exactly what the headline says.

And then it says: “Subject to subparagraph (B),” and that is where you become concerned because up here it says you can’t sue them. The next line is “Subject to subparagraph (B)—I will come back to that—paragraph (1)(A) does not authorize a cause of action against an employer”—just as
clear as the rising Sun. You can’t sue employers. But when you get down to subparagraph (B), it says: “Certain Causes of Action Permitted,” and then it says: “Notwithstanding subparagraph (A), which is what I just read, “a cause or effect of any kind which might arise against an employer or other plan sponsor.”

In other words, paragraph (A) says you can’t sue them and paragraph (B) says you can sue them. And then you have seven pages of ifs, ands, and buts about whether you can or cannot sue employers, and under what circumstances you can sue them.

And then, obviously, it gets pretty complicated. The question comes down to, what would a judge say? What would a very smart plaintiff’s attorney be able to do with this language?

Then the problem gets even greater because you get down to the use of terms that don’t jump out at you as triggering other things. But when you understand how they fit into Federal law, they say you can sue employers. I will give you an example. On line 18 of page 145, it says you can’t sue the employer directly participates—and let me read the whole paragraph:

Direct Participation in Decisions.—For purposes of subparagraph (B), the term “direct participation” means, in connection with a decision described in clause (i) of paragraph (1)(A) or a failure described in clause (i) of such paragraph. The actual making of a decision or the actual exercise of control . . .

It does not jump out at you that “exercise of control” means anything. It does not unless you know that under ERISA, which governs all employer benefits under Federal law, the employer is always deemed to exercise control over employee benefits.

There are 7 1/2 pages of ifs, ands, and buts, but there is a lot of language that when it is brought into the context of existing Federal law it creates the strong potential that employers could be sued and could be sued for nothing other than simply having tried to join with their employees in buying health insurance. In fact, I think the President, during his campaign, looked in the Texas law and the third debate and said: “I will fight for Patients’ Bill of Rights,” referencing the Texas law. Our bill is almost identical.

Identical to what? The Texas law. Let me make clear it is not identical. Under the bill before us, it clearly says employers can be sued. It has 7 1/2 pages of circumstances under which they can be sued. It uses language that ties in to ERISA that suggests they might be sued, and then it excludes doctors and hospitals but specifically does not exclude employers from being sued.

That is what the bill before us does. What does the Texas law do? The Texas Legislature, which has been held out to be a standard for patients’ rights—in fact, if I am not wrong, Senator Edwards said on ABC “This Week”:

The President, during his campaign, looked in the Kennedy bill and the Nickles bill and the Breaux-Frist bill, every Patients’ Bill of Rights bill that has been introduced, all modeled after State plans. One of the most prominent of those plans is the Texas plan.

In Texas they concluded there was no way they could write it that would not guarantee that employers would not be subject to being sued other than to simply exempt employers from being sued.

What they said was, in very simple terms: This chapter—

Which relates to liability in their bill— does not create any liability on the part of an employer.

There are no 7 1/2 pages of ifs, ands, or buts after this clause. There is no paragraph below it that says notwithstanding this provision they can be sued. This is the language of the Texas law. It does not create any liability on the part of an employer.

Let me review some of the points that have been made where people say you need to be able to sue the employer. Let me remind my colleagues, who is the final decisionmaker under S. 1052? Who is the final decisionmaker under Breaux-Frist? Who is the final decisionmaker under the Nickles bill? Who is the final decisionmaker under the original Kennedy bill? The final decisionmaker is an independent review panel made up of health care professionals who are independent of the health plan. How is the employer supposed to affect that? The employer can have no effect over them. By definition, under every one of these bills, the employer is not, cannot be the final decisionmaker.

I am not saying, and the Texas Legislature did not say, there were no bad employers, but what they said is what little benefit you might get by discouraging an employer from trying to interfere in a health care plan for which they are at least partially paying; whatever benefits you might get from that, you already have protections with internal and external review, but the cost of making the employer liable is so high that it is not worth it.

Let me conclude because I see my dear colleague from West Virginia is here. I know a lot of other people want to speak. I want to make this point. It is not hard for me to envision—I hope it is not hard for my colleagues to envision—that there are a lot of little businesses all over the country that scrump and sacrifice to cover their employees with health insurance.

I often talk about a printer from Mexia, Dicky Flatt, a friend of mine, an old supporter of mine from a little town in Mexia. He is an old-fashioned printer. He never quite gets that blue ink off the end of his fingers. He has about 10 employees, including his wife, including his baby son, and he probably has 8 or so other employees at any one time.

They work hard to try to provide health insurance. But there is no way, shape, form, or fashion, Dicky Flatt is
going to hire a lawyer to go through this bill. Once he hears from NFIB that he might be sued, he is going to be forced to call his 10 employees together and say: Look, I love you guys. You helped me build this business. But my father and my mother worked a lifetime to build this business. I have worked in it. My wife has worked in it. My brother worked in it. His brother's wife worked in it. My son works in it. And I am not going to put it all at risk. A lot of insurance.

One of our colleagues pointed out that under Texas law health insurance coverage was not down where they did not believe that all 1 million employers were good, well intending people. They decided, whatever you get by allowing a person to try to sue the few who are bad, when people already have lawsuits, it is not fair to put their businesses against insurance companies accountable for the decisions they are making, we will not get that kind of guarantee of health care. And I truly believe that unless we hold HMOs and insurance companies accountable for the decisions they are making, we will not get the results we want.

First, I say to my friend from Texas, Sam Yamin does not want better medical decisions. He is a business owner who had insurance and was told he was not able to go back to work in his business. He owned a tree trimming business and had a severe accident with a chain saw and was rushed to an emergency room. The physicians were ready to operate on a gurney in the other emergency room and did not receive treatment until he literally pulled a telephone out of the wall because he was in such great pain. He ended up getting the most limited treatment. They simply sewed up his leg.

Why do I mention that? I mention that because Sam Yamin lost his business. He is a business owner who lost his business. He is a business owner who is now not only permanently disabled but today, is terminally ill. Sam Yamin did not deserve that. He paid for insurance. He was a business owner who had insurance and assumed in an emergency he could go to the nearest emergency room. That happened to him. He and his wife Susan are flooded with bills. Does he have any recourse to go back to the HMO to hold them accountable for what happened for him and his family? No, he does not. That is not right. That is what this bill is about. We want better medical decisions. Sam Yamin does not want the right to sue just to sue. He wanted emergency health care. He wanted an operation on his leg. He wanted to be able to go back to work in his business. That is what he wanted. I truly believe that unless we hold HMOs and insurance companies accountable for the decisions they are making, we will not get the protection we want.

That is what we want. We know the States that have enacted these kinds of protections don't have the laws being talked about. They have better medical decisions. That is what we are looking for. We want to make sure decisionmakers know they better pay attention; they better get it right; they better give people the health care they are paying for; otherwise, they will be held accountable.

That is what this is about. That is why it is so important and that is why I am going to come to the floor every day and speak on behalf of Susan and Sam Yamin and all the other families in Michigan who are counting on us to get this right.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the PRESIDING OFFICER. I also thank the majority whip for his courtesy.

Mr. President, I am speaking on a subject that is not germane to the debate this afternoon.
The PRESIDING OFFICER. The Senator from West Virginia.

NATIONAL MISSILE DEFENSE

Mr. BYRD. Mr. President, the President has recently concluded his trip to Europe, where he attempted to convince European leaders of the need for the United States to deploy a national missile defense system. It seems that our hope still have the same reservations about this apparent rush to a missile shield, and I can understand why. While I support the deployment of an effective missile defense system, there are a number of reasons why I believe it is not as easy to build such a system as it is to declare the intent to build it.

One cannot underestimate the scientific challenge of deploying an effective national, missile defense system. The last two anti-missile tests, performed in January and July of 2000, were failures. In response to these failures, the Department of Defense did the right thing. The Department of Defense went to assess what went wrong, and to explore how it can be fixed. The next test, scheduled for July of this year, is crucial for the national missile defense program. All eyes will be watching it. If the technical and engineering problems can be addressed, or if we have to go back to the drawing board once more.

It must also be recognized that no matter how much missile defense technology might become, it will always be a high risk. That means—now and forever—be of limited use. I fear that in the minds of some, a national missile defense system is the sine qua non of a safe and secure United States. But the most sophisticated radars or space-based sensors will never be able to detect the sabotage of our drinking water supplies by the use of a few vials—just a few vials—of a biological weapon, and no amount of anti-missile missiles will prevent the use of a nuclear bomb neatly packaged in a suitcase and carried to one of our major cities. We should not let the flashy idea of missile defense distract us from other, and perhaps more serious, threats to our national security.

If deployment of a missile defense system were to be expedited, there is the question of how effective it could possibly be. Military officers involved in the project have called a 2004 deployment of a national missile defense system “high risk.” That means that if we were to station a handful of interceptors in Alaska in 2004, there is no guarantee—none, no guarantee that they would provide any useful defense at all. Secretary of Defense Donald Rumsfeld refused to accept this conclusion, saying that an early system does not have to be 100 percent effective. I believe that if we are going to pursue a robust missile shield, that is what we should pursue. I do not support the deployment of a multi-billion dollar scarecrow that will not be an effective defense if a missile is actually launched at the United States.

The New York Times has printed an article that drives this point home. The newspaper reports on a study by the Pentagon’s Office of Operational Test and Evaluation that details some of the problems that a National Missile Defense system encountered before it can be considered effective. According to the New York Times, the authors of this internal Department of Defense report believe that the missile defense program has “suffered too many failures to sustain an argument that the system will be deployed in 2005, a year after the Bush administration is considering deploying one.”

The article goes on to state that system now being tested has benefited from unrealistic tests, and that the computer system could attempt to shoot down inbound missiles that don’t even exist. If the Department of Defense’s own scientists and engineers don’t trust the system possibly could be deployed in the next few years, this system might not even be a very good scarecrow. Let the scientists and engineers find the most effective system possible, and then go forward with its deployment.

Let us also consider our international obligations under the Anti-Ballistic Missile (ABM) Treaty of 1972. The President has begun discussions with Russia, China, our European allies, and others on revising the ABM Treaty, but so far the responses have been mixed. I suggest that it is because our message is mixed. On one hand, there is the stated intent to consult with allies before doing away with the ABM Treaty. On the other, the Administration has made clear its position that a missile defense system will be deployed as soon as possible.

It is no wonder that Russia and our European allies are confused as to whether we are consulting with them on the fate of the ABM Treaty, or we are simply informing them as to what the future of the ABM Treaty will be. Only a single voice is heard. We must take their comments seriously. The end result of the discussions with Russia, China, and our European allies should be an understanding of how to preserve our national security, not a scheme to gain acceptance from those countries of our plan to rush forward with the deployment of an anti-missile system at the earliest possible date.

What’s more, Secretary of State Colin Powell said this past weekend that the United States will abandon the ABM Treaty as soon as it conflicts with our testing activities. According to the recently released Pentagon report on missile defense, however, the currently scheduled tests on July 18th will not conflict with the ABM Treaty in 2002, and there is no conflict anticipated in 2003. Why, therefore, is there a rush to amend or do away with the ABM Treaty? Who is to say that there will not be additional tests in the next one and a half years that will further push back the test schedule, as well as potential conflicts with the ABM Treaty?

There is also the issue of the high cost of building a national missile defense system. This year, the United States will spend $4.3 billion on all the various programs related to missile defense. From 1962 to today, the Brookings Institution estimated that we have spent $99 billion. I do not believe that for all that money, our national security has been increased one bit.

The Congressional Budget Office in an article that drives this point home. The Congressional Budget Office estimated that the cost will almost double, to $80 billion.

We have seen how some estimates work. They have only one way to go. That is always up. However, that number may even be too low. This is what the Congressional Budget Office had to say in March 2001: “Estimates of national missile defense costs may now be too low, however. A combination of delays in testing and efforts by the Clinton administration to reduce the program’s technical risk (including a more challenging testing program) may have increased our requirements well beyond the levels included in this option [for national missile defense systems].” Is it any wonder that some critics believe that a workable national missile defense system will cost more than $120 billion?

Tell me. How does the Administration expect to finance this missile defense system? The $1.35 trillion tax cut that the President signed into law last month is projected to consume 72 percent of the non-Social Security, non-Medicare surpluses over the next five years. In fact, under the budget resolution that was passed earlier this year, the Senate Budget Committee shows that the Federal Government is already projected to dip into the Medicare trust fund in fiscal years 2003 and 2004. The missile defense system envisioned by the Administration would likely have us dipping into the Social Security trust funds as well—further jeopardizing the long-term solvency of the Federal Social Security programs. This is no way to provide for our nation’s defense.

I must admit that I am also leery about committing additional vast sums to the Pentagon. I was the last man out of Vietnam—the last one. I mean to tell you, I supported President Johnson. I supported President Nixon to the hilt.

I have spoken before about the serious management problems at the Department of Defense. I am a strong supporter of the Department of Defense. When it came to Vietnam, I was a hawk—not just a Byrd but a hawk. I
am not a Johnny-come-lately when it comes to our national defense.

As Chairman of the Appropriations Committee, I find it profoundly disturbing that the Department of Defense cannot account for the money that it spends, and does not know how much certainty it is in its inventory. These problems have been exposed in detail by the Department’s own Inspector General, as well as the General Accounting Office. Ten years after Congress passed the Chief Financial Officers Act of 1990, the Department of Defense has still not been able to pass an audit of its books. The Pentagon’s books are in such disarray that outside experts must spend tens of billions of dollars on a defense system with any confidence that it is being spent wisely. A member of the Armed Services Committee and the Administrative Co-Chairman of the National Security Working Group with the Cold War Committee, Senator Cochran, who was the author of the National Missile Defense Act of 1999, I understand that ballistic missiles are a threat to the United States. I voted for the National Missile Defense Act of 1999, which stated that it is the policy of the United States to deploy a national missile defense system as soon as it is technologically possible. Now, I still support that act. But I also understand that an effective national missile defense system cannot be established through intent alone. Someone has said that the road to Sheol is paved with good intentions. Good intentions are not enough. I think there might be a way toward an effective national missile defense system. It is based on common sense. Engage our friends, and listen to our critics. Learn from the past, and invest wisely. Test it. Whether or not our colleagues from West Virginia and Virginia and the Chair. I also thank my good friend from Iowa who has agreed to let me speak for a few minutes and who is also helping with the easel. He is what you would call a full service Finance Committee ranking member.

I am here today to talk about the McCain-Kennedy patient protection bill. I have been in this Chamber before to talk about this issue as it affects small businesses. In my role as ranking member, and as a member of the Small Business Committee, I have heard the concerns of small businesspeople, men and women from around the country. There are an awful lot of them from Missouri who have called me to express their concerns. Let me tell you they have some very real concerns about this McCain-Kennedy bill.

The particular issue before us today deals with what employers should be able to sue through new lawsuits permitted by the McCain-Kennedy patient protection bill which is supposed to be targeted against HMOs. We keep hearing how they want to sue the HMOs. Our colleagues on the opposite side of the aisle seem to be of two minds. They want to sue the HMOs. Our colleagues on the opposite side of the aisle seem to be of two minds. They claim that only HMOs can be sued. For better or for worse, any American, with just a little help from a clever attorney, can file a lawsuit against any employer, any person or any business. The case may be dismissed almost immediately, but they can still file it.

What this means is, if we want to protect employers from frivolous litigation—and this is what everybody says they want to do—we need to give employers protection that will help them get the frivolous lawsuits dismissed immediately, before the lawyers’ fees really start to build up. To get these immediate dismissals, you really need clear, distinctive language that makes 100 percent clear what types of lawsuits are and are not allowed.

How does the Gramm amendment make that clear distinction? By saying that you cannot sue your employer, period. How does the McCain-Kennedy bill try to make a clear distinction on which they say employers can rely? They have a basic guideline that says employers can’t be sued, and then they have four entire pages of exceptions, definitions, and clarifications that substantially weaken and confuse that protection. In those four pages there are enough ambiguous words, phrases, and concepts to keep trial attorneys in business for years. A plaintiff’s lawyer is clever enough—and whatever else I think about them, I know my friends in the trial bar are clever—they are going to find ways to bring lawsuits against employers. In their zeal to get at deep-pocket employers, trial lawyers are going to poke and prod at every word of these four pages looking for weaknesses. Many, or most, will be able to find something to convince a judge not to dismiss a case. The result: A raft of lawsuits against employers, added expenses, and an enhanced fear of being sued.

That scares the devil out of employers all across the country, as it should, as the road to Sheol is paved with good intentions.!
because if there is one thing our legal system has shown employers, it is that their fear is justified; they are not paranoid; they really are coming after them.

The cost of defending a single lawsuit can easily extend into the tens of thousands of dollars. Particularly for these small employers, these expenses are difficult, if not impossible, to bear and could put them out of business. Even if the employer has some type of insurance to cover this legal exposure, the cost of insurance can be a scary prospect in and of itself.

I mentioned before in this Chamber I have received hundreds of letters from small businesses in Missouri. The first issue that almost all of them bring up is whether they can be sued under the McCain-Kennedy bill. Let me read just a few points from a few of them. Simply put, this issue is their No. 1 concern when it comes to patient protection legislation.

Here is one from a lumber company:

We are currently extending health insurance coverage to our 25 employees. We pay two-thirds of the premium; employees pay one-third. If we now receive a bill with an 18-per cent increase, some years in the past being even greater. Future increases will force us to continue to offer less coverage. Senator Kennedy’s bill passes, this may just be the nail in the coffin. We are willing to suffer with higher prices to an extent, as long as they are fair and justified, but we are not willing to open ourselves up to the liability that this bill may subject us to.

Here is another one, a small business, a fabricator:

We are a small company with less than 25 employees in our health plan. With the increase in health care costs, utilities, and supplies, we are not making much of a profit. And if this continues, we may not be able to stay in business. We employ between 50 and 75 employees. We also do not see how an employer can be held legally responsible for medical court cases. We will eventually be forced by Senator Kennedy’s bill, to cancel our health plans because of the liability and cost.

In fact, the National Federation of Independent Businesses—one of the strong voices for America’s small businesses—believes so strongly about this amendment that they are going to list it as a key vote: Are you with us or are you against us? Small businesses are going to know by how our colleagues vote on this amendment.

Unfortunately enough not to be familiar with the ways of Washington, that means that they believe the vote on this amendment will be one of the most important votes cast during the entire year. They intend to use it in their evaluation of Senators’ voting records.

All this begs the question: If employers are so well protected by the McCain-Kennedy bill, why are they so scared? Why is NFIB placing such a level of importance on this vote? Why are small businesses in Missouri sending me these letters? Is it because they are not protected? The answer is, they are not well protected.

The McCain-Kennedy bill made a halfhearted try and failed. I related last week several times what the running score was of small businesses that said that they would be forced by this measure to get rid of health care coverage. Here’s today’s total: 1,751. That is just a small sample nationwide. These are the number of employees whose employers have written us since they saw the details of the McCain-Kennedy legislation to say that they are involved in tort reform roulette on health care costs. If McCain-Kennedy passes unamended, if their exposure is as written in this compendium of exceptions, exclusions and qualifications, they will terminate their health care plans. Total number of employees covered to date: 1,751.

I suggest that is just a microcosm of small businesses across the country. I have talked to others who have not written in. In our country, most employers voluntarily offer health care coverage to their employees. The source of health insurance for the majority of Americans. Overwhelmingly, Americans are employed and get their health care coverage from their employer. The quickest way to destroy the system we now have is to atomize where employers stop their voluntary willingness to offer coverage. Sure, it is an important benefit, but who wants to be hauled into court if one of their employees has a medical or health care complaint?

Right now we have 43 million Americans who are not covered by health insurance. We have debated many measures in the Senate to find out how to cover those employees. I was terribly disappointed that on a party-line vote last week, this body voted to reject my effort to give 100-per cent deductibility for self-employed people. We have been fighting to get that done for a long time. This is a tax bill. It is going to be a tax bill, and I am going to fight on that. That tax provision to get more people covered should have been included.

What we are talking about now is expanding significantly the number of uninsured Americans. Sixty percent of the 43 million who are not covered now are employees of small business. We don’t want to add to that number and add to the 43 million. Given the lottery nature of our current legal system, I can only hope that we would make the employers more fearful and more likely to drop coverage than to say: Hey, you are not authorized to file suit against your employer but notwithstanding subparagraph (A), cause of action may arise against an employer or other plan sponsor, et cetera, et cetera, page after page.

If we want to avoid American businesses dropping coverage on a wholesale basis, employers need to be protected from lawsuits. That is quite simply what the Gramm amendment does. We need to get good health care coverage for all Americans. Yes, we need to give them internal and external appeals. We need to make sure they do not get short changed. If they get denied coverage, they need to go to another doctor who is independent, who could order their HMO or their health plan to provide them coverage. What they don’t need is to start suing their employers because employers will drop health care coverage like a bad habit, if they think they are going to be subjected to a whole range of lawsuits as a result of the dissatisfaction of an employee with health care coverage.

I hope our colleagues will take a look at the impact of this on small businesses and their employees and accept the Gramm amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could enter into a colloquy with my friend from North Carolina, the manager of the bill, I have been on the floor now for a week relative to this legislation. It is interesting to see how the scapegoats come and go.

Does the Senator from North Carolina remember last week that the big boogeyman was the fact that this was a disguise to get socialized medicine, that what the intent really was was to have this onerous bill pass and everybody would drop their insurance and we would have socialized medicine? Does the Senator remember that?

Mr. EDWARDS. I do remember that.

Mr. REID. Does the Senator remember that they were talking about a States rights issue; that it was none of the business of the Congress; that all of these States were doing a good thing; let them do what they want with how they handle patients and doctors. Does the Senator remember that debate?

Mr. EDWARDS. I do remember it.

Mr. REID. There was a significant period of time last week when there was some discussion about this legislation allowing HMOs to be sued, as if that was some novel approach to the law, to the world. Does the Senator remember that, when it was a surprise that they read the bill and, lo and behold, HMOs could be sued? Does the Senator remember that discussion?

Mr. EDWARDS. I do.

Mr. REID. The assertion regarding socialized medicine is, for lack of a better description, kind of foolish. Regarding States rights, they learned very quickly that wasn’t much of a winner. The fact that they were characterized about the lawsuits, of course, that was a surprise that they were surprised.

I also was here, as the Senator from North Carolina was, when they spent a great deal of time talking about this notion that employers would be able to deduct 100 percent of the cost of an employer’s health insurance. What they failed to tell us is that is something we have been pushing for a long time. In fact, it was put in the tax bill of the former chairman of the Health, Education, Labor and Pensions Committee. That was put in the tax bill. Of course, it was taken out in conference. My colleague remembers that. As a result of
the games being played, that amendment was defeated.

Today, starting the second week of this debate, I now see a new ploy; that is, they suddenly are saying that now you can file lawsuits—and we are OK with that—but that you are doing so all the employers in America are going to be sued as a result of having health insurance for their employees, and they are going to drop all their insurance.

With this as a background, I want the Senator from North Carolina to comment about the latest direction; that is, that employers will be sued to death.

Prior to addressing that, I want the Senator to recognize that I have been here longer than the Senator from North Carolina. I have heard this NFIB argument for almost 20 years. If you do this, the threat they fixed against the NFIB is going to send out a group and consumer group in America, and among virtually every health care provider for the Repub-

licans. I am saying that; the Senator does not have to agree with me. To this point today that the NFIB is a front for the Repub-

licans. He taught economics. If he were a legislator. He has a Ph.D. in econom-

ics.

But prior to responding, I have the greatest respect for the senior Senator from Texas. He is a fine man, a good legislator. He has a Ph.D. in econom-

ics. He taught economics. If he were here—he knows me well enough and I know him well enough—I would say that with him being in the Chamber. As to his reference to his friend Dicky Flatt, which he uses all the time, I think Dicky Flatt and others better be very careful of people such as my friend, the senior Senator from Texas, giving legal advice. He can stand here and give some good economic advice, but the legal advice we should look at very closely. I think Dicky Flatt should look at that.

I ask my friend from North Carolina, to whom I can’t give sufficient super-

lative as being more than renowned in the law, a person who has made a reputa-

tion around the country as being a good lawyer, to give some comment to the Senate and to those within the sound of my voice to consider how they think about these continual state-

ments made today—in fact, people are reading the same information. The same person wrote the same speech for several people. I would like the Sen-

ator to tell me and the rest of the Sen-

ate that an employer who has health insurance for his employee should have as a result of this legisla-

tion.

Mr. EDWARDS. I will respond to the Senator’s question. I say to my col-

league from Iowa, who has been wait-

ing for some time, that I will be brief and I will yield the floor to my friend because he has been waiting to speak.

I think the arguments that the NFIB has used serially, one after another, are all arguments that have been trotted out by the HMOs for years now. They are the arguments they make to avoid any kind of reform. They like it just the way it is. It is not as expensive as the every other business entity or indi-

vidual in America, and they want to maintain the status quo. The Senator knows very well that they are spending millions of dollars on lobbyists, public relations, and on television to defeat any kind of HMO reform. So these argu-

ments go to a really fundamental question: Are we going to move for-

ward or are we going to stay where we are?

There is a consensus in this country among the American people, among the Members of this body, among the Mem-

bers of the House of Representatives, and among virtually every health care group and consumer group in America, that this needs to be done—this is the Bipartisan Patient Protec-

tion Act.

There is a reason for that con-

sensus—because we need to do some-

thing about this issue that has lingered for so long. For every day that passes, the times are high rhetorical debate on the floor of the Senate, there are thousands of American citizens, children and fami-

lies, who are being denied the care for which they have paid.

Now, it is all well and good for us to have an academic discussion in the Senate about this issue. But there are families and kids all over this country who are not getting the tests they need, not getting the treatment they need, because they can’t pay for these tests or care they need because this legislation has not been passed.

Now, having said that, let me re-

spond specifically to the Senator’s question. First, as to the employer li-

ability issue, the Senator knows that JOHN MCCAIN and I worked for months on it. There was a bill in the House of Representatives—the Norwood-Dingell bill—which passed and provided some-

what broader exposure of employers to liability. It did not work, because we are concerned about this issue and we want employ-

ers to be protected, to draft our bill with that goal in mind.

President Bush has issued a written principle which is almost identical to our bill. He says, as we say, that unless an employer actually makes a medical decision on an individual patient, they should be exempted from liability. We believe that is what our bill does. The Breaux-Frist bill—the other bill—has an area which is called a “designated decisionmaker.” But it also holds employers, through the design-

ated decisionmaker, responsible

where they make individual medical decisions.

So what have we is our bill, the Nor-

wood-Dingell bill that already passed the House, President Bush’s principle, and the Breaux-Frist bill, all of which are very, very similar in approach. What is, employers ought to be protected unless they step into the shoes of the HMO and make medical decisions.

The only different position is that of Senator GRAMM in his amendment. His position is the extreme position. What we are working on as I speak—and we worked on it this past week and over the weekend, Re-

publican and Democratic Senators both—is language that we believe will be appropriate and will help provide more protection for employers.

But what can’t be left out of this dis-

cussion is the position that the patients. I listened to my friend from Missouri speak a few minutes ago. I didn’t hear the words “patient,” “em-

ployees,” or “families” spoken by him. I think his concern about employers is to be respected, and that is the reason we want to work together on this issue. We have to always keep in mind, when we are trying to protect employers, that we also have the rights of employ-

ees and patients to take into account.

So the right approach in our approach that allows us to provide maximum protection for the employers, without completely ignoring the interests and, in fact, protecting the interests of the patients at the same time. We believe that is what we do. We believe that is what the President has suggested.

There are issues in this debate about which there is great disagreement, but this is not one of them. This is one where regarding the President in his suggestion, there is a consensus. In fact, the American people, in both sides of the aisle who are talking about those positions, there are minor differences be-

 tween them. The bottom line is that all of those start with a simple concept and principle. It is a matter of making sure the language works in an effective day-to-day way.

Mr. REID. I heard the Senator say right now the legislation, in his esti-

mation, protects employers, but if there can be more refinement to that, he will be happy to work with whoever can give him that language; is that true?

Mr. EDWARDS. That is true. We will continue to work on it, going forward. We are continuing to work on it as we speak. If we can find a way to maxi-

mize protection for employers with appropriate language and, at the same time, not ignore the interests of the patients, we will do that. I believe that can be done. So do Senators on both sides of the aisle who are talking about this particular issue.

Mr. REID. If, however, we didn’t change it in any manner, you could still rest well at night that you and Senator MCCAIN had worked very hard
to take care of this issue on employer liability.

Mr. EDWARDS. We have. We worked long and hard. I believe we have protected employers from many of the concerns that those across the aisle and on both sides of the aisle have raised. But I am the first to say that this is an issue on which we should work together to make sure we have language that works to protect America’s employers.

I yield to my friend from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, the Senator from Iowa has graciously agreed to let me hold forth here for just a few minutes. If no one has an objection, I ask unanimous consent that I be recognized immediately after me. I don’t expect to take more than 5 minutes.

Mr. REID. Reserving the right to object, I could not hear the Senator.

Mr. THOMPSON. Mr. President, the Senator from Iowa will speak for himself on how long he wants.

Mr. GRASSLEY. I intended to speak as long as I wanted to speak just as everybody else has been doing all afternoon.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I have been listening to the debate, and it sounds to me as if we are making progress with regard to this employer issue. We started out without a recognition that this bill provided substantial exposure to employers. The statements that were made by the sponsors of the bill were that they really didn’t intend to hold employers liable, except under very limited circumstances. Now, apparently, they agree that perhaps there was more exposure there than was originally intended.

So, as I understand it, some discussions are taking place now to, hopefully, bridge the difference and provide additional protection for employers because what we are doing—what I understand the purpose of the legislation is—to provide some judicial access, judicial relief against health care plans and against HMOs, and that the thrust of the legislation was not to hold employers liable because employers don’t even have to provide these plans if they don’t want to.

While it is all well and good to suggest that we give people new remedies and rights, we have to balance that out with the realization that it is going to have some repercussions.

If we go too far and do too much to penalize employers, they are going to walk away from health care coverage. Instead, as pitiful as some of these stories are, that we have heard over the last several days about what has been done to individual patients, I hope we do not come back in a couple of years and have to listen to people who have no insurance at all because of legislation we passed driving employers—and small employers—out of the health care business. That is a real possibility, and nobody wants that. We need to be careful.

I suggest that if we really want to carve employers out of the lawsuit business, if we did not mean to provide exemptions to employers, all we need to do is say so. All we need to do is provide an exemption for employers the same way we provide blanket exemptions for hospitals and the same way we provide exemptions for treating hospitals. We provide blanket exemptions for them, but we have to go through all these various pages of rigmarole and definition to try to figure out when an employer who is providing this health care coverage can be sued and when he cannot be sued.

The law of Texas has been upheld. The President’s name has been invoked. The law of Texas has been used to provide an exemption that exempted employers from their plan.

The concern is there is a group of employers who are basically self-insured who handle these claims on the front end themselves. They do not hire this independent reviewer. They do it themselves. I believe if you talk to professionals in the industry, they will say that some of the best plans with some of the most comprehensive coverage of any of the plans out there are these self-insured plans. One of the reasons may be that they cut out the middleman. They do not have an HMO to deal with at that stage of the game, and they provide good, comprehensive coverage for their employees.

By definition, they are making decisions on the front end. By definition, under this bill, from the day it is passed, they will have exposure. One might argue that is a good thing or one might argue that is not a good thing, but the point is that with regard to those plans, some of the better plans out there—because employers decided to provide these plans, they wanted to cover their employees, they wanted to do it themselves—that they will be exposed.

One has to ask oneself, what are they going to do the day after this legislation is passed? Are they going to continue to hold themselves for this kind of additional liability? Are they going to contract out to a third person and say the additional exposure is going to assume the liability, driving up costs all along the way? I do not know what they will do. I know what they will not do. They will not stand pat.

The things we do in this Congress have an effect on the life of the American people, whether it be raising taxes, lowering taxes, or whatever. There will be some repercussions in terms of the behavior of these employers. I hope it is not to wind up with less coverage and fewer of these good plans.

One says: They are not going to have anybody to sue if you do not have HMOs and the employers are involved on the front end of it. This bill has set up an elaborate external review entity.

My colleagues say we do not talk enough about patients. This legislation sets up a review entity that allows an independent qualified individual or individual appeals process whereby with regard to whether or not that employee is being treated fairly. That is a strong move in the direction for patient protections. If we stopped right there and did not do anything else, that would be a major move in this legislation away from the principle of ERISA coverage we have right now.

This bill spends 10, 12 pages setting up this external review process and the external review entity on how they have to be qualified, how they have to be independent, how we have the Secretary looking over their shoulder, all of which is designed to protect the patient.

Under this system, if the entity rules against coverage, then they can go to court, and sue. Under the rules for coverage, it goes to another independent individual who is the independent medical reviewer. So there is another level of independent protection for the employee.

It is not as if they are out there hopeless and helpless and totally at the mercy of the employer. The employer may have had some discretion on the front end for sure and made some decisions, but then he goes through this independent appeals process where people who have no relationship with the employer make the decisions as to whether or not there is coverage.

We have exempted doctors. We have exempted hospitals. HMOs are not different in this country from many other entities and entities that have been created in this bill. We exempt States from certain lawsuits. We exempt the Federal Government from certain lawsuits.

The Senator from North Carolina and I are exempted from the things we say in this Chamber. We are protected because there are tradeoffs. Everybody knows that. We make decisions because of public policy reasons to make tradeoffs. If we want to encourage certain conduct, we are willing to make tradeoffs the other way.

It is unfair, when we are in the context of a particular area, legislation dealing with health care, to pick and choose and among provisions where to make those tradeoffs, especially if we are giving exemptions to the people who are providing health care—doctors and hospitals—and we do not give exemptions for the people who are providing the health coverage, the employers.

That is the gist of what we are dealing with, and hopefully we can work out some agreement.

My bottom line is, if you do not want to cover employers, and if you believe we may be in danger of causing some good folks to say it is not worth the additional headache, it is not worth the additional exposure, it is not worth the
addition expense to set up different entities to protect ourselves. If we are concerned about that, we need to take that into consideration with any resolution, not to mention the exposure this bill has under other provisions of ERISA.

We have not even talked about that. At least I have not. I have not heard any discussion about that. Employers have exposure under COBRA, under HIPAA, under other areas of ERISA that we have debated. We have employer exposure if they make any mistakes in dealing with that.

Remember we debated Kennedy-Kassebaum, and we decided people needed to have more portability with their insurance. We decided the fair thing to do was to give them more portability for their insurance and included a penalty of $100 a day plus injunctive relief for an employer who did not behave himself. We debated this liability issue then, and we decided not to do it.

Now what we are doing parenthetically in this HMO bill is bringing back Kennedy-Kassebaum and bringing back COBRA and saying in addition to these penalties we put on the employers when we considered that, we are now going to open that up to litigation and lawsuits. That is a major step, and it should be done only with maximum consideration, and it must be considered in the context of any treatment of employer liability in any compromise we might fashion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank the Senator from Tennessee for what he just said. It was very good for me to let him respond to the other people who have spoken. I particularly suggest to the Senator from Tennessee that there is probably not as much concern on the part of the proponents of this legislation as to whether or not some of the self-employed plans will be abandoned if this bill passes because the Washington bureaucrat has an answer to that problem.

That problem is, we will do what President Clinton suggested in 1993 in his health care plan. We will mandate that every employer has to have insurance for their employee. Just mandate, don’t worry about whether or not they can afford to do it. Just pass a Washington mandate that you have to offer this type of insurance.

However, 42 million people in America today do not have health insurance. That number will increase if this bill passes as it currently reads. There will be those who are abandoned by employers because they don’t want the threat of a lawsuit hanging over their head, that number will be increased.

That was suggested in 1993. That was not well received.

It has been suggested after Senator Bond spoke that he never mentioned the word “patient,” as if he has no concern about patients being treated fairly under this bill. However, Senator Bond’s speech was all about. He was concerned that if this legislation passes as it is written, that employers that have self-insured plans—that don’t have to offer those plans if they don’t want to, but they do offer them because they want to have a good fringe benefit package for their employees—if they drop those for their employees, there are employees who will become patients some day who will not have coverage.

This bill is all about concern for patients. It is not about concern for employers. It is concern for employers that want to offer plans in a self-insured fashion, that they will be encouraged to do as they have already done for 50-some million employees, and continue, and it is viable.

Why would a family-owned ma-and-pa plastic corporation, or a ma-and-pa’s family-owned machine shop providing self-employed plans for employees, why would they jeopardize the continuity of existence of a family-owned business if they could be sued under this legislation? What they are going to do is protect what they worked hard for: building up a business, employing people, being the backbone of their community. That is what the ma-and-pa plastic shop and the ma-and-pa machine shop is all about. They have created this business. Maybe it was created by a grandma and grandpa or mom and dad. It could be in its third generation. This is a family-held business that provides jobs, perhaps for dozens or hundreds of people. They want to provide fringe benefits for their employees, of which health insurance is the most important fringe benefit. The fringe insurance is what we want to protect.

It is concern over employees having the fringe benefits of health insurance, with all Members imploring we want to do something for the 42 million people in America who don’t have it. If we want to do something for 42 million people who do not have insurance, and pass legislation as we did with tax credits to incentivize them to buy health insurance, why would we want to put in jeopardy the 50-some million people who already have it through self-insured plans?

It is talking out of both sides of Congress’s mouth. On the one hand, we are concerned about 52 million people. We have legislation introduced to do something else about it; on the other hand, we are dealing with a piece of legislation that could put in jeopardy the health care plans of 50-some million people who already have what we think the other 42 million people ought to be encouraged to have.

It is concern over employees having health insurance, and giving those people, if they become patients, the treatment they deserve.

I don’t hear concern about patients getting treatment. I hear concern about lawyers getting tribute. We should be concerned about the patient and protecting the self-employed health insurance plans that have become million people have as part of that process.

I hope we will consider the speeches by the Senator from Missouri, the Senator from Tennessee, to be speeches concerned about the employer and concerned about those people who become patients getting treatment. That is exactly to what they are speaking. I don’t know how anybody could miss that point.

I didn’t come to the floor to speak about that aspect of this bill. I came to the floor to speak about a motion filed by my friend, Senator Frist, on Friday, to commit the bill before the Senate. The Kennedy-McCain bill is one of the health, Education, Labor, and Pensions Committee on one hand and the Finance Committee on the other hand, and to do it with specific instructions from the entire Senate that this bill be reported back to the Senate within 14 days. I come to this conclusion because I am troubled that the Kennedy-McCain bill has bypassed these relevant committees and has been brought directly to the floor, without markup, without hearings, and most importantly, without the public input into this particular bill that every bill ought to have.

First, I strongly believe patients’ protections are critical to every hard-working American who relies on the managed care system. We need a strong and reliable patients’ rights bill, and I am supportive of this effort 100 percent.

What we don’t need is a bill such as Kennedy-McCain bill that exposes employers to unlimited liability and either eliminates that insurance or dramatically drives up the cost of that health insurance or perhaps being cut back or eliminated. Instead, I believe we should protect patients by ensuring access to needed treatment and specialists, by making sure each patient gets a review of insurance claims that may be denied, and above all, by ensuring that Americans who rely on their health care for health care will get this covered. I am confident we can reach these goals. However, the very fact that our leadership brought the Kennedy-McCain legislation directly to the floor, without proper committee action, violates the core of the Senate process.

I know my colleagues on the other side will waste no time in accusing me of delaying this bill. But the truth is, had the relevant committees been given an opportunity to consider Kennedy-McCain legislation in the first place, I would not be raising these objections. By bringing this bill directly
to the floor, the message seems to be very loud and clear that the new chairmen—meaning the people who just have become chairmen because of the Democrat majority in the Senate, and under new leadership—are somehow merely speed bumps on the road to the floor.

During my tenure as Finance chairman, Senator after Senator urged the committee process be upheld regarding tax legislation. I listened and I acted. I resisted pressure to bypass the Finance Committee as we considered the greatest tax relief bill in a generation. I forged a bipartisan coalition and a consensus, which I believe made it a much better bill. Ultimately, we were able to craft a bill that benefited from the support of a dozen Members from the Democrat side.

The Finance Committee has proven it can operate in a bipartisan fashion and craft good legislation in a timely manner. We are committed under this motion to legislation out of the Finance Committee in 14 days. The fact that the chairmanship of the committee has changed I do not believe will in any way affect our ability to work in a good, bipartisan manner. So I stand in support of Senator Kennedy as someone who has seen the importance of the committee process.

The Kennedy-McCain legislation treads on the Finance Committee jurisdiction in ways that are by no means trivial, so I will explain. The Kennedy-McCain bill reduces Federal revenues by $22.6 billion, something that should not only be done if that motion comes from the Senate Finance Committee. Nearly one-third of this revenue loss is offset by changes in programs within the jurisdiction of the Finance Committee. Section 502 of the bill before us extends customs user fees generating $7 billion in revenue over 8 years. You may recall when Congress first authorized customs user fees the avowed purpose was to help finance the cost of customs commercial operations and improvements. If these fees are to be extended—and I emphasize “if”—it should be done in the context of a customs reauthorization bill. This is clearly an issue under the jurisdiction of the Finance Committee.

Most of my colleagues know firsthand the financial pressures put on the Customs Service. From Montana to Delaware, Texas, and California, there is a dire need for funds to modernize the Customs Service. Yet the Kennedy-McCain legislation diverts money intended for customs and uses it to pay for this bill. This is not what Congress intended when it authorized these customs fees.

Before authorizing the collection of $7 billion in customs user fees, it seems to me the full Finance Committee should have an opportunity to carefully review, carefully analyze, and of course debate the implications of this move on the future of the Customs Service and customs modernization.

Anybody who has been through customs knows how much time is wasted there, how much gets by the customs officials because they do not have the electronic and technical equipment that is necessary to do their job right, in a fashion that does not inhibit the free and easy transiting of American citizens into and out of our country.

In addition, section 503 of the Kennedy-McCain bill delays payments to Medicare providers, which generate $235 million to help offset the losses of this bill.

No. 1, customs fees; No. 2, delaying payments to Medicare providers to the tune of $235 million.

Let me remind my colleagues, when they hold their town meetings, invariably they have to have people from doctors’ offices, from hospital organizations, and from nursing homes already complaining, why doesn’t the Federal Government pay its bills on time? Why are they a cash cow, an open checkbook to the Federal Government while they are borrowing money at the local bank to keep their operation going because the Federal Government does not pay its bills on time?

It is ironic that while many of us are spending an important part of our time working to improve Medicare’s effectiveness and efficiency, this bill actually takes steps to exacerbate the frustrations so many providers already experience with delayed payments in Medicare. In section 307, in addition to the provisions of this bill go a long way to undermine the Finance Committee’s jurisdiction, not only on customs but also in the area of Medicare.

In this first action by new leadership, the committee system and the committee jurisdiction are being tossed aside. I have heard once or twice from the other side that the justification of this behavior is based on the patients’ rights debates in 1999. 2 years ago. There is continued talk about how the 1999 patients’ rights bills were rammed through this Senate by Republicans.

I want to say that is simply not the case. In 1999, the patients’ rights legislation underwent a series of hearings in the Health, Education, and Labor Committee, and ultimately there were 3 days of markup. Let me repeat: 3 days of markup in the Health, Education, Labor, and Pensions Committee. Only after the bill was reported out of committee was it then brought up.

Let me hammer down this point. There is no justification for the conduct we are having on this bill. It is a fact that the Kennedy-McCain bill before us today has never undergone the committee process that the 1999 Patients’ Bill of Rights did.

Finally, let me repeat that for those who argue that this is just a delaying tactic, they are simply wrong. The motion to commit instructs the Health, Education, Labor, and Pensions Committee on the one hand, and the Finance Committee on the other to report this legislation within 14 days. I repeat, if this bill had been handled properly through the committee in the first place, this motion would not have been necessary.

This motion is not about delaying; it is about ensuring that we have a good patients’ rights bill with bipartisan support that is subject to the merits of the committee process and that the jurisdictions of the Health, Education, Labor, and Pensions, and the Finance Committees are respected. In other words, it pursues a point of view I tried to raise on so much we are doing tax bill the floor in late May. As I managed that bill, I said I hoped the work of Senator Baucus, on the part of Democrats, and myself on the part of Republicans, would bring a bipartisan bill before this committee that would serve as somewhat of an example of not only what can be done in an evenly divided Senate to promote good public policy but to promote good public policy in a divided body. Obviously, it may be done in a bipartisan way.

We showed that it could be done in the largest tax bill to pass this body in 20 years. If we did it on taxes, surely we can do it on a Patients’ Bill of Rights. I know that not just the Finance Committee. It is my belief the Health, Education, Labor, and Pensions Committee can do that as well on their part, serving 100 Senators rather than having just a handful of people in this body decide the way the system ought to be thrust aside in the case of a Patients’ Bill of Rights, and bringing a bill directly to the floor of the Senate.

I have talked a lot about jurisdiction, but I want to talk about why I am raising these jurisdiction issues because that is a very important point.

For me, the question isn’t about inside baseball kind of topic like jurisdiction, which is necessarily important. But it is about two deeper issues that are even bigger than this bill.

I know the public watching this debate, as we are told, is pretty disturbed when they only hear about Members of the Senate talking about intra-institutional issues. That is what I have been talking about today to some extent. But on the other hand, I know the people of this country are interested in making sure that we protect patients’ rights when they are up against the insurance company and feel hopeless about the insurance company not giving them the proper treatment which they are entitled to. The proper treatment the doctor-patient relationship demands. People want to know that what we are doing is improving their life.

So I spend a little bit of time on intra-institutional procedure to say when we审议 the Health, Education, Labor, and Pensions Committee on the one hand, and the Finance Committee on the other hand, has something to do with drawing up a piece of legislation that will get these patients the protections to which they are entitled.

What I am talking about can be summed up in two related questions.
The first is: Why are we here? The second is: What is my specific role with respect to the people I serve in my State of Iowa and each Senator in their respective States in the larger national interest of seeing that patients are protected when they are up against an insurance company?

The first question gets at our role as Senators with respect not only to this bill but any legislation. The second refers to our role as committee Members.

So the first question: Why are we here?

Just like the other 99 Members of this body, I wake up every morning and thank the people of my State for the privilege of representing them here in the Senate. Every action I take is an effort to improve the lives of folks back home. Many times I improve it by reducing the role of the Federal Government in their lives. As a conservative, that is generally my preference. On the other hand, there are times that Federal legislation is needed to expand the Federal role to help on a particular problem. This is an example—the Patients’ Bill of Rights.

With respect to any legislation but not just this one, if I believe it helps folks back home, I am going to push as hard as I can to see that the legislation becomes law. There is no more satisfying event than seeing the fruits of our labor revealed in ways that changes the lives of real folks back home.

When I approach an idea and I think it is a good idea, my goal is to get it across the goal line. That is true with respect to this bill, the Patients’ Bill of Rights. I think at this particular point in history the American people want results, and particularly on this issue. They want less partisanship, more action, and more thoughtful debate. People in Iowa expect Republicans and Democrats to work together, and to work together in conjunction with the President of the United States to get things done. They expect us as their Senators to do the same thing.

Iowans expect us to refrain from playing partisan politics and to be serious legislators. I offer that as friendly political advice to many colleagues, particularly those on the other side of the aisle who seem to be visiting Iowa frequently these days. In fact, a surprising large number of Democrat Senators are coming to Iowa.

I approach the tax cut bill as a serious legislative effort. My goal was to work with Republicans and Democrats to get a bill out of the Finance Committee. With Senator Baucus’ support I did so. That bill improved President Bush’s basic proposal.

With respect to the particular policy areas that is the focus of the Patients’ Bill of Rights, I start off with a view of how I can make good public policy become law. That particular policy is the arena of Senator Kennedy on the one hand, and Senator Gregg on the other in the Health, Education, Labor, and Pensions Committee.

If my motion is agreed to, it is up to Senators Kennedy and Gregg to use the Health, Education, Labor, and Pensions Committee to process the bulk of this legislation and bring it to their committee. That is their call.

This legislation faces a potential Presidential veto. That potential Presidential veto doesn’t need to be there. It doesn’t need to be hanging over our head as a cloud as we work on legislation.

That is where the committee process is very important because maybe the product of the Health, Education, Labor, and Pensions Committee mark-up would not face a potential Presidential veto. Maybe some of the ambiguities that we have heard debated on the floor of the Senate this afternoon would be cleared up.

Does anyone really think that by following regular order and going through the committee process the bill before us would be in worse shape? Would we have better known the administration’s position if it had been tested by the committee? Would we be sitting here wondering where this bill might be going, as we have heard countless numbers of Senators talk about how we can work out a compromise?

Would we be hearing something more compelling from the bill’s advocates other than that anyone who opposes the bill is delaying this bill?

I guess one could argue that there is not much use in delaying a bill that the President is going to veto; that we ought to just quickly pass it.

With the proper preparation and the proper compromise—and the committee system is the place to do that—we could avoid a veto, and we should work to avoid a veto.

You can understand that the Finance Committee knows how to do this. Senator Baucus and I put a bill out, and we defeated all of the amendments to destroy it; developed the course of 3 days on the floor of this Senate. So it can be done right in committee.

I would like to go back to the question of why we are here in this particular shape.

I tell the folks in Iowa who sent me here that I am trying to get a Patients’ Bill of Rights that we will have signed; in other words, that doesn’t have a potential veto hanging over its head as the bill is going to day does. We would get a bill that would become law and provide them with real protections; most importantly, a bill to guarantee treatment for patients, not tribute for attorneys.

In my role process has impaired what could otherwise be a good product, a bipartisan, broadly supported Patients’ Bill of Rights.

But, once again, my motion defers to the exact language of the bill to the Members of the Health, Education, Labor, and Pensions Committee to resolve these issues. That is the place it should be done.

My second question: What is my specific role as a committee member?

My role is to best use my position as a senior Republican on the Finance Committee to protect and to promote policies that help Iowans and the Nation at large. I have a responsibility to advance and to protect policy interests within the jurisdiction of the Finance Committee.

There are policy implications in this legislation that are within the jurisdiction of my committee. These policies deal with three major subjects of the Finance Committee: trade, Medicare, and tax.

It is my responsibility to Iowans and also to my Finance Committee members and to Members of the Senate as a body to be vigilant on these Finance Committee matters. I cannot let these things slip by, nor should I let them slip by. That would be very easy to do. But it would also be very irresponsible.

My motion provides the Finance Committee with the opportunity to do its job on trade, Medicare, and healthcare-related tax issues. This bill affects each of these to some extent.

So I note that I am in a pretty good company when it comes to the value of the committee process.

I would like to refer to a couple quotes that illustrate the importance of my point that we should not bypass the relevant committees of jurisdiction. These quotes are from Senators who are very critical of the way the Senate acted by bypassing the Budget Committee on the budget resolution process a couple months ago.

I remind those Senators of some of their comments about the importance of going through the committee process in the Senate. These comments, as I said, were related to the budget. Now let me quote the new chairman of the Budget Committee, Senator Conrad. This is a quote from a couple months ago:

I think it would be a profound mistake for us to miss the chance to have the Budget Committee do what it was designed to do, which is to make the work of the larger body easier because of the concentration of efforts of the members of the committee on the responsibility they have.

I quote the distinguished Senator from West Virginia, the now-chairman of the Senate Appropriations Committee. He always shows great eloquence and devotion to this institution in his comments:

Why have we seen fit in our constitutional system to have committees? Why? If we are going to have committees, why let we have markups on bills and let Republicans and Democrats hammer it out, hammer out the measure on the anvil of free debate? Why does any chairman want to say to the committee, I am not going to have a markup, period?

These comments are relevant no matter whether Democrats or Republicans are in the majority in this body. My Motion of 3 weeks ago on the chairmanships and the majority of this body, the shoe is on the other foot. I will be curious to...
see whether these Members, and others who were so critical of the budget reso-

At the point of entry, the amount of money we spend on that, and the tech-

nology our customs employees have, has something to do with whether or not they can do their job right and protect us. The quality of the Customs Service affects us all. So those of us on the Finance Committee do not ap-

proach customs matters haphazardly.

As those of you who have traveled re-

cently know, customs systems mod-

ernization is a problem we have to tackle. If we are to extend the fee, we

should modernize the Customs Service. Customs fees should not be used to fi-

nance a Patients’ Bill of Rights.

The Health, Education, Labor, and

Pensions Committee has had no hear-
ings in Customs fees. There is a reason for that. The committee does not have

jurisdiction over the Customs Service. Yet here we are with a bill that has not

even been through the Health, Educa-
tion, Labor, and Pensions Com-
mittee, and that bill is offset by a rev-

uesource. The Finance Committee,

our Finance Committee. Any Finance

Committee member should be dis-
turbed with this usurpation of our ju-

risdiction. Any Finance Committee

member who supports this action has

failed in his or her role with respect to

an important Finance Committee mat-

ter.

The bottom line is, the Finance Com-
mittee, including all 20 of its members, has a duty to our constituents, and all

Americans, that the Customs Service

does not deal with in a faulty manner. To the degree that we

ignore this duty, we are being neg-

lent. Again, that is the main reason

for my motion: To let the committee

members do their job.

There is a second Finance Committee

policy item covered by my motion. This legislation moves the payment
date for certain Medicare providers by just one day. No big deal? Put it in its

context, Medicare is something we are talking about right now in the

Finance Committee. It is an important

topic, particularly because we want to
give a prescription drug program to

seniors under Medicare. Payment

structure and dates are important

questions that should be considered in

the context of Medicare policy, not as

some sort of an offset—which is the

word we use—for unrelated legislation,
because, in fact, this is an offset for an

unrelated subject, the Patients’ Bill of

Rights.

We ought not to mess with Medicare

this way. This bill, pulled from the cal-

endar by the majority leader, gets

around Senate rule XV. That rule pro-

vides a point of order if one committee

treads on the territory of another com-

mittee. The reason for the rule is to

allow committees, such as the Finance

Committee, with the expertise on a

subject, such as Medicare, to develop

the policy first.

Why would Senate leaders, who ex-

pect the Finance Committee, in a bi-
partisan way, to report out a prescrip-
tion drug bill for senior citizens con-
nected with the Medicare Program,

and, hopefully, with some dramatic

improvements in Medicare, expect us to
do that but not ask our advice on

changing the payment date for Medi-

care?

We ought to develop it within a pol-

icy context by the people on the com-

mittee who know how to do it and do it

right. Then again, as with trade, my

motion preserves the right of the Fi-
tune Committee to deal with Medi-

care. It would allow Finance Com-
mittee members to review the change

in Medicare provider payment dates and make judgments of whether such a
date change is sensible or not.

We have heard complaints from doctors, hospitals, and nursing homes that the Federal Gov-

ernment never makes Medicare pay-

ments timely. Our health providers al-

ready feel as though they are financing these premium tax cuts. I am not here to

oppose the health care-related tax cuts in the context of this legislation, and that is the tax policy

area. There are no Tax Code changes in this bill. The history of this legislation is an important element. The history

of this legislation is that an important element is greater health care afford-

ability and access. That objective has, in past legislation, been met through
tax incentives.

This bill’s principal sponsor, for in-

stance, the Senator from Arizona, Mr.

McCain, recognized the importance of these tax incentives in the debate of these late payments. This bill exacer-

bates that problem by creating further
delays. The Finance Committee under-

stands this problem. We will do it right

if it needs to be done. My motion sim-

ply asks the Finance Committee mem-

bers do the job they were appointed to

do by the 100 Members of the Senate.

Now I turn to the third Finance Com-
mittee policy area implicated by this

legislation, and that is the tax policy

area. There are no Tax Code changes in this bill. The history of this legislation is an important element. The history

of this legislation is that an important element is greater health care afford-

ability and access. That objective has, in past legislation, been met through
tax incentives.

Some might ask: Why, if I support health care-related tax cuts, did I op-

pose Senator Hutchinson’s amendment on self-employed insurance? Well, it is a very good question. I should be responsive to and answer

The answer is, most obviously, that

Senators Hutchinson and Bond have an excellent proposal, one I strongly sup-

port as a policy of their amendment. But let’s get back to the basis for the last week because the underlying bill is not a Finance Committee bill. In this case, the underlying bill is not a tax bill. So

the third reason for my motion is to

protect the Finance Committee with

its rightful opportunity, through its

tax-writing powers, to add a health care-related tax cut title to this legis-

lation.
If this bill had gone through our committee, that would have been done. Or if it hadn’t gone through our committee but we had had time, our committee would have voted out such an amendment, I am sure. There is no doubt in my mind that Senator Hutchinson’s amendment, along with a number of other good health care-related tax cuts, would be on the floor right now being debated as part of this package.

Once a motion let’s us do this legislation the right way, by letting the Finance Committee members do their job. From that standpoint, again, I stress the bipartisanship of the Senate Finance Committee.

At my urging Chairman Baucus agreed to consider a package of health care-related tax cuts in an upcoming Finance Committee markup. So even if my motion fails, we will be back on the Senate floor in the near future with a Florida. I am saying let’s just suppose hypothetically that Senator Lott, disturb all Members.

I have one last hypothetical. This time let’s talk about another sponsor of this bill. Let’s go back to Mr. McCain, the good Senator from Arizona, and his Commerce Committee. Under this hypothetical scenario, Senator Daschle, with Senator Baucus’s cooperation, would bring a bill to create a special form of tax credit bond for Amtrak. That issue has been before us before.

A part of that legislation pulled from the calendar, such as this bill, would suspend the Amtrak reforms. Under this legislation of Senator McCain’s Commerce Committee or, as I could say, the Presiding Officer, the Senator from South Carolina.

I hope these Senators would be angry and rightfully so. I would expect them to protect a policy important to the Commerce Committee. Amtrak reform is that policy and that subject. These Senators would not want an alteration of the Amtrak reforms railroaded through the Senate on an unrelated bill drafted over their heads. That, if their own committee, the Commerce Committee, I would suspect.

In both of these hypotheticals, the rights of committee members would be violated. These cases are not different than the cases before us of jurisdiction and sources of revenue from the Finance Committee being robbed without the consideration of the Finance Committee to fund a piece of legislation, the Patients’ Bill of Rights, coming out of the Health, Education, Labor, and Pensions Committee.

The two hypotheticals are disturbing because both involve dubious procedural and substantive policy decisions. Both hypotheticals short circuit important policy decisions and discussions.

A faulty process usually leads to faulty substance. So I have taken a long time to tell you what my motion is all about. It is about the faulty process that has ensnared this Patients’ Bill of Rights, which should otherwise move to the floor only after debate in the committee. And if it had gone through the committees, I believe it would move through the floor proceedings very expeditiously.

Mr. THOMPSON. Will the Senator yield for a question?

Mr. GRASSLEY. Yes.

Mr. THOMPSON. Let me make sure I understand the Senator. Ted has something we have been considering has not gone through the committee process this year; is that correct?

Mr. GRASSLEY. That is correct.

Mr. THOMPSON. The Senator mentioned the prerogatives of the committee. Having been a chairman, I understand what he is talking about. From the standpoint of patients and the Patients’ Bill of Rights, which we have been here discussing today and Friday in terms of who was covered and who was not, is that a process where employers had liability and when they did not, are these the kinds of things that get hashed out in committee?

Mr. GRASSLEY. Obviously. From the standpoint of the Health, Education, Labor, and Pensions Committee, these things were debated and hashed out in 1999 before the bill came to the Senate floor.

Mr. THOMPSON. But not this year.

Mr. GRASSLEY. Not this year.

Mr. THOMPSON. In 1999, were there any liability provisions in that bill? I don’t believe there were any liability provisions in that bill.

Mr. GRASSLEY. Right, because I think there was due consideration to the tradeoff between the people who don’t have insurance now—42 million people—and the people who do have insurance through self-employed plans, and that there was within the committee a real concern about whether or not those employers might drop their insurance—not that we are concerned about the employer, but we are concerned about the employee if they are not going to have health insurance.

Mr. THOMPSON. What I am trying to get at is, is it not true that the liability parts of these bills have not been referred to the Judiciary Committee?

Mr. GRASSLEY. That is absolutely right. I thought the Senator was talking about the Finance, the Education, Labor, and Pensions Committee. These would also be within their jurisdiction.

Mr. THOMPSON. Not only has the Finance Committee not had a chance to consider their portion, the Judiciary Committee has not had the opportunity to consider the liability portion, which is so controversial. We are hashing out right now what this thick bill means regarding liability. It has never been in the appropriate committee to go through the natural, normal committee process on a bill of this importance; is that correct?

Mr. GRASSLEY. Yes. I am a member of the Judiciary Committee, and we would look at these things and give them the due consideration they ought to have. I know the Senator from Tennessee has served on the Judiciary Committee and he knows that is a very important part of our work.

I thank the Senator from Tennessee for bringing those points to us because he reminds me that not only has it not been considered by the Health, Education, Labor, and Pensions Committee, which I have been talking about, and the Finance Committee, but also a third committee should have considered perhaps the most controversial part of this legislation before us, and that has not had the due consideration that important changes in law and liability ought to have in this Chamber.

I am just about done. I have spoken now for a long time on my motion to commit to the respective committees. I guess I am being reminded my motion to commit is to the Health, Education, Labor, and Pensions Committee on the one hand and to the Finance Committee on the other. Maybe my motion
should be broadened—although I am not going to do that at this point—to the point of the Judiciary Committee taking a look at the liability provisions as well.

A vote for the motion to continue would allow this bill into the next Congress. It lets members of these committees do the job that we were sent here to do. The Health, Education, Labor, and Pensions Committee and the Finance Committee have a great track record in this Congress. They will continue to do so, and through the relevant committees will only improve it and ultimately make it a better law, and one that is not in any way subject to a potential—I predict, not subject to a potential veto threat, as the legislation now is.

After all, isn’t getting the job done, getting a good Patients’ Bill of Rights, what the people really want—a good law that is produced in a proper way, a bill that will guarantee treatment for patients, not a tribute for lawyers? I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, let me say a few words about the bill and tell a story about a patient in North Carolina, and we will have an amendment to offer. First of all, the entire purpose of this legislation is to change the law so that the law is on the side of patients and doctors instead of on the side of the big HMOs, where it has been for many years. We want health care decisions made by families who are affected by them, and by doctors and nurses who have the education and training to make those decisions. It is just that simple.

That is the reason we create the rights among all Americans with health insurance or HMO coverage to have more control over their health care decisions. That is what this is about. We want those rights to be enforceable because if they are not enforceable, they don’t mean anything. That is why we have specifically provided for access to specialists by families; access to clinical trials, if they need that; and being able to go to the emergency room directly without having to call the emergency room—to the emergency room—that is the last thing in the world any family ought to have to worry about before going to the emergency room—making sure they are going to an ORGYN as a primary care provider.

These rights are aimed at giving patients and families more control over health care decisions. We have all heard the horror stories of the many claims being denied by HMOs. That is what this bill is aimed at—putting the law on the side of the patients and on the side of the doctors.

In addition to these substantive rights, we have provisions that make those rights enforceable, so that they mean something. We have an internal review process. First of all, the HMO decides in the first instance whether they are going to cover a claim. If that is unsuccessful, then we have an internal review process within the HMO to get that decision reversed. So if a child is denied the care that child needs, then the family has somewhere to go. That is what most of the big insurance companies, big HMOs, big bureaucracies, under present law they can’t do anything. I say this to my colleagues who have been here.

Some say we need more time on this. That issue has been around for years now. Every day that we fail to enact legislation and have it signed by the President, there are thousands of people in this country who are being denied the care they need. This is what we need to do something about and stop talking about. It should not be a political issue.

Senator MCCAIN and I have bipartisan support, consensus support for our bill here in the Senate and in the House of Representatives. We have virtually every health care group and consumer group in America, including the American Medical Association, supporting our bill. People deal with these issues every day. Doctors get to see what is happening to their patients, and there are bureaucrats sitting behind desks 200 miles away, never having seen their patient, telling them what their patient needs. We have families all over this country who know that their child needs a test, but some bureaucrat five States away, sitting behind a desk somewhere, says they are not going to pay for it.

That is what this legislation is about—so that when people have health insurance and they have HMO coverage, it means something. If they get rejected arbitrarily and are treated unfairly and improperly by a big HMO, they would be in a more powerful, finally, to do something about it.

That is why we have an internal review process—to reverse the decision within the HMO—and then if that does not work, we have an independent third party review, a panel of doctors, who can come in and say, that is wrong—the doctor was right, the HMO was wrong—and order the treatment be provided.

None of these things exists today. Today, if a doctor orders a test for a 5-year-old child with cancer and if an HMO says, “We are not paying for it,” they are stuck; there is no internal review process; there is no external review process.

What chance does that family have against a huge insurance company? That is what this bill is about. It is about a very simple idea: that HMOs and insurance companies ought to be treated as everybody else; more importantly, putting the law finally back in the hands of the patients, families, and doctors so they can do something about a wrongful decision by an HMO or an insurance company. That is what this debate is about.

The HMOs have been trotting out every conceivable obstacle to some thing happening. Anybody who turns their television on will see the ads they are running right now, all these scare tactics and old rhetoric. They have been using it for years. They just want to do everything they can to keep their special status, their privileged status. They like the things the way they are. They do not want patients and families to have any power.

We are going to do something about it. We will tell you soon. The families, the children, the patients do not have lobbyists in Washington; they do not have millions of dollars to buy ads on television. They are counting on us to represent them. They are counting on us to do something for them. That is what this debate boils down to: You are either on the side of maintaining the big HMO special status or you are on the side of letting families, doctors, trained people, make health care decisions.

It is not an accident that the American Medical Association, hundreds of health care groups, doctors groups, and consumer groups support our bill. It is not an accident that most of the Senate Republicans support our bill. It is not an accident that most of the House of Representatives supports our bill.

There is a consensus in this country that something needs to be done. What makes us and are trying to make sure that we get past all the old rhetoric, all the old scare tactics, all the propaganda that is put out by the HMOs. They have huge resources and their voice is heard loudly and clearly in this debate.

Our responsibility is to make sure the voices of the families of this country who do not have big money, who do not have anybody lobbying for them in Washington, are being heard. That is what this is about. Stalemate and nothing occurring is exactly what the HMOs want. That is the easiest result. We have to overcome that. We have to overcome their rhetoric. We have to overcome these obstacles because we are fighting for the children and families. We have to make sure our families have the power, the obligation, the right to make their own health care decisions.

Today I want to talk about one such family. This is a young woman from Wilmington, NC. Her photograph with her husband is behind me. Her name is Terri Seargent. She suffers from a fatal genetic disorder known as alpha one. Alpha one keeps Terri’s liver and lungs from working properly. Her body is not able to fight off viruses or pollutants in the environment, and if it is left untreated,Alpha one eventually destroys the lungs and causes the patient to die. Terri is still fighting this disease, but she is at the point where she only has 43 percent lung capacity.

Today I want to speak about one family who is not just fighting this serious disease; she is also fighting her HMO. Ever since she was diagnosed with alpha one, she has been treated by specialists who put her on medication to keep her lungs working as well as they can, to keep her from getting worse. With that medication, she is able to lead a fairly normal life even though she has a serious problem.
Mr. EDWARDS. Yes.

Mr. REID. The Senator has done a great job of explaining how important this bill is to patients, but it is also important to doctors. If the Senator will allow me to read a letter I received from a doctor who is responsible for taking care of this patient—

Mr. EDWARDS. That is absolutely a fair statement. When I have town hall meetings in North Carolina, we often have physicians show up and share horror stories, including ordering care for patients, with some clerk sitting behind a desk 300 miles away reversing it and overruling a doctor with many years of education and training because they thought they knew better; there was no way they would pay for that particular care.

Mr. REID. Dr. Nemec stated this is one of many cases. He could write me letters on case after case, but he wanted me to indicate he feels this is just the tip of the iceberg. For example, this lovely woman, pictured behind me, to know when she pays for her insurance for years, when it comes time she needs help, that help will not be there.

I want the Senator to know how much I appreciate the work the Senator is doing, spending weeks of his time working with Senator McCain, coming up with legislation that allows the Frank Nemecs of the world to give proper care to patients and will allow people such as this lovely woman, pictured behind me, to know when she pays for her insurance for years, when it comes time she needs help, that help will be there.

I want the Senator to know how much I appreciate what is being done. Not only do I appreciate it but so do the people of the State of Nevada. Hundreds of organizations all over the country have contacted us. I have read into the RECORD already, and I will continue reading when we have time on the floor, the names of the entities that support the work done by the Senator from North Carolina to ensure that patients are there a short period of time. The impact he has made and the impact he will make adding his name to this legislation will give people hope for generations to come. I appreciate the Senator’s work.

Mr. EDWARDS. I thank the Senator for his comments.

I point out, as the Senator well knows, the American Medical Association strongly supports our legislation. Having met with them many times about this issue, they want their doctors to be able to provide the quality care they need to provide to their patients. It is a simple thing from their perspective. For health care providers, doctors and nurses, this is not a money issue. This is not an issue of what their earnings or salaries will be. This is purely an issue of whether they are going to be able to provide the care they have been educated and trained to provide. That is what this is about. They are committed to doing something.
Every day their members all over this country see in their offices patients who need treatment, who need care, who are being arbitrarily denied by people far away who have never seen them, who have no idea what they need.

The horror stories go on and on. We have a young man in North Carolina who is severely sick. They quit paying for his oxygen. We had a young boy with cerebral palsy who needed physical therapy and other therapies on a daily basis and they said it would not do any good; they were not paying. The stories go on and on and on.

With respect to our colleagues on both sides of the aisle, we will work our way through the intricacies of this legislation, whether the issue of exhaustion of administrative remedies, legal terms that may not mean a lot to the American people, we will work our way through those issues and find a bipartisan way to get that done.

What we shouldn’t do is leave the Senate without having done something about this issue. The issue has been around for years and has been fought vigorously by the HMOs. We have a response, the failure of this country to have more control over their health care decisions. That is what this debate is about. Hopefully, by the time we finish this debate, whether this week or next week or the following week, however long it takes—and I believe Senator Daschle indicated he is willing to stay as long as we have to—we will be able to walk out of here and be proud of what we have done in giving families, doctors, and patients more control over their health care decisions. That is what this debate is about. Hopefully, by the time we finish this debate, whether this week or next week or the following week, however long it takes—and I believe Senator Daschle indicated he is willing to stay as long as we have to—we will be able to walk out of here and be proud of what we have done in giving families, doctors, and patients more control over their health care decisions and the power to do something when they have been treated improperly. That is what this is about.

**AMENDMENT NO. 812**

Mr. President, pursuant to the previous order, I call up the amendment at the desk by Senator McCain and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. Edwards] (for Mr. McCain (for himself and Mr. Edwards)) proposes an amendment numbered 812.

Mr. EDWARDS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the Sense of the Senate with regard to the selection of independent review organizations)

At the appropriate place, insert the following:

**SEC. 5. SENSE OF THE SENATE REGARDING FAIR REVIEW PROCESS**

(a) FINDINGS.—The Senate finds the following:

(1) A fair, timely, impartial independent external appeals process is essential to any meaningful program of patient protection. (2) The independence and objectivity of the review organization and review process must be ensured.

(3) It is incompatible with a fair and independent appeals process to allow a health maintenance organization to select the review organization that is entrusted with providing a neutral and unbiased medical review.

(4) The American Arbitration Association and arbitration standards adopted under chapter 44 of title 28, United States Code (28 U.S.C. 651 et seq.) both prohibit, as inherently unfair, the right of one party to a dispute to choose the judge in that dispute.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) every patient who is denied care by a health maintenance organization or other health insurance company should be entitled to a fair, speedy, impartial appeal to a review organization that has not been selected by the health plan;

(2) the States should be empowered to maintain and develop the appropriate process for selection of the independent external review entity; and

(3) a child battling a rare cancer whose health maintenance organization has denied a covered treatment recommended by its physician should be entitled to a fair and impartial external appeal to a review organization that has not been chosen by the organization or plan that has denied the care; and

(4) patient protection legislation should not pre-empt existing State laws in States where there already are strong laws in place regarding the selection of independent review organizations.

Mr. EDWARDS. We have talked about the need for an independent review once there is an internal review and the HMO or insurance company denies the claim, to be able to go to a truly impartial panel to get the case decided and the decision reversed if a wrongful decision has been made. This sense-of-the-Senate amendment simply provides we all believe that review panel needs to be truly independent in that the HMO and the insurance company should not be able to appoint the members of that panel nor have control over who goes on that panel.

We will debate this amendment tomorrow, but its underlying purpose is to support the view that I think a majority of the Senate, maybe the vast majority, supports, which is if you are going to have an independent review by a panel of health care providers or doctors, that panel needs to be truly independent, not connected to the HMO, not connected to the insurance company, and also not connected to the patient or the doctor involved, so you have a fair and impartial group to decide whether the claim or treatment should be paid.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I was listening to the description of the sense of the Senate and I wish to compliment my colleague from North Carolina for introducing it. It is extremely important in the administrative processes that the procedures we set up are guaranteed to be qualified and guaranteed to be independent. This bill goes a long way towards doing that. Obviously, I have some problems with this bill. With regard to the provision setting forth these independent entities, the qualified external review entity is established. That means when we have these cases where there is an issue as to whether or not there is coverage, it is the independent person who decides.

We hear about a lot of terrible cases. We get letters from people. We talk to people when we go back home. We hear about people who are sick; in some cases there is absolutely nothing anybody can do, and certainly we hear about people who have terrible accidents. We hear about people who are victims of crimes. We hear about a lot of misfortune. But, in the health care area, we have a system in this country where people can get insured for a lot of things. The deal is, your employer provides this for you. The deal is, your wages are affected by it, of course. The deal is, we are going to provide you insurance to cover certain things in exchange for a premium that the employer is going to pay.

If you cover absolutely anything, and you have a contract—which has never been drafted—that says whatever happens to you, however you get sick, however much it costs, however serious your injuries are, we are going to cover you, no questions asked—the premium for that would be astronomical. Nobody could afford that. It is unfathomable. It doesn’t make any sense. It doesn’t make that person any less deserving. But that is just the way it is.

We got into managed care because we, in this body, encouraged the creation of these HMOs which for that wasn’t because we liked HMOs. The reason was that health care costs were becoming astronomical and people were losing their health care. As tragic as these stories are, they would have been just as tragic had their employers never bought the health insurance. There would not be any dispute over whether or not there was coverage. This would not even be a policy to start with. That would not help the poor people.

So we have a system where certain things are covered for a certain premium. In a free market, those things work out. If somebody is messing up on one side, the other side will take care of it. That is the way the system works. As I say, if you are going to have a system where the Federal Government says that, regardless of whatever the claim is, it has to be paid, you have a system that nobody has suggested that. I wonder why no one has suggested that. Our hearts go out to people because of these stories. Our hearts go out for all these sick people. Why don’t we just say the Federal Government says that, and we will either take care of that or we will make an insurance company take care of whoever is sick for whatever reason? It is a nationalized health care system. You can debate that. You could argue on behalf of that.

Nobody is suggesting that. Why not? Because we do not want to take care of
these people? Of course not. It is because we know the effects of that. Because for everything we do, for which we can make a case, to help people and give rights and give benefits and make other parts of our society give third parties certain rights and benefits so the Federal Government doesn’t have to do—it—we make other citizens, other companies, do it for us—we can do all that, but there are always effects from that. We were elected to do that and try to balance it and try to come up with something that is reasonable. Not something that will come up and cover every hypothetical case that may ever come about, because that cannot be done, but something that will reasonably balance the coverage we want people to have, I want my family to have, something the average person can afford, something the average small employer can afford. Otherwise, they are not going to buy any insurance at all. They are just getting to the point that there are some cases, where coverage is at issue, in which everybody is operating in good faith. It is not a matter of the big guy and little guy and the big guy is always wrong and the little guy is always right. It is a matter of reasonable people sitting down and having a consideration, discussion, and sometimes a disagreement as to whether or not a particular procedure is medically appropriate.

Honest people disagree about all the time, whether or not a particular procedure is experimental or not. If a policy covered all kinds of experimental things that we did not think would help you—there is a 99 percent chance it is not going to help you, but it is experimental; we can spend $1 million to see what it is; policies just don’t cover that—prices would be astronomical. Nobody could afford that. So you get into the question, Is it a medical thing? Is it an experimental thing?

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that time. The whole Nation did. This body considered that bill. This body decided not to go in that direction because in many people’s minds it was a nationalizing of our health care system; that as much as we have instances sometimes when things fall through the cracks, on the whole, people do not fly to England in order to get their medical coverage. The rich people of the world fly here. We have the best overall medical system in the world.

We decided not to go in that direction because there are certain circumstances where you could sometimes find victims of circumstance and sometimes find victims of greed.

We have also heard that our health care system is very complicated. I will tell you, I do not think our system is complicated. I think we are moving a piece of legislation that is going to complicate it.

Since the introduction of Medicare and Medicaid, it has grown more complicated all the time. If one thinks HMOs are hard to deal with, I am wondering if anybody has had the opportunity to deal with HCFA lately. Just try to get some things done for an employer. You never get a response. They do not return your phone calls. I can see anything in the three proposals right now that deals with the real and perceived problems with private insurance plans or HMOs.

We have advertising that is on every radio station in this town. They have lots of facts, some of which are a little misleading. Patients’ rights are assured to those who are covered by HMOs and insurance plans now, but it seems to me where the dispute begins was in the insurer not understanding what he or she was buying or what the specific coverages were to which they thought they were entitled.

I am not going to stand here and defend the HMOs or the insurance companies, but what has happened to the industry is making them more cautious about the kinds of contracts they issue. And again, with the consumer, as in all areas of the American way, the buyer has to be concerned. It has already happened before—the insurance companies were gamed and abused, insurance companies and HMOs became more precise in the offering of their coverages; in other words, the fine print became even finer and smaller. Patients have rights, but not for compensation for specific health care problems that are clearly exempted from coverage.

So what I am saying is, when you are buying something, buyer beware. Again, with regard to this problem of companies being driven to that kind of a situation, how far they can go, and how far they will go, we do not know. We do not know how much they can stand.

A Patients’ Bill of Rights is nothing new for me. In 1994, after my distinguished colleague from Minnesota, Senator WELLSTONE, we had a Patient Protection Act. The goal of that bill was to assure fairness and choice to patients and providers under managed care health benefit plans. We still believe that is essential we ensure that managed care techniques and procedures protect patients and guarantee the integrity of the patient-physician...
relationship. Let me repeat that. We have to guarantee that the integrity of the relationship between the physician and the patient is protected. I am not without a physician in my family, and we talk quite frequently of these issues related to the Patients’ Bill of Rights and the problems she faces as she attempts to administer quality and necessary medical care to her patients. It is an area in which I am particularly interested.

I believe all Americans should have access to quality, affordable health care and to be able to select the health care plans of their choice. I support legislation that requires HMOs to be more responsive and accountable to their patients. We must ensure choice, quality, and access at all times.

I think it is fair to state we have reached general agreement over many of the consumer protection aspects of all three of these bills that have been presented to the Senate.

Now we are able to discuss the full range of treatment options to their patients. I continue to believe that gag clauses in health care provider contracts attack the heart of the doctor-patient relationship, and they eat into the medical factor in the healing process, and that is trust.

In addition, customers should be fully informed about the financial arrangements, if any, between their doctors and the insurers. Patients in need of emergency care must be free to go to the emergency room to receive the care they need, uninhibited.

Customers must be fully informed about the costs and limits of the coverage they buy, they should have complete information about treatment options, a complete list of the benefits and costs of each plan, a full choice of providers, and the insurers. Patients in need of care, or receive word that their plan will not pay, must have a right—through the legal system—to a fair, binding, and timely appeals process.

A great deal of debate has and will likely continue to center around this appeals process and how it is structured and having access to the courts. I believe access to the courts should be the last resort. First we should structure a fair, timely, credible, and independent appeals process.

Independent, qualified reviewers should be able to review upon the broadest and best possible medical guidelines when determining the care patients need that is covered under the contract. Physicians should be able to set the timeframe within which the treatment should be provided. When this process fails or is exhausted, then we should turn to the courts. In the cases where an HMO defies an order of the independent reviewers to provide a benefit—or acts in bad faith to delay making the necessary treatment available—and agrees the HMO should be liable. After all, no American should be denied access to our court and justice system, as it is a constitutional right.

On the other hand, we cannot let the practice of medicine be governed by the fear of lawsuits and, of course, trial lawyers. This will surely add to the cost of care. I am afraid that as the cost of obtaining care increases, so too will the number of uninsured. That is not good for my State of Montana. That is a price that no one can afford, especially small business. We do not have big companies in the State of Montana. We are a State with a lot of small businesses. Those employers are very careful of the action we are taking.

Any bill that passes this Congress cannot contain provisions which would make the employers liable when they have nothing to do with the decision made by their provider of medical coverage. I will tell you, trial lawyers are very imaginative. When they sue, no one is exempt. So our language has to be specific. I was struck that even though it has been shown in this Chamber that we are considering has that concern—where they say it doesn’t say one thing, but there it is in black and white—nobody has offered to change it and make it palatable to either side.

Any type of provision is extremely dangerous for any employer, whether it be a small Montana business with two employees or a larger employer such as a hospital or doctor’s office or clinic.

There are many native people who do not understand how imaginatively and broadly trial lawyers can interpret statutory provisions to include businesses as defendants in lawsuits when it was not the intention of the drafters of this legislation. To be very specific, I want to make sure that the innocent small businesses that are trying to provide much needed health care for their employees do not find themselves in court for their good intentions. I have always heard the old saying that no good deed goes unpunished.

Twenty percent of Montanans currently lack health coverage. I don’t want to see that number rise either. We cannot add to that number. I cannot support provisions which would threaten to do so. As a practical matter, it seems unreasonable to potentially give one or two people and their lawyers millions of dollars in punitive damages and as a consequence destroy thousands the ability to obtain health insurance coverage. It just doesn’t make a lot of sense.

For many the greatest obstacle we face in health care today in this country is the cost of insurance. It is not that we don’t want it; we can’t afford it. What is driving those costs? It is not the person who tries to take care of themselves. It is the coverage of some extraneous programs or plans that drives the cost.

Since way back in 1993 and 1994, we have been talking about health care. We want three things when it comes to health care in this country: We want top quality, which we have; we want it fast; we want it low cost. If one would think just for a little bit, we can only have two of the three.

I believe we ought to start looking at the best way we can control costs and make health care more accessible and affordable to those who need it.

My primary and overriding concern is the Patients’ Bill of Rights is indeed in the best interest of all my folks in Montana and all Americans. I am deeply concerned about those thousands of hard-working folks who are self-employed or employed by small businesses throughout my wonderful State. These people desperately need our protection. I do not want to act in haste or irresponsibly, jeopardizing their present health coverage by higher premium costs.

I, therefore, will support a bill that will assure the maximum patient protection to all and ensure that patients get the health care they need when they need it.

I absolutely agree that a real Patients’ Bill of Rights needs to be enacted as soon as possible. These are complex issues. We have come a long way. I am confident we will be able to arrive at a fair and reasonable bill in the very near future.

I want to look at just exactly what we can do because in this piece of legislation, there could be—and probably will be some unintended consequences, as there always is when we pass major legislation.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Madam President, we have heard a number of statements over the past week about what is wrong with this legislation that is now before the Senate.

One of the arguments that has been made is that the real purpose behind this legislation is to create socialized medicine in America, that is, the real purpose. That is why this bipartisan bill was introduced, so that we would have socialized medicine in America. The purpose was to drive all the employers out of insuring their employees.

That argument didn’t last very long because it was so fallacious on its face.

Then there was a statement that this was all about lawyers, that there would be thousands of new lawsuits. Well, we looked at a couple of States where they did something comparable to what we want to pass.

Senator MILLER from Georgia came to the floor and said: I don’t know what they are talking about. In Georgia, since we have had a Patients’ Bill of Rights, there has not been a single lawsuit.

In Texas the law has been in effect for over 4 years, even though Governor Bush—now President Bush—vetoed that. In 4 years there have been 17 lawsuits. So they dropped that debate. I will not longer debate that issue.

Then they spent some time on States rights: What was being attempted in this bipartisan legislation is to take
away the rights of States to settle their own problems. Example after example was brought to the attention of the Senate that was simply not true, but they wouldn’t let up on that. They said: Well, we think all lawsuits in this matter are solved in Federal court.

We knew that wasn’t the right way to go because people should be able to go to court in the place where they live. Again, Senator MILLER from Georgia said that out very clearly. Why should someone have to travel hundreds of thousands of miles to file a lawsuit when they can do it in their own community? Senator ZELL MILLER of Georgia really put this debate on the right track. After Senator MILLER spoke, they dropped that ‘let’s use the Federal court for all of our litigation.’

This boils down to a very simple proposition. Why should HMOs be treated differently than anyone else in America except foreign diplomats? As a result of our Constitution, foreign diplomats cannot be sued. HMOs are a result of our Constitution, foreign diplomats cannot be sued. HMOs are not in our Constitution. They should be treated no differently than anyone else. Why in America should there be the abnormal situation that the only people who can’t be sued are foreign diplomats and HMOs?

There are a number of suggestions floating around here. In fact, one of the sponsors, Senator FRIST of Tennessee, said:

The Patients’ Bill of Rights leans toward protecting trial lawyers, not toward protecting patients.

President Bush said, when he was running for President:

If I am the President, people will be able to take their HMO insurance company to court. He said this on October 17 of last year.

Fact: As a candidate George Bush promised voters their insurance companies would be held accountable.

Fact: A news report took credit for a law that allowed Texans to sue their insurance companies in State court even through he vetoed that. Now his administration is saying that holding HMOs accountable in State court is a terrible idea. He can’t have it both ways.

Another of the fixes on this legislation that is being passed around, again, by the Senator from Tennessee, Mr. FRIST: “You sue employers under this bill.”

What the President has said in February of this year: “Only employers who retain responsibility for and make final medical decisions shall be subject to suit.”

That sounds reasonable. That is what the McCain-Edwards bill does.

Fact: The McCain-Edwards legislation does not authorize a cause of action against an employer. In short, employers are protected from lawsuits relating to harm caused by an insurance company.

Another fix, again by the Senator who is sponsoring the other bill, Mr. FRIST. His statement: “Their bill will drive people to the ranks of the uninsured.”

That is the socialized medicine argument. Here is what the Census Bureau said: “After Texas enacted a patients right law, the number of uninsured in the State actually decreased.”

This is the Census Bureau.

Fact: 2 years after the State of Texas gave Texans the right to sue HMOs in State court, the ranks of the uninsured in the State of Texas actually decreased.

George W. Bush, in October of 2000:

I support a National Patients’ Bill of Rights and I want all people covered.

One of the fictions stated here by my colleague, the Republican whip, the Senator from Oklahoma, was:

The United States will be considering a bill which could preempt some of the good work States have done in the States to protect patients.

That is fiction. Here are the facts:
The McCain-Edwards legislation provides a Federal floor for patient protections, not a ceiling. Stronger unrelated patient protections enacted by the States would remain untouched by this bill.

The other argument they have used—and I touched on this before—is that this is so expensive and how could you possibly ask people to pay for this exorbitant cost that is going to be created by this legislation? The Congressional Budget Office says:

Real patient protection costs about 37 cents more than the GOP-backed Frist legislation.

Not hundreds of thousands or millions or billions but 37 cents.

Senator FRIST:

We know this is going to drive up the cost of health care premiums.

He is right, 37 cents. But last year—the facts are that last year insurers increased premiums by an average of 8.3 percent, 10 times the 1-year cost of this legislation. So it is no wonder that 85 percent of the American public support the Patients’ Bill of rights. That is why in a movie—when you hear HMO in a movie, people sneer and shout out in derision.

The Patients’ Bill of rights is something we must do. The majority leader has said we are going to finish this legislation before we have the Fourth of July break. Why? Because as the Senator from North Carolina indicated, every day that goes by, there is more grief and pain to patients and doctors because the doctors can’t render the care they believe is appropriate for patients. Every day we wait is a day people will be harmed as a result of our not passing this legislation.

Madam President, I read into the RECORD hundreds of names of organizations that support this legislation. The time is late and I am not going to do that tonight. From time to time, I am going to read the names of organizations supporting this legislation. I already read in the names of hundreds. I would start tonight with the D’s. It would take a long time because the organizations that support this legislation that have the name “family” connected with them goes for five pages.

Literally, our bipartisan Patients’ Bill of Rights is supported by hundreds and hundreds of organizations. I hope you will find confidence in us as legislators, Democrats and Republicans—pass this legislation soon because the sooner we do it, the better off America is.

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. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGENT ORANGE ACT OF 1991

Mr. DASCHLE. Madam President, I would like to call attention to the introduction of S. 1091, our bipartisan legislation to update and expand the Agent Orange Act of 1991.

These changes, and my other ongoing Agent Orange work, are necessitated by our imperfect understanding of how dioxin affects the human body.

As many of my colleagues know, dioxin is the toxic ingredient in Agent Orange, 11 million gallons of which were sprayed over Vietnam during the war on trillions of pounds of crops. One of the most toxic substances known to man, and this country dropped more on Vietnam than has ever been released into the environment, anywhere in the world. S. 1091 is another effort, more than 25 years after the war’s end, to deal with the wounds of, and determine the extent of the injury to, our own soldiers.

As an example of how our knowledge of dioxin is evolving, I would point to a provision in S. 1091 that would remove all deadlines for veterans to claim disability benefits for respiratory cancer. This provision stems from a recent report by the National Academy of Sciences, which pointed out that there is no scientific basis for the deadline contained in current law—a deadline that effectively blocks benefits for a veteran whose cancer develops 30 years after Agent Orange exposure. The Academy finds no evidence that the risk diminishes with the passage of time.

And as scientists learn more about Agent Orange, we must continue to ensure that veterans benefits are updated accordingly. The current mechanism
for continuous updating, established in the 1991 Agent Orange Act, has proven to work well, but it expires soon. The two-step process begins with a biennial review of new dioxin research, via a scientific panel organized by the National Academy of Sciences. Next, the Secretary of Veterans Affairs must respond to the report and recommend the addition of new diseases and conditions as appropriate. S. 1091 would extend the process until 2012.

Recently, this process has brought diseases on the Agent Orange presumptive disability list, which means that if a veteran was exposed to Agent Orange, the veteran’s diseases is presumed to be connected to his or her military service. Previous Academy reports have linked Agent Orange exposure to serious conditions such as prostate cancer, respiratory cancer, the disfiguring skin disease chloracne, soft-tissue sarcoma, the lymphatic system cancers known as Hodgkin’s disease and non-Hodgkin’s lymphoma, porphyria cutanea tarda, multiple myeloma, and subacute peripheral neuropathy.

I am proud to be a cosponsor of S. 1091, along with the chair and ranking member of our Veterans’ Affairs Committee. Many thanks to Senators Brock-Feller and Specter for their hard work on this measure and their interest in Vietnam veterans, their families, and others who live with the diseases, conditions, and uncertainty created by exposure to dioxin.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam 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 December 1, 1991 in Staten Island, New York. An attacker called 50-year-old Frank Kovarik “fag” before striking him repeatedly with a baseball bat, breaking his right leg, fracturing his right leg, breaking a kneecap and wrist, and causing a concussion. The attacker and an accomplice also stole $400 and the keys to Kovarik’s car.

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.

INVESTING IN COMMUNITIES DAY

Mr. DASCHLE. Madam President, the vast majority of cities throughout our Nation are small cities, many of which are fewer than 50,000 people. It is in these communities that our Nation’s citizens nurture their families, develop their work ethic, cultivate their values, and live with their neighbors. Millions of Americans live better lives because small cities provide services and programs that meet the needs of their citizens. Small cities cannot meet these needs alone.

Businesses, civic organizations and citizens across the Nation continue to develop partnerships in an effort to improve the quality of life in their communities. We must, too, must continue to be a good partner by supporting important efforts, such as the COPS program, Community Development Block grants, disaster assistance and infrastructure assistance, that enable small communities to become better places in which to live.

The National League of Cities has designated this day, June 22, 2001, as National Small Cities “Investing in Communities Day” in an effort to highlight the federal, state, and local governments work together. We must continue that work and look for ways to improve our communities through continued cooperative efforts.

I join the National League of Cities and the Small Cities Council in encouraging President Bush, my congressional colleagues, State governments, community organizations, businesses and citizens to recognize this event, honor the efforts of “small town America,” and recommit to work together on this day and in the future to improve the lives of all citizens throughout the Nation.

DEPUTY UNITED STATES MARSHAL PETER P. HILLMAN

Mr. WYDEN. Madam President, I rise today to pay tribute to a fallen American hero: Deputy United States Marshal Peter P. Hillman.

Deputy Hillman was tragically killed in the line of duty 1 year ago when the van he was driving was hit by a truck, killing Deputy Hillman and the three prisoners he was transporting. Deputy Hillman’s defensive driving actions during that terrible incident helped save the life of a U.S. Marshals Service guard traveling with him that afternoon.

The U.S. Marshals Service and Oregon experienced a great loss with the death of Deputy Hillman. His 14-year U.S. Marshals Service career began in 1986 in San Jose, California. He later transferred to the Eastern District of California in Fresno. It was there that he was given the nickname “The Hillmanator” for his relentless efforts in apprehending narcotics fugitives.

Whether his duties entailed lending a hand by providing security at a high-threat trial in Montana or at the Olympic Games in Atlanta, Georgia, he gave his all in everything he did. Deputy Hillman was a dedicated and courageous man with an enthusiasm for life. His name is now engraved on the Marshals Service’s “Roll Call of Honor,” along with nearly 200 other dedicated and brave individuals who have served a standard of excellence.

Today is the anniversary of Deputy Hillman’s death, so I would like to take this opportunity to express my sorrow to the family of Deputy Marshal Hillman on July 1, 2001, having been appointed, I want them to know he has not been forgotten.

I ask my colleagues to join me today in expressing gratitude to the family of Deputy U.S. Marshal Peter Hillman for his service to our country. Displaying valor in both his life and his work, Deputy Marshal Hillman is a tribute to this great nation.

ADDITIONAL STATEMENTS

TRIBUTE TO CAPTAIN RICHARD F. WALSH, UNITED STATES NAVY

Mr. WARNER. Mr. President, I rise today to recognize and pay tribute to Captain Richard F. Walsh, Judge Advocate General’s Corp, United States Navy. Captain Walsh will retire from the Navy on July 1, 2001, having completed a distinguished 30-year career of service to our Nation.

Captain Walsh was born in New York City, and is a graduate of the United States Naval Academy and the University of Virginia School of Law. He also earned a Master of Laws degree from the Judge Advocate General’s School of the Army.

During his military career, Captain Walsh excelled at all facets of his chosen professions of law and naval service. As a line officer, he served as Combat Information Center Officer onboard USS LUCE (DLG-7), completing two U.S. Sixth Fleet deployments, and qualifying as a Surface Warfare Officer.

As a Judge advocate, Captain Walsh has served in a variety of challenging assignments. As the senior litigator at Naval Legal Service Office, Subic Bay, Republic of the Philippines, Captain Walsh faithfully preserved the fairness of the military justice system. Later in his career, he returned to the courtroom as a member of the General Litigation Division, Office of Judge Advocate General, and argued many important cases in numerous Federal Circuits. As a staff judge advocate, he provided legal counsel to SEABEE Commanding Officers stationed in Gulfport, Mississippi, and was later selected to serve as Counsel to the Chief of Naval Personnel. A superb manager of people and mission, Captain Walsh headed the JAG Corps accession program and later assumed responsibility of Naval Legal Service Office, National Capital Region, where he continued to lead and inspire young judge advocates.
I am sure that many of my colleagues remember and appreciate Captain Walsh's service as Director of Legislation in the Navy's Office of Legislative Affairs, followed by his tour of duty as Executive Director for Senate Affairs under the Assistant Secretary of Defense for Legislative Affairs. During these assignments, he directly contributed to clear and concise communication between Congress and the Departments of the Navy and Defense on a broad range of legislative matters. So noteworthy are his talents, knowledge, and integrity, that Captain Walsh has been chosen to serve on the staff of the Senate Armed Services Committee. The Navy's loss is certainly the Senate's gain, and we look forward to working with Dick Walsh for many years to come.

The Nation, the United States Navy, and the Judge Advocate General's Corps have been made better through his military career, and we welcome him.

Richard F. Walsh. I know all of my colleagues join me in congratulating Dick on the completion of his outstanding military career, and we welcome him to the Senate staff.

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. THOMPSON:
S. 1049. A bill to amend title 38, United States Code, to restore promised GI Bill educational benefits to Vietnam era veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. COLLINS (for herself and Ms. LANDREI):
S. 1096. A bill to eliminate the requirement that certain beneficiaries under chapter 55 of title 10, United States Code, obtain a nonavailability-of-health-care statement with respect to obstetrics and gynecological care related to a pregnancy; to the Committee on Armed Services.

By Mr. THOMPSON (for himself and Mr. PRIET):
S. 1097. A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VOINOVICH (for himself, Mr. BIDEN, Mr. D'ININ, and Mr. HARKIN):
S. Res. 25. A resolution congratulating the Republic of Slovenia on its tenth anniversary of independence; considered and agreed to.

ADDITIONAL COSPONSORS

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of annual screening pap smear and screening pelvic exams.

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDREI) was added as a cosponsor of S. 838, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

At the request of Mr. WELLSTONE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 887, a bill to amend the Torture Victims Relief Act of 1988 to authorize appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture.

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. LIBERMAN), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of all oral anticancer drugs.

At the request of Mrs. HUTCHISON, the names of the Senator from Nevada (Mr. BINGAMAN), the Senator from Utah (Mr. JOHNSON) was added as a co-sponsor of S. 940, a bill to leave no child behind.

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a co-sponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

At the request of Ms. SPECTER, the names of the Senator from South Dakota (Mr. THURSTON) and the Senator from Nebraska (Mr. RIEDEL) was added as a co-sponsor of S. 949, a bill to reduce the use of flame retardants.

At the request of Mr. KENNEDY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1019, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the use of certain pesticides.

At the request of Mr. REID, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1030, a bill to improve the safety and efficacy of pharmaceuticals for children.

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1097, a bill to provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical data, and to maintain records, and for other purposes.
STATMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Ms. LANDRIEU).

S. 1096. A bill to eliminate the requirement that certain covered beneficiaries under chapter 55 of title 10, United States Code, obtain a nonavailability-of-health-care statement with respect to obstetrics and gynecological care related to a pregnancy, and for other purposes.

S. 1094. A bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. Con. Res. 53. A resolution encouraging the development and use of sustainable renewable energy sources in sub-Saharan Africa.

S. Con. Res. 43. A resolution designating the month of April as "National Sexual Assault Awareness Month."

S. Con. Res. 37. A resolution designating the month of April as "National Sexual Assault Awareness Month."

S. Con. Res. 41. A concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States military vehicles access to its domestic market.

S. Con. Res. 53. A concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

At the request of Mr. Voinovich, the names of the Senator from Ohio (Mr. DeWine) and the Senator from Oklahoma (Mr. Inhofe) were added as co-sponsors of S. Con. Res. 53, concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

At the request of Mr. Leahy, the name of the Senator from Wisconsin (Mr. Feingold) was added as a co-sponsor of S. Con. Res. 53, supra.

At the request of Mr. DeWine, the names of the Senator from Indiana (Mr. Bayh) was added as a co-sponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

At the request of Ms. Mikulski, the name of the Senator from South Dakota (Mr. Johnson) was added as a co-sponsor of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

At the request of Mr. Durbin, the name of the Senator from Vermont (Mr. Leahy) was added as a co-sponsor of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

At the request of Mr. Harkin, the names of the Senator from Minnesota (Mr. Wellstone) and the Senator from Oregon (Mr. Wyden) were added as co-sponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

At the request of Mr. Specter, the name of the Senator from Texas (Mr. Gramm) was withdrawn as a co-sponsor of S. Res. 72, a resolution designating the month of April as "National Sexual Assault Awareness Month."

At the request of Mr. Lieberman, the name of the Senator from Mississippi (Mr. Cochran) was added as a co-sponsor of S. Res. 72, a resolution expressing the sense of Congress on the importance of promoting electronic commerce, and for other purposes.

At the request of Mr. Voinovich, the names of the Senator from Ohio (Mr. DeWine) and the Senator from Indiana (Mr. Lugar) were added as co-sponsors of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States military vehicles access to its domestic market.

At the request of Mr. Hagel, the names of the Senator from Ohio (Mr. DeWine) and the Senator from Oklahoma (Mr. Inhofe) were added as co-sponsors of S. Con. Res. 53, concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

At the request of Mr. Leahy, the name of the Senator from Wisconsin (Mr. Feingold) was added as a co-sponsor of S. Con. Res. 53, supra.
I urge all Members of the Senate to join me and Senator LANDRIEU in support of the Military Spouse Physician Choice Act. I ask consent that the text of the bill be printed in the RECORD.

The point of order, no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1096

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 “Military Spouse Physician Choice Act.”

SEC. 2. ELIMINATION OF REQUIREMENT TO OBTAIN NONAVAILABILITY-OF-HEALTH-CARE STATEMENT IN CASES OF PREGNANCY.

(a) ELIMINATION OF REQUIREMENT.—Section 1080(b) of title 10, United States Code, is amended by striking the second sentence.

(b) EXPANSION OF NONAVAILABILITY STATEMENT WAIVER AUTHORITY.—Section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-446) is amended—

(1) in subsection (a), by inserting “or, with respect to obstetrics and gynecological care related to the pregnancy of such a beneficiary who is enrolled in TRICARE Extra,” after “TRICARE Standard”; and

(2) by inserting—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(B) by inserting “(1)” after “(c) EXCEPTIONS.—” ; and

(C) by adding at the end the following new subparagraph:

“(2) Paragraph (1) shall not apply in the case of obstetrics and gynecological care related to the pregnancy of a covered beneficiary.”.

Ms. LANDRIEU. Mr. President, I rise today to introduce the Military Spouse Physician Choice Act of 2001 with my distinguished colleague, the junior Senator from Maine. This legislation amends the Civilian Health and Medical Program of the Uniformed Services, commonly known as TRICARE, to restore equity to the families of our servicemembers. Simply put, this bill would delete the requirement for a servicemember’s spouse to obtain a non-availability statement from the commanding officer of the nearest military treatment facility in order to receive maternity care from a civilian doctor.

Under current legislation, military dependents choosing to enroll and pay for TRICARE Standard, the program in which I am enrolled, must accept higher copayments in exchange for the option of choosing their own doctors, are still required to obtain a military non-availability statement before seeing their choice of civilian physician. This practice continues despite the fact they are already paying for just that option. Our bill eliminates the requirement for maternity patients enrolled in TRICARE Standard to get that non-availability statement before being seen by the civilian physician of their choice. All military patients have the right to maternity care throughout the pregnancy.

I am committed to the quality of life of the men and women in uniform who sacrifice to serve their Nation. All too often we forget that families and their treatment are key to the quality of life and retention of those servicemembers. Our military and their families deserve better treatment than what they receive today. If they choose to accept the higher costs of TRICARE Standard in exchange for greater control over their healthcare choices, then they should have that control over all healthcare choices. Pregnancy should not force a spouse to get permission from the military to receive her prenatal, delivery, and postnatal care from the same doctor who she paid to see prior to the pregnancy. Anything less is fundamentally unfair and is something none of us would accept from any medical plan in the civilian community.

This bill has worked hard to improve military healthcare for our servicemembers, their families and retirees. With the creation of TRICARE, we gave the military their own health care system by allowing them to pay additional costs out of pocket in exchange for greater flexibility, the same choice anyone outside of the military has the opportunity to make. If we want to continue to recruit and retain the best and brightest people our Nation has, we owe them equitable treatment. Any other course is a disservice to them and disrespectful of the choices and financial commitments they have made to the military healthcare system. I urge my colleagues to support this bill and send a message to our military: You and your families will be treated fairly and with respect when making healthcare decisions. The Military Coalition representing more than 5.5 million servicemembers and their families supports this legislation. So does The Retired Officers’ Association, TROA. Fellow members of the Senate, support of this bill should be common sense for all of us.

By Mr. THOMPSON (for himself and Mr. FRIST).

S. 1097, a bill to authorize the Secretary of the Interior may issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park:—

(a) PERMIT FOR NATURAL GAS PIPELINES.—

(1) AUTHORIZATION.—The Secretary of the Interior may issue right-of-way permits for natural gas pipelines that are—

(A) within the boundary of the Great Smoky Mountains National Park (as of the date of enactment of this Act); (B) not otherwise authorized by Federal law; and (C) not subject to valid rights of property ownership.

(2) CONDITIONS.—A permit issued under paragraph (1) shall be subject to any terms and conditions that the Secretary determines necessary.

(b) PERMIT FOR PROPOSED NATURAL GAS PIPELINES—

(1) AUTHORIZATION.—The Secretary may issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park that are proposed—

(A) for the Foothills Parkway; (B) for the Foothills Parkway Spur between Pigeon Forge and Gatlinburg; and (C) for the Smoky Mountain Bypass.

(2) CONDITIONS.—A permit issued under paragraph (1) shall be subject to any terms and conditions that the Secretary determines necessary.

(a) Provisions for the protection and restoration of resources that are disturbed by pipeline construction; and (B) assurances that construction and operation of the pipeline will be compatible with the purposes of the Park.

I am proud to cosponsor this legislation with Senator COLLINS and urge all of you to join us in supporting the Military Spouse Physician Choice Act.

Mr. VOINOVICH (for himself, Mr. BOXWORTHY, and Mr. HARKIN) submitted the following resolution, which was considered and agreed to:

S. RES. 116

Whereas on December 23, 1999, the people of Slovenia voted overwhelmingly in favor of independence from former Yugoslavia in a national referendum; Whereas, on June 25, 1991, the Republic of Slovenia declared itself an independent and sovereign nation; Whereas, on December 23, 1991, the Slovenian parliament adopted a constitution based on the rule of law, respect for human rights, and democratic ideals; Whereas, during its ten years of independence, Slovenia has been an important United States ally in Central and Eastern Europe and a strong advocate of democracy, the rule of law, and the merits of an open, free market economy; Whereas the Republic of Slovenia has demonstrated an outstanding record on human rights during the past decade, and the country's market economy has experienced continued growth and success; Whereas Slovenia has made important contributions to international efforts to promote peace and stability in Southeast Europe and other parts of the world; Whereas Slovenia serves as a leader in efforts to remove destructive land mines in parts of Southeast Europe plagued by war and ethnic violence during the 1990s; and Whereas Slovenia has become an active member of international organizations, including the United Nations, the World Trade...
AMENDMENTS SUBMITTED AND PROPOSED

SA 811. Mr. SPECTER submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table.

SA 812. Mr. EDWARDS (for himself and Mr. EDWARDS) proposed an amendment to the bill S. 1052, supra.

TEXT OF AMENDMENTS

SA 811. Mr. SPECTER submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

On page 153, strike lines 1 through 14. On page 159, between lines 12 and 13, insert the following:

"(D) ACTIONS IN FEDERAL COURT.—A cause of action described in subparagraph (A) shall be brought and maintained only in the Federal district court for the district in which the plaintiff resides or in which the alleged injury or death that is the subject of such action occurred. In any such action, the court shall apply the laws of the State involved in determining the liability of the defendants."

SA 812. Mr. EDWARDS (for Mr. MCCAIN (for himself and Mr. EDWARDS)) proposed an amendment 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; as follows:

At the appropriate place, insert the following:

SEC. 2. SENSE OF THE SENATE REGARDING FAIR REVIEW PROCESS.

(a) FINDINGS.—The Senate finds the following:

(1) A fair, timely, impartial independent external appeals process is essential to any meaningful program of patient protection.

(2) The independence and objectivity of the review organization and review process must be ensured.

(3) It is incompatible with a fair and independent appeals process to allow health maintenance organizations to select the review organization that is entrusted with providing a neutral and unbiased medical review.

(4) The American Arbitration Association and arbitration standards adopted under chapter 44 of title 29, United States Code (29 U.S.C. 651 et seq.) both prohibit, as inherently unfair, the right of one party to appeal to another organization that has not been selected by the health plan.

(b) SENSE OF THE SENATE.

(1) It is the sense of the Senate that—

(1) every patient who is denied care by a health maintenance organization or other health insurance company should be entitled to a fair, speedy, impartial appeal to a review organization that has not been selected by the health plan;

(2) the States should be empowered to maintain and develop the appropriate processes for selection of the independent external review entity;

(3) a child battling a rare cancer whose health maintenance organization has denied coverage; which was ordered to lie on the table.

NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nominee has been added to the full committee nomination hearing scheduled for Wednesday, June 27, immediately following a 9:30 a.m. business meeting in room 366 of the Dirksen Senate Office Building.

The nomination of John Walton Keys III, to be Commissioner of the Bureau of Reclamation, will be considered, along with the nominations of Vicky A. Bailey to be an Assistant Secretary of Energy (International Affairs and Domestic Policy) and Frances P. Mainella to be Director of the National Park Service.

Those wishing to submit written testimony on these nominations should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510. For further information, please call Susan Fowler on 224-7571.

CONGRATULATING THE PEOPLE OF PERU ON THEIR DEMOCRATIC ELECTIONS ON JUNE 3, 2001

Mr. REID. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from the consideration of S. Res. 107, and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 107

Whereas the people of Peru have courageously struggled to restore democracy and the rule of law following fraudulent elections on May 29, 2000, and after more than a decade of the systematic undermining of democratic institutions by the Government of Alberto Fujimori;

Whereas, in elections on April 8 and June 3, 2001, the people of Peru held democratic multiparty elections to choose their government;

Whereas these elections were determined by domestic and international observers to be free and fair and a legitimate expression of the will of the people of Peru;

Whereas the 2001 elections form the foundation for a genuinely democratic government that represents the will and sovereignty of the people of Peru and that can be a constructive partner with the United States in advancing common interests in the Americas; Now, therefore, be it


(a) CONGRATULATING THE PEOPLE OF PERU.—The Senate, on behalf of the people of the United States, hereby—

(1) congratulates the people of Peru for the successful completion of free and fair elections held on April 8 and June 3, 2001, as well as for their courageous struggle to restore democracy and the rule of law;

(2) congratulates Alejandro Toledo for his election as President of Peru and his continued strong commitment to democracy;

(3) congratulates Valentín Paniagua, current President of Peru, for his commitment to ensuring a stable and peaceful transition to democracy and the rule of law; and

(4) congratulates the Organization of American States (OAS) Electoral Observer Mission, led by Eduardo Stein, for its service in promoting representative democracy in the Americas by working to ensure free and fair elections in Peru.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should expand its cooperation with the Government of Peru to promote—

(A) the strengthening of democratic institutions and the rule of law in Peru; and

(B) economic development and an improved quality of life for citizens of both countries;

(2) the governments of the United States and Peru should act in solidarity to promote democracy and respect for human rights in the Western Hemisphere and throughout the world;
CONGRATULATING SLOVENIA ON ITS TENTH ANNIVERSARY OF INDEPENDENCE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 116, submitted earlier by Senators VOINOVICH and BIDEN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 116) congratulating the Republic of Slovenia on its tenth anniversary of independence.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Madam President, I rise to congratulate the Republic of Slovenia and the Republic of Slovenia on their tenth anniversary of independence. It is a privilege to join my Republican colleague, Senator GEORGE VOINOVICH, as an original cosponsor of the legislation he introduced today to pay tribute to the remarkable transformation of Slovenia into a free, democratic state during the past decade.

Since the fall of the Soviet Union and the break-up of the former Yugoslavia, no country in either Southern or Eastern Europe has made greater and faster progress in embracing human rights, the rule of law, open markets, and democratic governance.

At the same time, Slovenia has demonstrated readiness and the capacity to become a regional leader in pursuit of peace and stability that has long suffered from ethnic divisiveness, turmoil, and bloodshed. Let me cite just one example. Slovenia took the initiative a few years ago to establish the International Trust Fund for Demining, ITF, which has become the leading organization to rid the Balkans of landmines and to rehabilitate the victims of these deadly weapons. In so doing, it is the Slovenians who deserve the credit for securing contributions from the U.S. and eighteen other Nations as well as many private donors to meet this urgent humanitarian challenge. I am hopeful that this Congress will authorize and appropriate a second U.S. contribution to help sustain the outstanding work of the ITF this year and beyond.

Slovenia has also become an active member of various international organizations, including the United Nations, the World Trade Organization, the Group of Eight, and the Organization for Security and Cooperation in Europe. Therefore, it is not surprising that President Bush and Russian President Putin held their first summit meeting earlier this month in Ljubljana, the capital of Slovenia. I salute the remarkable courage of the Slovenian people in achieving their quest for free and democratic government as well as their communal drive in building a vibrant, growing national economy in such a short span of time. Accordingly, the U.S. and our NATO allies should move forthwith to extend a formal invitation for Slovenia to become a full-pledge NATO member within the next 12-18 months.

Mr. VOINOVICH. Madam President, today, I am joined by Senators BIDEN, DEWINE, and HARKIN in congratulating the Republic of Slovenia on its tenth anniversary of independence.

Ten years ago today, on June 25, 1991, the Republic of Slovenia declared itself an independent and sovereign Nation. Since that time, Slovenia has remained a model of reform and progress in Central and Eastern Europe. Slovenia has also demonstrated its ability to contribute to international peacekeeping operations, including NATO’s Stabilization Force in Bosnia and Herzegovina, as well as NATO’s force in Kosovo, among others. Given its record in these regards, I believe the Republic of Slovenia stands as a strong candidate for NATO membership when the Alliance considers enlargement in Prague in November 2002.

Slovenia’s progress extends beyond domestic reform and foreign policy goals. In Southeast Europe, a part of the world that continues to feel the burden of decades of war and ethnic strife, Slovenia continues to serve as a leader in efforts to remove destructive land mines in the region. The International Trust Fund for Demining, ITF, established by the Slovenian government in 1998, has undertaken more than 200 projects in the Balkans since its creation. More than 12 million square meters of land have been cleared throughout Albania, Croatia, Bosnia and Herzegovina, and Kosovo. In addition, the ITF Mine Victims’ Assistance program has helped more than 500 people in Bosnia and Herzegovina who have been injured by land mines. Congress provided matching funds to assist the International Trust Fund for Demining in 1998, and this year the United States will again consider funding for this important initiative.

As the Republic of Slovenia has made considerable and important progress during its 10 years of independence, working to promote peace, stability and prosperity in Central and Eastern Europe, I am pleased to have the opportunity to submit this resolution on the occasion of Slovenia’s 10th anniversary of independence. I congratulate the people of Slovenia on their accomplishments thus far, and I urge them to continue their significant work to advance the ideals of democracy, human rights, the rule of law and free market economies throughout the Balkans region.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally, that any statements relating to the resolution be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 116) was agreed to.

The Senate then proceeded to consider the resolution.

ORDERS FOR TUESDAY, JUNE 26, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. Tuesday, June 26. I further ask that on Tuesday, immediately following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have closed, the time for the Committees be reserved for their use later in the day, and the Senate resume consideration of the Patients’ Bill of Rights; further, following the 11:30 a.m. votes, there be up to 30 minutes for morning business with Senators permitted to speak for 5 minutes each, with the following exceptions: Senator FEINGOLD, the first 15 minutes; Senator THOMAS, or his designee, the second 15 minutes; further, that upon conclusion of the period for morning business, the Senate recess until 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATUS ON SENATOR RICHARD BRYAN

Mr. REID. Madam President, I want to announce to the Senate—and I have made this statement previously—that my friend Richard Bryan is expected to be released from the hospital tomorrow or the next day. He has been very ill, with some malady that no one can figure out. He had an infection in his lungs. He went into surgery yesterday and was in intensive care for 5 of 6 days. He is up and walking around, and he is going to go home. In a few weeks, he will be as good as ever.

PROGRAM

Mr. REID. Madam President, on Tuesday the Senate will convene at 9:30...
a.m. and resume consideration of the Patients’ Bill of Rights. There will be 2 hours of closing debate on the Grassley motion to commit and the Gramm amendment regarding employers prior to two rollcall votes at about 11:30 tomorrow. Hopefully, we are going to conclude consideration of the Patients’ Bill of Rights and, hopefully, the supplemental appropriations bill, together with the organizing resolution.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam 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, at 6:27 p.m., the Senate adjourned until Tuesday, June 26, 2001, at 9:30 a.m.
A POINT OF LIGHT FOR ALL AMERICANS: JAMES NEVILLE MORGAN ACKNOWLEDGED POST-HUMOUSLY

HON. MAJOR R. OWENS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, June 25, 2001

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, James Neville Morgan, recognized posthumously as a Point of Light for all Americans.

James Neville Morgan of Richmond Hill, Queens, was born in Georgetown, Guyana on January 11, 1951. He attended Sacred Heart Primary School then the Guyana Technical Institute. From his early teen years, James loved music and cared for the well being of people. He joined the Guyana Police Force and worked in various departments as well as playing in the steel band orchestra. In 1976, James migrated to the United States, got involved in St. Matthews Roman Catholic Church where he was a Director for Remedial and Religious Education. Although he had a Degree in Business, his heart led him to pursue a career in Social Work. He worked for the New York City Department of Social Services and later the New York City Administration for Children Services as an investigator and was elevated to Supervisor Level II. He was also Director for the International Institute of Travel.

James had a passion for politics and social work and strongly believed that is the only way to make changes in the world. Very much involved in the Association of Concerned Guyanese, Guyana North American Association, New Concept Democratic Club, Political Activist Liaison of the New York Congressional Delegation for the American Federation of State, County and Municipal Employees, Delegate of Social Service Employees Union—Local 371 and many more.

James, whose recent death saddened his family, friends and colleagues, was a man of integrity, he was known to be honest, assertive, intelligent, very outgoing, outspoken, humorous and most of all a loving man.

Mr. Speaker, I am proud to salute James Neville Morgan posthumously as a Point of Light for all Americans.
Gyanese American, James Norris Williams, as a Point of Light for all Americans.

James Norris Williams was born and educated in Guyana. He first started working as a teacher of Latin, Math, English and History at West Demerara High School in 1961. Four years later he took a position as an Assistant in the Department for Guyana Airways Corporation, which would set the stage for a prolific and enduring career in the company.

Soon after he was initially hired by Guyana Airways, he became Traffic and Operations Assistant and was sent to Trinidad where he worked and underwent training in the Operations Department with BWIA at Pierco Airport and on his return to Guyana, was promoted to Senior Traffic and Operations Assistant; he was quickly promoted to Station Superintendent at Atkinson Airport in Guyana.

James Norris Williams was married to June James in 1967, and only a few weeks later, he was sent to London to train with British Airways Commercial and was presented with a Service Handling Specialist Diploma upon completion of the program.

In 1972, James was promoted to Assistant General Manager of Guyana Airways, and in this capacity, coordinated the Caribbean Free Trade Association and was responsible for cargo, marketing and sales, aircraft operational permits and handling documentation. Later that same year, he was appointed Manager for Cargo Services North American based in Miami, and from 1975 to 1978, he served as General Manager of Guyana Airways.

Upon moving to the United States in 1979, James worked as a manager at Medas Shipping, before acquiring two trucks of his own and establishing a family business, Williams Shipping and Delivery Service, which delivered furniture to stores throughout the tri-state area. In 1986, the company expanded and its name changed to Williams Worldwide Shipping and Trading which now operates as a worldwide shipping company, servicing Guyana and the Caribbean Islands and is Brooklyn's main cargo consolidator.

James and his wife June have three lovely children: Nicholas, Michelle and Lester. Four granddaughters—Leslie Ann, Sheneice, Kennedi and Kristen. They also have one grandson, Ethan Nicholas.

Mr. Speaker, I am proud to salute Mr. James Norris Williams as a Point of Light for all Americans.

LORI BERENSON

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, June 25, 2001

Mrs. MALONEY of New York. Mr. Speaker, when it would return last August, we hoped for an open and fair hearing. Instead, what she received was a public circus in which the verdict was a foregone conclusion.

Peru has condemned Lori Berenson under draconian and unjust laws enacted during the failure of Fujimori-Montesinos regime. The U.S. Department of State and the Inter-American Human Rights court system have been joined by human rights groups such as the Washington Office on Latin America (WOLA) and Human Rights Watch: Americas, in concluding that the Fujimori-Montesinos anti-terrorist laws violate both international law and the Peruvian Constitution. Her trial should not have been held until those laws were reformed.

International observers, human rights advocates and legal scholars report that Lori’s trial has been riddled with violations of due process. Much of the evidence used against her was gathered during her discredited military trial, in many cases from witnesses who had been tortured. Most of the witnesses have since recanted their earlier statements. The only witness against Lori received a reduced sentence for his testimony against Lori and, on the eve of Lori’s trial was given a new trial so that he can get another reduction in sentence. Furthermore, court proceedings clearly show that the judges had decided the verdict long before this trial began. How fair is a trial in which a judge proclaims a defendant guilty while witnesses are still being heard?

In her public statement in court yesterday, Lori said that she was sorry for the violence and the deaths that have occurred. She has condemned terrorism in the past and she did so again today. Lori has always maintained that she was innocent of the charges against her.

I am hopeful that the Peruvian President will recognize that Lori has already served 5½ years in prison under very harsh circumstances and will pardon her. It is time for Lori to come home.

IN HONOR OF MR. PHILIP PEMPIN

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, June 25, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Philip Pempin in recognition of his valor in saving a young boy’s life. Mr. Pempin has been a selfless and skillful principal of the Riverside Elementary School in Cleveland for the past three years. Mr. Pempin is a luminary of the Cleveland school system. It is because of his guidance and ambition that the Riverside Elementary School stands out in our district. His individualized and scrupulous attention toward each and every pupil in the school has helped the school rise high in terms of performance. Mr. Pempin exemplifies the ambition and diligence that we all strive for. Working without an assistant, Mr. Pempin strove to help his fourth graders pass all five parts of the Ohio proficiency test last year, soaring above the state average. Although Mr. Pempin’s feats at work are unprecedented, the quality and beneficence of his person by far overshadow his already tremendous achievements in Cleveland’s education system.

Mr. Pempin is also a proud and dedicated father. However, not only is he father to his own children, but also to each and every pupil in the Riverside Elementary School, as demonstrated by his heroic feat on Thursday, June 14, 2001. At 12:30 p.m. in Riverside’s cafeteria, six-year-old Cody was visibly in trouble. Mr. Pempin saw that the child was choking and getting weaker by the minute. Taking quick action, Mr. Pempin successfully performed the Heimlich Maneuver on little Cody, dislodging the obstruction that almost took Cody’s life. Mr. Pempin proceeded to carry the fragile child to his office where he waited for emergency medical workers to arrive. Forever at the service of his children, Mr. Pempin was cradling Cody in his arms as his mother and grandmother were a sacrifice and determination, and his love and devotion that little Cody was back at school the next day, alive and well. Mr. Speaker, please join me in honoring Mr. Pempin, an outstanding father, principal and human being. Mr. Pempin exemplifies the personal love and honor that our city and nation stand for.

PERSONAL EXPLANATION

HON. BOB RILEY
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 25, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 177, on agreeing to the amendment to increase funding (by transfer) for the National Endowment for the Humanities by $3 million; the Institute of Museums and Library Services by $2 million; and the National Endowment for the Arts by $10 million. Had I been present I would have voted “no.”

Mr. Speaker, I was unavoidably detained for Rollcall No. 178, on agreeing to the amendment to increase funding for weatherization programs by $24 million; to increase the account for Payments In Lieu of Taxes by $12 million; and to increase the account for energy conservation programs by $24 million. Had I been present I would have voted no.

Mr. Speaker, I was unavoidably detained for Rollcall No. 179, on agreeing to the amendment to limit the extension for the Recreational Fee Demonstration Program to one year. Had I been present I would have voted “no.”

Mr. Speaker, I was unavoidably detained for Rollcall No. 180, on agreeing to the amendment preventing funds in the bill being expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act or the Outer Continental Shelf Lands Act within the boundaries of a National Monument. Had I been present I would have voted “no.”

Mr. Speaker, I was unavoidably detained for Rollcall No. 182, on agreeing to the amendment to require that none of the funds in the bill may be used to suspend or revise the final regulations published in the Federal Register on November 21, 2000, that amended environmental mining rules. Had I been present I would have voted “no.”

Mr. Speaker, I was unavoidably detained for Rollcall No. 183, on agreeing to the amendment to prevent use of funds to execute a final lease agreement for oil or gas development in the area of the Gulf of Mexico known as Lease Sale 181 prior to April 1, 2002. Had I been present I would have voted no.

Mr. Speaker, I was unavoidably detained for Rollcall No. 184, on agreeing to the amendment to allow the Department of the Interior to extend leases, any standstill agreement, or the terms of the settlement agreement that took effect March 30, 2001, concerning the holders
A POINT OF LIGHT FOR ALL AMERICANS: MR. NIGEL O. PILE

HON. MAJOR R. OWENS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Monday, June 25, 2001

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, Nigel O. Pile as a Point of Light for all Americans.

Nigel O. Pile hails from Guyana. He was born on December 22, 1950. He held leadership positions while growing up in Guyana, including Chairman of the St. James The Less Anglican Church Organization. He also represented the Diocesan Youth Association at International Conferences, through various Youth Exchange Programs. Athletics continues to gain tremendous support from Nigel.

Nigel Pile came to the United States in 1977. He holds an Associate Degree in Banking and Finance from Borough of Manhattan Community College and furthered his discipline in finance at Baruch College. He has represented the Department of Education as this bill works its way through the process.

In 1983, he started a small Travel Agency on Fulton Street in the Bedford Stuyvesant area. National Pride, as it is known, has become a household name to the Guyanese family. From a one-desk, one-phone and one-staff agency, National Pride is now one of the most successful enterprises in New York and Guyana. Nigel Pile has expanded this operation to two offices in New York and five in Guyana. Through this expansion, he has created opportunities of entrepreneurship and employment for the residents of the Flatbush and Queens communities. The establishment of National Pride has created channels through which Guyanese Americans can initiate and maintain contact with relatives and friends in Guyana.

In the spirit of fostering unity among Guyanese, Mr. Pile maintains his sponsorship of the Ms. Guyana New York Pageant, and continues to support social programs for youth as well as the elderly.

Mr. Speaker, I am proud to salute Mr. Nigel O. Pile as a Point of Light for all Americans.
Science Degree from The City College of New York in 1988, he is a licensed real estate broker, mortgage banker, and insurance broker.

Mr. Ahmad is very versatile; he is knowledgeable in all office, data based and modern business products. He is experienced in all facets of business, from training to budgeting and advertising.

His personal awards include a Gold Medalion, and Certificates of Achievement for exceptional sales in real estate. Century 21 Ahmad won first place in Queens County and was ranked third in real estate in the Northeast Division. The Chateau Royale won first place for best in design and architecture from the Queens Chamber of Commerce in 1997.

Mr. Ahmad is an active participant in community and political affairs. He is the founder of the New Concept Democratic Club. He supports and donates to many community organizations.

Mr. Speaker, I am proud to salute Mr. Ed Ahmad as a point of Light for all Americans.

2001 SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF
HON. RICK LARSEN
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, June 21, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

Mr. LARSEN of Washington. Mr. Chairman, I rise today in strong support of the Slaughter/Dicks Amendment and to highlight the importance of NEA and IMLS funding for the small towns in my own district.

Last year’s NEA funding increase created the Challenge America program, to help smaller communities gain access to the arts. The Arts Council of Snohomish County in my home district was one of the first organizations to receive this grant. This organization offers weekly art classes to juvenile offenders, many of which have no adult role models in their lives, and provides them with opportunities to express creativity and interact in a forum outside of a detention center. Without this grant, the program would have had to cut back drastically or even be eliminated. That would be truly unfortunate, Mr. Chairman, because it is programs like these where the arts can provide hope and opportunity for troubled youth. Challenge America is doing great things for youth in my district, yet this program would not exist if the NEA did not receive increased funding last Congress.

I would also like to offer my support for IMLS, which also funds key services in my district. The Museum of Northwest Art in La Conner—a town of 900—received a key grant from the IMLS to help attract more tourists to the Skagit Valley region in my district. Because of the IMLS grant, La Conner brings in many more visitors who come to experience the Skagit Valley, thereby boosting their economy. Unfortunately, other museums in my district do not receive funding because of the lack of IMLS funding. The executive director of the Whatcom Museum contacted me earlier this year to share his frustration that the Whatcom Museum and Bellingham Library were denied important funding, not because of their qualifications, but because of the lack of funding for the IMLS. The Slaughter/Dicks amendment will provide key funding increases for the IMLS, and help small libraries and museums in districts like mine continue to flourish and reach out to the community.

Mr. Chairman, let’s continue to show our support for the arts, the humanities and our museums and libraries by supporting the Slaughter/Dicks amendment.

TRIBUTE TO PEGGY RABIDEAU, BRAD O’T. NOELLE CANNON AND BETH BESAW

HON. JOHN M. MCHugh
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, June 25, 2001

Mr. MCHugh. Mr. Speaker, it is with great pleasure that I rise today to recognize the contributions of Peggy Rabideau, Brad Ott, Noelle Cannon, and Beth Besaw—teacher, principal, reading specialist, and school nurse, respectively—at Morrisonville Elementary School in my New York 24th Congressional District.

On June 29, Peggy, Brad, Noelle, and Beth will be honored at the Time Capsule 2000 Dedication Ceremony taking place at Red Cross Square here in Washington.

For the last five years, under Peggy, Brad, Noelle and Beth’s supervision and leadership, students at Morrisonville Elementary School have been involved in a Junior Red Cross program. Morrisonville is the only school in the area involved in such a program.

In 1996, the group was presented with an award by the New York State Red Cross for holding a fundraiser to help families impacted by the flood in Morrisonville. The group had hoped to raise $10,000, but, in fact, raised $22,000 to help the victims of the flood.

That same year, the group designated January as Community Contributor month. In the second year of this program, the group made “comfort packs” containing snacks, stuffed animals, among other items, and contributed them to the local hospital.

The group has also worked with the Humane Society and, in 2000, sent 12 cartons to Nicaragua containing food and other supplies.

The group’s contribution to the time capsule will include a “comfort pack,” a copy of the 1996 award the group received, T-shirts designed by two of the students, a button that was made for the ice storm volunteers, and the names of 22 children and their social security numbers so that they can be contacted in 50 years when the time capsule is opened.

Mr. Speaker, I am honored today to recognize the contributions Peggy, Brad, Noelle, Beth, and their students have made to their community. Theirs is truly a tremendous accomplishment, and, on behalf of the community which they serve, I offer them my congratulations and thanks.

A POINT OF LIGHT FOR ALL AMERICANS: DR. STEPHEN CARRYL

HON. MAJOR R. OWENS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, June 25, 2001

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, Dr. Stephen Carryl, as a Point of Light for all Americans.

Dr. Stephen Carryl is the Director of Surgery at the Brooklyn Hospital-Caledonian Campus and also an Attending Physician at the Brookdale University Medical Center in Brooklyn. He specializes in Laparoscopic Surgery. He received his Bachelor’s Degree at Oakwood College in Alabama and subsequently earned his MD Degree from Loma Linda University in California. He has been in private practice for 8 years and is the President of OMAT (Overseas Medical Assistance Team). OMAT consists of a team of volunteer Nurses and Doctors who provide medical care to the underprivileged in 3rd world countries and the Caribbean. Treatment that is not readily available in those respective countries are rendered here in the United States through funds donated by OMAT. OMAT has gone on missionary trips to Haiti and Guyana.

Mr. Speaker, I am proud to salute Dr. Stephen Carryl as a Point of Light for all Americans.

21ST CENTURY MONTGOMERY GI BILL ENHANCEMENT ACT

SPEECH OF
HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 19, 2001

Mr. RANGEL. Madam Speaker, I rise today in support of the passage of H.R. 1291 that amended the Montgomery GI Bill which would greatly increase the appropriations for our veterans who are seeking higher education. Under the GI Bill veterans would receive $800 a month—a $150 a month increase—during fiscal year 2002; $950 in 2003; and $1,100 in 2004. These funds are essential in order to keep up with soaring education costs.

One of the biggest reasons why I’m such a staunch supporter and believer in the Montgomery GI Bill is because I was a beneficiary. Following my service in the Korean War, the subsidy provided under the program allowed me to attend and graduate from New York University and St. Johns Law School.

Madam Speaker, fellow congressmen, even though I would have liked more Democratic input in the bill, I am satisfied with the final product. H.R. 1291 is a piece of legislation that veterans and all Americans can be proud of.
A POINT OF LIGHT FOR ALL AMERICANS: REV. DR. EVELYN R. JOHN

HON. MAJOR R. OWENS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guayanese American, Rev. Dr. Evelyn R. John as a Point of Light for all Americans.

Rev. Dr. Evelyn John was born and raised in Georgetown Guyana. All through her childhood she was exposed to a Christian upbringing, and in her adulthood she joined the Guyana Unity Church. After several years as a Truth Teacher, she was ordained a Minister in 1980.

Rev. Dr. Evelyn John migrated to the United States in 1983 and on February 12, 1984, she founded the New Life Center for Truth in the Flatsbrook Brooklyn Community, with an initial membership of about sixty members. Today the “New Life Center for Truth” serves over five hundred active members and approximately three hundred non-registrants.

She also caters to a cross section of youths in the Youth Group, and Sunday School, in the form of guidance counseling and self development which provides incentives for the pursuance of higher learning. Over the past several years, she has traveled to seminars overseas, namely India, Antigua and Peru where she made impact.

It has always been her desire to serve. Hers is evident in her untiring devotion to people and their spiritual needs.

Mr. Speaker, I am proud to salute Rev. Dr. Evelyn R. John as a Point of Light for all Americans.

HONORING EAGLE SCOUT RECIPIENTS

HON. STEVE ISRAEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize three of New York’s outstanding young students, Bruce Russo, Paul Lapreziosa, and Gregory Smith. These young men have received the Eagle Scout honor from their peers in recognition of their leadership benevolence in our community and they serve as role models for their peers.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefitted the community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Bruce, Paul, and Gregory and bring the attention of Congress to these successful young men on their respective days of recognition. Congratulations to you and your families.

PATENT REEXAMINATION ENHANCEMENT ACT OF 2001—H.R. 2231

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Ms. LOFGREN. Mr. Speaker, the high-technology industries based in Silicon Valley need effective patent protection for their inventions. Patents, in particular, are integral components of the valuation and structure of many companies, whether they are startups trying to attract venture capital or other funding, or established companies.

The value of these rights, however, is dependent on the patents being valid and enforceable. What we recognize is that an invalid patent—a patent that either should never have been issued or which confers protection beyond what is entitled—can cause significant damage not only to individual companies but to competitors. Those individuals who rely on their patent and discover a defect, or those who face the threat of litigation on the basis of a patent that is invalid each have a substantial interest in having a mechanism to “fix” the problem with the patent.

This is why I am calling for an enhancement of our patent reexamination system. The patent reexamination system was designed to be an efficient and fair procedure for reviewing the validity of patents when there is a substantial reason to call that validity into question. It was set up originally as an “ex parte” process that only the patent office and the patent owner could use. Congress tried to expand that system to allow more participation for third parties in 1999 in the American Inventors Protection Act. Unfortunately, these efforts fell short in making reexamination the system it should be.

I believe a modest set of changes to the law will further our goal of providing a cost-effective and fair procedure for reviewing patent validity. Some of the changes have already been addressed in legislation introduced by Chairman Howard Coble and supported unanimously by the Subcommittee on Courts, the Internet and Intellectual Property. Those bills, H.R. 1866 and H.R. 1886 address specific concerns with the AIPA inter partes system.

The additional changes that I believe must be made address two general concerns.

First, I am proposing to expand the grounds upon which one may initiate a patent reexamination. Under current law, reexaminations may be based only on patents or printed publications. In a number of fast-moving technologies, such as business methods and software, there is often a substantial body of information that is not formally published or found in patents, so that other information is not considered when making the determination to issue a patent. The Patent and Trademark Office has demonstrated its competence when evaluating other aspects of patentability beyond patents or printed publications available for review. I am proposing that we allow parties to start a reexamination proceeding on the basis of evidence, for example, an

Second, I believe the original sanctions that would apply to parties who initiate reexamination procedures were too onerous. The instant patent holders have considered the matter, under the present system, the party requesting the reexamination is barred from going to court. For this reason, I am proposing to adjust the bar, the estoppel as it’s called, until there is a final determination and that final determination would bar those parties who initiated successfully a reexamination procedure. Thus, a third party who participates in a reexamination procedure would, under my bill, at the conclusion of that proceeding be barred (estopped) from challenging the patent in any other judicial or PTO proceeding. Any issue that could have been raised based on the evidence presented by that party and before the Patent Office will still be barred under my amendments. Thus, the adjustments to the law are fairly minor but, I think, fairly important as to the timing of the estoppel. These changes make the process fair and also perceived as fair.

Let me emphasize that the legislation I am offering is not designed to preclude or substitute for the possibility of litigation over important and valuable patents. It also will not make reexamination a substitute for situations where complex factual or legal issues must be resolved to reach a conclusion on validity of the patent. Instead, the legislation makes important but carefully measured enhancements to the system without undermining either the current structure of the process or its balance.

Indeed, this bill would ensure that the reexamination procedure retains important safeguards to prevent third parties from using the reexamination process to harass patent owners or hold invalid patents. First, as noted, the estoppel imposed on unsuccessful challengers should prevent frivolous challenges. Those who challenge the patent in the PTO will not be able to challenge the patent later in a court on validity issues. Second, the PTO will still be required in every proceeding to first make an independent finding that there is a substantial question of patentability before it will start the proceeding. This is an essential component of the structure of the current law and future system. Third, under the proposed system, no final determination or hearing will mean that a third party will not be able to conduct proceedings that will place the patent owner in a compromised situation.
In short, the legislation removes some of the shortcomings of the current inter partes system, and should present a viable and beneficial option for addressing the validity of some patents without the necessity of costly and complex litigation in a court.

Finally, I am honored that Chairman Howard Coble has chosen to be the principle co-sponsor of this legislation.

TRIBUTE TO CHIEF MASTER SERGEANT DALE E. BUCKINGHAM

HON. IKE SKELTON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Monday, June 25, 2001

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to Chief Master Sergeant Dale E. Buckingham upon his retirement from the United States Air Force.

Chief Master Sergeant Buckingham has served with honor and distinction for over 30 years, and his performance throughout his career has been characterized by the highest standards of professional ethics and commitment to the military. He grew up in Lowville, New York, and graduated from Lowville Central School in 1970. He entered the Air Force in 1971 and attended basic training at Lackland Air Force Base, Texas. Chief Master Sergeant Buckingham was assigned to the 4642 Air Defense Squadron (SAGE) at Malmstrom Air Force Base, Montana, in 1972.

Chief Master Sergeant Buckingham’s record of service is outstanding. In 1976, he was selected to be a recruiter with the 2543rd USAF Recruiting Squadron where he was named rookie recruiter of the year. In the following year he received the gold bald eagle signifying top recruiter and recruiting excellence. In 1983, Chief Master Sergeant Buckingham was assigned to Strategic Air Command Headquarters at Offutt AFB, Nebraska. While there, he served with the 1st Combat Evaluation Squadron and Strategic Air Command Bombing and Navigation Division.

Chief Master Sergeant Buckingham, in 1987, was selected for the Defense Attache System being posted at the American Consulate in Hong Kong. Two years later he was reassigned to the American Embassy, Ankara, Turkey, as the Operations Coordinator. Following the completion of his tour in Ankara, Turkey, he was then assigned to Whiteman AFB, Missouri, and the 509th Bomb Wing. At Whiteman, he served as the base’s chief of information management responsible for over 100 employees. Chief Master Sergeant Buckingham was then assigned as the superintendent of the information systems flight in the Communications Squadron. In March 1998, he developed and established the First Term Airmen Center to help ease the transition for young airmen moving to Whiteman. He became the Command Chief Master Sergeant in March of 1999.

Chief Master Sergeant Buckingham’s awards include the Defense Meritorious Service Medal with one oak leaf cluster, Meritorious Service Medal, Air Force Command Medal with two oak leaf clusters and the Southwest Asia Service Medal.

Chief Master Sergeant Buckingham is married to the former Christina Kay Rockey of Hiawatha, Kansas, and they have two daughters.

Mr. Speaker, I am certain that my colleagues will join me in wishing Chief Master Sergeant Buckingham and his wife, Christina, all the best. We thank them for over 30 years of service to the United States of America.

A POINT OF LIGHT FOR ALL AMERICANS: REV. DR. HENRY A. CHAN

HON. MAJOR R. OWENS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, June 25, 2001

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 55th Independence Anniversary, I would like to salute an outstanding Guayanese American, Rev. Dr. Henry A. Chan as a Point of Light for all Americans.

The Rev. Dr. Henry A. Chan was born in Guyana in 1945 at Golden Grove, East Bank Demerara to Ruby and Clarence Chan. While growing up at Pin Socorro Ord, he attended primary schools on the West Bank of Demerara and obtained his secondary education at Queen’s College in Georgetown, Guyana.

In 1966, the Rev. Dr. Chan felt the call to the Priesthood in the Anglican Church and was tutored in his teenage years by then Archbishop of the West Indies and Bishop of Guyana, the Most Reverend Dr. Alan John Knight. On completion of his studies at Queen’s College in 1964, Dr. Chan was directed by Archbishop Knight to work for some years in order to obtain experience in the world before going on to Codrington College in Barbados and afterwards, to Durham University in England.

In 1967, instead, Dr. Chan came to the United States of America to further his studies in Engineering and Computer Science. He felt that the priestly vocation might have been a boyhood fantasy. But God had endowed Dr. Chan with many gifts and a broad knowledge during his Queens College years. He enrolled initially as a student in the Electronics Technology program at RCA Institutes. During the ensuing years, Dr. Chan discovered that he had a hobby—collecting academic degrees. His degrees include Bachelor of Science in Computer and Information Science (State University of New York, 1978); Master of Business Administration in Management (Dowling College, 1980); Doctor of Public Administration (Nova Southeastern University, 1981); Doctor of Ministry (University of the South, 1987); Master of Sacred Theology in Spiritual Direction (General Theological Seminary, 1990) and Doctor of Philosophy in Pastoral Psychology (Graduate Theological Foundation, 1994). He is also a 1982 graduate of the Mercer School of Theology in the Episcopal Diocese of Long Island, New York.

During the years 1969–1982, Dr. Chan held many positions in data processing, including systems analysis, project management, and long-range planning. Dr. Chan is married to Jean Flora Chan, and they have three children, Anthony, Andre and Natasha. Dr. and Mrs. Chan are proud grandparents for the first time when Anthony and his wife Gloria, were blessed with a son, Justin on May 24, 2001.

Events in his life led Dr. Chan to test his vocation to the ordained ministry in the Episcopal (Anglican) Church. He was ordained to the diaconate in 1982 and to the Priesthood in 1983 in the Diocese of Long Island, where he has served up to this day. Dr. Chan has been at St. Peter’s Church, Rosedale since January 1, 1988 to the present. He came to St. Peter’s Church at a time when one of the considerations for the future of this Church was to close its doors because of the small size of the membership and financial giving. Under his pastoral leadership, however, St. Peter’s is a thriving Church today with a membership of about 150 families from all parts of the Caribbean, Central and South America, and the United States of America. Furthermore, the Church is debt-free. During the past thirteen years, the buildings and ground shaven been restored and the people can tell from this that God is present in Rosedale and surrounding communities.

Each year in January and August when Dr. Chan has a break from his parish duties at St. Peter’s Church, he travels to Guyana at his own expense, to render assistance to the Diocese of Guyana where there is an acute shortage of clergy. Dr. Chan eagerly looks forward to serving the Church in Guyana on these occasions, pastorally and spiritually, for Guyanese are hungry for growth in their relationship with God. But in parishes where there are no full-time priests, they are like sheep without a shepherd.

In addition to the demands on his time as priest and pastor at St. Peter’s Church, Dr. Chan serves as a volunteer mediator with the Queens Mediation Network, Community Mediation Services, from which he received his training.

Dr. Chan feels blessed by God in his ministry as a pastor and he has only one burning desire, that is, that in whatever he does, to God be the glory.

Mr. Speaker, I am proud to salute Rev. Dr. Henry A. Chan as a Point of Light for all Americans.

MIDLAND HIGH SCHOOL BASEBALL TEAM WINS STATE TITLE CHAMPIONSHIP

HON. LARRY COMBEST
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, June 25, 2001

Mr. COMBEST. Mr. Speaker, I rise to join Midland and West Texas in congratulating the Midland High School baseball team in their great victory in the Class 5A state championship title. Their June 9th victory over Austin High is an accomplishment that is truly deserving of recognition and praise.

The Midland High baseball program has been built upon a solid foundation of hard work, dedication and sportsmanship. The Bulldogs have shown what today’s youth can accomplish when teamwork and determination are applied. They will forever hold a place of honor in the pages of Texas athletics.

It is with great pride that I recognize the members of the Midland High School baseball team and their coach Barry Russell for this accomplishment. I would also like to recognize the administration and fans that carried them through victory’s final inning. Thanks to their
tremendous efforts, Midland, Texas is now home to the 2000-2001 Class 5A State Champions. I sincerely wish to congratulate the Midland High Bulldogs for bringing home a state baseball title.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Ms. ROYBAL-ALLARD. Mr. Speaker, due to an unavoidable meeting on Thursday June 21, I was not present for rollcall vote No. 177, on Representative Slaughter’s amendment to increase funding for the NEA and the NEH. I am a strong supporter of both the National Endowment for the Arts and the National Endowment for the Humanities, and had I been present, I would have voted yea on this important amendment.

URGING RATIFICATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

HON. MARCY KAPTUR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Ms. KAPTUR. Mr. Speaker, on June 20, 2001 the House passed H. Res. 124 recognizing the importance of children in the United States and supporting the goals and ideals of American Youth. This piece of legislation was adopted by a unanimous vote of 424–0. I commend the U.S. House of Representatives on passing the resolution and believe that we all share the desire to secure the safety and well being of all children in our great nation and abroad.

More than a decade ago, the largest group of world leaders ever convened for the World Summit for Children to discuss their responsibility to children. At the end of the World Summit, 71 heads of state and other world leaders signed the World Declaration on Survival, Protection and Development of Children. The standards and obligations adopted place children at the center stage in the quest for a just, respectful and peaceful society.

The leaders attending the summit also adopted a Plan of Action to achieve a set of targets by the year 2000. The Convention on the Rights of the Child embodies the very principles our country was founded upon and only enforces the rights afforded to all children born in our great nation of life, liberty and pursuit of happiness.

Ratification clearly signals a state’s commitment to uphold standards of the convention and to respect, protect and fulfill the rights of children around the world. The House of Representatives commitment to the well being of our nation’s children is exemplified through the unanimous passage of H. Res. 124. I urge the United States Senate, which has the sole power to ratify treaties, to act soon on this important matter and stand up for the rights of children worldwide.

TRIBUTE TO DONNA BLITZER

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. FARR of California. Mr. Speaker, I rise today to offer tribute to one of those persons who toll endlessly, without complaint, and generally in the background, but who make some of the largest and most important contributions to our lives: our staff. In particular, I rise today to congratulate and thank my long-time staffer, Donna Blitzer, who, after nearly 20 (I’m sure in her eyes) i-o-n-g years, has decided to explore other career opportunities. Ms. Blitzer is now the Director of Government and Community Relations for the University of California, Santa Cruz.

Donna began in my office when I was in the State Legislature, serving as one of my support staff. As I grew in elected office, she grew as staff and together we served as partners in many initiatives to improve and protect the quality of life on California’s Central Coast which I represented then and continue to do so today. Throughout it all, Donna was my constant advisor and supporter, my advance and back up, my most loyal and trustworthy counsel. She was always there to put me back on track when my ideas de-railed, and to bring form to my vision. Most important, she protected my ethical and moral compass from ever going astray.

Mr. Speaker, we all have good staff. They are the heart and soul of our public selves as we reach out to our constituents. But sometimes there is one who just gives so much to so many that it deserves our special acknowledgment and praise. Donna Blitzer is such a person. I will miss having her on my staff and at my side as I have for 20 years. But I wish her well in her new job and know that her contribution to the public will still be appreciated, no matter where she finds herself.

MAYOR REMEMBERED

HON. LARRY COMBEST
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. COMBEST. Mr. Speaker, I rise to extend my deepest sympathy to the people of West Texas for the loss of Odessa Mayor Bill Hext.

Bill was a selfless leader, a visionary, and a faithful statesman. Bill personified service and will be remembered for his relentless pursuit of improving the lives of the people of Odessa. Prior to being elected mayor in 2000, Hext had served as a City Council member since 1998, and continued his work in public service as a member of many civic and charitable organizations. Bill’s commitment to serving his community and his influence on Odessans will be an inspiration for generations to come.

It is with great empathy that I salute Bill Hext as an outstanding individual and faithful mayor to the city of Odessa. He will forever hold a place of honor and respect in the pages of community service.

PERSONAL EXPLANATION

HON. MARGE ROUKEMA
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mrs. ROUKEMA. Mr. Speaker, I was unable to be present for rollcall vote No. 182-183, during the consideration of the Interior Appropriations Act. Please let the record show that had I been present I would have voted “aye” for rollcall vote 182, the Inslee amendment to uphold current regulations on hardrock mining; “no” for rollcall vote 183, the Deutsch amendment regarding historic camp sites in Stiltsville, Florida; “no” for rollcall vote 184, the Stearns amendment to reduce funding for the National Endowment for the Arts; and “yes” for rollcall vote 185, final passage.

I strongly support the final passage of H.R. 2217, the Interior and Related Agencies Appropriations Act FY 2002. I am extremely pleased that this bill honors our commitment to the environment. The expansion of funding for land acquisition, wildlife protection, and other preservation and conservation programs is a victory for the country.

A SALUTE TO DR. EDWARD TYSON HONORING HIS YEARS OF SERVICE TO NORTH CAROLINA’S STUDENTS

HON. ROBIN HAYES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. HAYES. Mr. Speaker, I rise today to honor Dr. Edward Tyson of Kannapolis, North Carolina for his years of service to the parents, students and educators of Cabarrus County, North Carolina.

Dr. Tyson has been the Superintendent for Kannapolis City School since 1992. He has also served as a teacher, principal, and associate superintendent in the Cabarrus County School System.

Dr. Tyson has made a positive and profound impact on the students and faculty of Kannapolis City and Cabarrus County Schools. He has worked hard to improve the opportunities for all students throughout Cabarrus and Rowan Counties.

Dr. Tyson has been a tremendous leader in our community, serving on the public boards of directors for Cabarrus Bank, the Salvation Army, Cannon Memorial YMCA, and Cabarrus College of Health Sciences. He has also represented North Carolina on education issues
as a member of the American Association of School Administrators, the North Carolina Association of School Administrators, and the North Carolina Committee of the Southern Association of College and Schools.

Dr. Tyson’s accomplishments in education have been recognized. He has received numerous awards including: 1995–1996 Southwestern North Carolina Superintendent of the Year, 1999–2000 Professional Educator of the Year by the University of North Carolina at Charlotte, and the 2000 Time-Warner Distinguished Educator.

Mr. Speaker, while I have only touched on a fraction of Dr. Ed Tyson’s many accomplishments and the impact he has made on his community and profession, I proudly join his friends and colleagues in thanking and saluting him for his years of service and commitment to education and wishing him well in his retirement.

CELEBRATING THE CAREER OF PASADENA MAYOR JOHNNY ISBELL

HON. GENE GREEN OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. GREEN of Texas. Mr. Speaker, as the end of his current term quickly approaches, I rise to celebrate the career of Johnny Isbell, Mayor of the City of Pasadena, Texas. Mayor Isbell has been a central figure on the Pasadena City Council, serving in various capacities for more than 24 years.

As a dedicated and committed public servant, Johnny Isbell has earned the respect and admiration of the citizens of Pasadena for the many years he has given to local government. He served with distinction on the Pasadena City Council from 1969 to 1978 and again from 1989 to 1993. He first served as Mayor from 1981 to 1985. He was again elected Mayor in 1993 and again in 1997.

Mayor Isbell was born in San Antonio in 1938 and has been a Pasadena resident for more than 50 years. He attended Lee Junior College and received a bachelor of science from the University of Houston in 1968. Johnny also served in the U.S. Army National Guard and the Air Force Reserves.

Johnny has been a presence in all aspects of life in Pasadena, Texas. He is the founder and president of the Apache Oil Company. He is also the former director of the YMCA and served on the board of directors of the Houston Area Transportation Safety Council. He is a past president of the South Pasadena Rotary, a past president of the San Jacinto Day Foundation, an honorary life director of the Pasadena Rodeo Association and a former member of the Harris County Civil Service commission.

Mr. Speaker, I am sure that I speak for many when I say that his tireless work will not soon be forgotten, and we are all thankful to him. I urge my colleagues in the House of Representatives to join me in celebrating the career of Pasadena Mayor Johnny Isbell and wishing him well in his future endeavors.

HONORING THE UNITED STATES SERVICEMEN WHO PERISHED IN THE KHOBAR TOWERS BOMBING

HON. GEORGE W. GEKAS OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. GEKAS. Mr. Speaker, today I rise to honor the individuals killed in the Khobar Towers bombing that took place five years ago. On June 25, 1996, terrorists cut nineteen United States servicemen’s lives drastically short when they set off a bomb in the allied forces camp in Dhahran, Saudi Arabia. The allied forces contained many members of the U.S. armed forces who revealed their undying loyalty to America through their bravery in the ongoing struggle to prevent Saddam Hussein from ever again threatening his neighbors.

On that fatal day, courageous Americans were continuing their efforts to control the US air operation over Iraq. Pilots, ground crews, communications specialists, and anti-missile operators all worked out of the Khobar Towers for the noble cause of fighting against the Allies’ enemy.

With one deafening blast, terrorists sent the entire camp into chaos. The earth shook. To the sound of splitting window panes and crumbling walls, the allied forces ran for their lives. As they struggled to find cover from flying debris, nineteen innocent, patriotic individuals breathed for the last time.

This horrific incident was particularly shocking to those of us from Pennsylvania. A short five years before, 28 servicemen and women died when an Iraqi Scud missile plummeted from the sky into a US Army barracks in Saudi Arabia. The attack left 27 Pennsylvanians as well as three Egyptians, an American, and an Egyptian dead. The attack was the single worst catastrophe suffered by the Allies during the Persian Gulf War.

Like the Scud attack of February 25th, 1991, the attack on Khobar towers was a jolting reminder of the cost of defending freedom. The mission of the 19 heroes of Khobar was the same as their comrades in the Gulf War—to protect our national security by defending our allies against despotism. The risk was the same, and the price paid—an ultimate sacrifice for their country—the same.

These servicemen deserve America’s utmost respect for fighting for our country with little regard for their own personal safety. In light of America’s approaching birthday, we should honor all of the individuals who sacrificed their lives to preserve this nation for us and our children. Along with these nineteen servicemen, I ask you to join me in honoring all of the members of the armed forces who may no longer be with us, but whose lives we shall remember forever as the great protectors of this wonderful nation. And, to those who continue to fight for the American cause in the Middle East and elsewhere, you have our profound and complete admiration and respect. Our thoughts are always with you.

INTRODUCTION OF A BILL TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT TO INCREASE THE FEDERAL SHARE OF THE COST OF CONSTRUCTING TREATMENT WORKS IN THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Ms. NORTON. Mr. Speaker, today we introduce a bill to make permanent an 80–20 match for the District of Columbia Water and Sewer Authority (WASA), which serves jurisdictions in Virginia, Maryland, and the District of Columbia through its facility at Blue Plains. In fiscal years 1998 and 2000, the 80–20 match was included in appropriations bills. Because the Fiscal Year 2000 provision expires at the end of Fiscal Year 2001, this legislation to make the 80–20 match permanent is necessary.

The Blue Plains facility operated by WASA is the largest advanced waste water treatment plant in the world, serving two million users in the Maryland and Virginia suburbs as well as the District of Columbia. The financial and operational health of this facility is vital to the efforts to clean up the Chesapeake Bay as well as waters that serve the City of Vienna, and the counties of Fairfax, Loudon, Montgomery, and Prince Georges. Blue Plains is responsible for the largest reductions of nitrogen into the Bay of any facility in the entire Bay Watershed.

WASA has only been able to undertake major facility improvements—including biosolids digestion and handling facilities, major renovations to preliminary treatment facilities, new chemical feed operations, and additional electrical system enhancements—because of the 80–20 formula.

We also seek this change as a matter of fairness. In enacting the National Capital Revitalization and Self-Government Improvement Act of 1997 (Act), Congress recognized that the District, a city without a state, shoulders an unfair financial obligation in programs in which municipalities normally have state financial assistance. The Act provided for federal support for the state share of several such programs. The region has been unable to take advantage of the usual combination of state and federal funds matches only for this facility, which serves regional partners, happens to be located in the District of Columbia. A permanent 80–20 federal-local match would place the District on a par with other municipalities and states in the United States. The 20% that the District would continue to assume is equivalent to the burden borne by many other cities in the country. Of course, local rate payers in the region would continue to bear their share.

We urge our colleagues to join us in supporting this important provision that would provide tangible benefits to regional residents and to the Potomac and Anacostia rivers, as well as the Chesapeake Bay, a national treasure.
IN RECOGNITION OF GERALD A. BOWLES

HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. HOYER. Mr. Speaker, I rise today to give recognition to Gerald A. Bowles for his 30 years of exemplary service to the House of Representatives. Each of us here in the House have benefited from Jerry’s talent, professionalism and congenial manner. In the 30 years that Jerry has served with the office supply service, he has seen many changes. From the limited scope of office equipment in the early seventies to the high tech demands of today, Jerry has managed to assure that each member’s office has all of their supply needs ready and at hand.

Jerry started working for the office supply service on August 1, 1971, as a stock clerk. He was promoted to special orders clerk then to inventory control specialist, sales floor supervisor, assistant chief and then director of office supply service. Jerry will be retiring from office supply service on August 31, 2001.

Jerry was born on May 26, 1951, to John Ignatius Alberta Ellis Bowles of Compton, Maryland. Jerry is the fifteenth child out of sixteen children, having nine sisters and six brothers. Growing up in a family of this size, Jerry learned the importance of working hard, getting along with everyone and being able to figure things out. These skills have helped him to be an effective manager—well liked, yet able to get the job done. There never was any problem which didn’t have a solution in Jerry’s mind. He has always been able to find an available resource, offer an alternative fix and make the customer happy.

Staff from all around the Hill and particularly his colleagues from the office supply service will miss his smile, his willingness to listen and his “can do” attitude. Jerry has served the House well. His loyalty, determination and professionalism will long be remembered.

As Jerry retires to enjoy his home in St. Mary’s County where he will fill his days with fishing and crabbing in the Patuxent River as well as working at the Drift Inn Crab House, we wish him well and a long happy retirement.
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 Tuesday, June 26, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 27

9:30 a.m.  Armed Services
To hold hearings on the nomination of Dionel M. Aviles, of Maryland, to be Assistant Secretary of the Navy for Financial Management and Comptroller, the nomination of Reginauld J. Brown, of Virginia, to be Assistant Secretary of the Army for Manpower and Reserve Affairs, the nomination of Stephen A. Cambone, of Virginia, to be Deputy Under Secretary for Policy, the nomination of Michael Montelongo, of Georgia, to be Assistant Secretary of the Air Force for Financial Management and Comptroller, and the nomination of John J. Young, Jr., of Virginia, to be Assistant Secretary of the Navy for Research, Development and Acquisition, all of the Department of Defense.

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, and the nomination of John Walton Kepp, Ill., to be Commissioner of the Bureau of Reclamation (pending receipt by the Senate), both of the Department of the Interior.

9:45 a.m.  Foreign Relations
To hold hearings on the nomination of Clark T. Randt, Jr., of Connecticut, to be Ambassador to the People's Republic of China; and the nomination of Douglas A. Hartwick, of Washington, to be Ambassador to the Lao People's Democratic Republic.

10 a.m.  Judiciary
To hold hearings to examine the protection of the innocent, focusing on competent counsel in death penalty cases.

Finance
To hold hearings to examine prescription fraud, focusing on consultants selling doctors bad billing advice.

Budget
To hold hearings to examine the outlook of the U.S. economy.

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the federal governments role in retaining nurses for the delivery of federally funded health care services, focusing on the effects nursing shortages have on health care and long-term care programs, including Medicare, Medicaid, Veteran's and defense health.

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.

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, the nomination of Francis Xavier Taylor, of Maryland, to be Coordinator for Counterterrorism, and the nomination of Clark Kent Ervin, of Texas, to be Inspector General, all of the Department of State.

2 p.m.  Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the government of the District of Columbia.

Banking, Housing, and Urban Affairs
Economic Policy Subcommittee
To hold hearings on proposed legislation authorizing funding for the Defense Production Act.

2:30 p.m.  Intelligence
To hold closed hearings on intelligence matters.

JUNE 28

9 a.m.  Agriculture, Nutrition, and Forestry
To hold hearings to examine the new Federal Farm Bill.

9:30 a.m.  Banking, Housing, and Urban Affairs
To hold hearings on proposed legislation authorizing funds for the Iran and Libya Sanctions Act.

Energy and Natural Resources
To hold hearings to examine climate change issues, focusing on science and technology studies.

Governmental Affairs
To hold hearings to examine the impact of electric industries restructuring on system reliability.

Aging
To hold hearings to examine long term care, focusing on preparation for the aging baby boom generation.

Indian Affairs
To hold hearings to examine the goals and priorities of the member tribes of the Montana Wyoming Tribal Leadership Council for the 107th Congress.

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Communications Commission and Securities and Exchange Commission.

Veterans' Affairs
To hold hearings on proposed legislation providing for certain veterans' benefits.

Budget
To hold hearings to examine the status of the budget surplus.

Appropriations
Transportation Subcommittee
To hold hearings to examine the status of intercity transportation, focusing on airways and railways.

2 p.m.  Appropriations
Foreign Operations Subcommittee
To hold hearings to examine international democracy programs.

Foreign Relations
African Affairs Subcommittee
To hold hearings to examine Zimbabwe's political and economic crisis.

2:30 p.m.  Armed Services
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 2002 budget amendment.

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine the Surface Transportation Board rail merger rules.

SR-301

SR-418

SD-608

SD-192

SR-419

SD-138

SD-138

SD-138

SD-419

SD-106

SR-253
JULY 10
2:30 p.m.
Foreign Relations
To hold hearings on the nomination of Lori A. Forman, of Virginia, to be Assistant Administrator for Asia and the Near East, United States Agency for International Development.  SD-419

JULY 11
9:30 a.m.
Governmental Affairs
To hold hearings on S.803, to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services.  SD-342
Monday, June 25, 2001

Daily Digest

HIGHLIGHTS

House Committee ordered reported the Energy and Water Development appropriations for fiscal year 2002.

Senate

Chamber Action

Routine Proceedings, pages S6835–S6867

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 1095–1097, and S. Res. 116.

Measures Passed:

Congratulating People of Peru: Committee on Foreign Relations was discharged from further consideration of S. Res. 107, congratulating the people of Peru on the occasion of their democratic elections on June 3, 2001, and the resolution was then agreed to.

Congratulating Republic of Slovenia: Senate agreed to S. Res. 116, congratulating the Republic of Slovenia on its tenth anniversary of independence.

Patients’ Bill of Rights: Senate continued 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, taking action on the following amendments proposed thereto:

Pending:

Frist (for Grassley) Motion to Commit to the Committee on Finance and the Committee on Health, Education, Labor and Pensions with instructions to report back not later than the date that is 14 days after the date on which this motion is adopted.

Gramm Amendment No. 810, to exempt employers from certain causes of action.

Edwards (for McCain/Edwards) Amendment No. 812, to express the Sense of the Senate with regard to the selection of independent review organizations.

By prior unanimous-consent, Senate will continue consideration of the bill at 9:30 a.m., on Tuesday, June 26, 2001, and that there be 2 hours for debate in relation to the Frist (for Grassley) Motion to Commit and the Gramm Amendment No. 810 (both listed above), with a vote to occur on or in relation to the Frist (for Grassley) Motion to Commit at 11:30 a.m., followed by a vote on or in relation to Gramm Amendment No. 810.

Nominations Received—Correction: Received on Friday, June 22, 2001 (This list should replace the list that incorrectly appeared as Nominations Confirmed on page D618):

Peter R. Chaves, of Pennsylvania, to be Ambassador to the Republic of Sierra Leone.

Richard Henry Jones, of Nebraska, to be Ambassador to the State of Kuwait.

Nancy J. Powell, of Iowa, to be Ambassador to the Republic of Ghana.

Richard R. Clifton, of Hawaii, to be United States Circuit Judge for the Ninth Circuit.

Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit.

A routine list in the Army.

Statesmen’s Bill of Rights: Senate continued 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, taking action on the following amendments proposed thereto:

Pending:

Frist (for Grassley) Motion to Commit to the Committee on Finance and the Committee on Health, Education, Labor and Pensions with instructions to report back not later than the date that is 14 days after the date on which this motion is adopted.

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A routine list in the Army.

Statements on Introduced Bills: Pages S6863–64

Additional Cosponsors: Pages S6862–63

Amendments Submitted: Pages S6865

Additional Statements: Pages S6861–62

Notices of Hearings: Page S6865

Adjournment: Senate met at 2 p.m., and adjourned at 6:27 p.m., until 9:30 a.m., on Tuesday, June 26, 2001. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on pages S6866–67.)

Committee Meetings

No committee meetings were held.
House of Representatives

Chamber Action

Bills Introduced: 9 public bills, H.R. 2300–2308; and 2 resolutions, H. Con. Res. 172 and H. Res. 178, were introduced. Pages H3518–19

Reports Filed: Reports were filed as follows:
  Filed on Friday, June 22, H.R. 1954, to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, amended (H. Rept. 107–107, Pt. 1);
  Filed on Friday, June 22, H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002 (H. Rept. 107–108);
  H.R. 645, to reauthorize the Rhinoceros and Tiger Conservation Act of 1994, amended (H. Rept. 107–109); and
  H. Res. 178, providing for consideration of H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002 (H. Rept. 107–110).
  Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Ballenger to act as Speaker pro tempore for today.
  Guest Chaplain: The prayer was offered by the guest Chaplain, Col. Edward T. Brogan, USAF, Senior Chaplain, Arlington National Cemetery.
  Recess: The House recessed at 12:38 p.m. and reconvened at 2 p.m.
  Suspensions: The House agreed to suspend the rules and pass the following measures:


Memorial Honoring President John Adams and His Family: H.R. 1668, amended, to authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his family;

National 4-H Program Centennial Initiative: S. 657, to authorize funding for the National 4-H Program Centennial Initiative—clearing the measure for the President;

Release of Li Shaomin and All Other American Scholars Held in Detention by the People’s Republic of China: 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 and calling on the President of the United States to continue working on behalf of Li Shaomin and the other detained scholars for their release (agreed to by a yea-and-nay vote of 379 yeas with none voting “nay,” Roll No. 186). Agreed to amend the title;

Urging International Red Cross Access to Israelis Held Captive by Hezbollah: 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 Soud, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon (agreed to by a yea-and-nay vote of 379 yeas with none voting “nay”, Roll No. 187); and


Recess: The House recessed at 4:16 p.m. and reconvened at 6 p.m.

Senate Messages: Message received from the Senate today appears on page H3470.

Referral: S. Con. Res. 54, was referred to the Committee on House Administration.

Amendments: Amendments ordered printed pursuant to the rule appear on page H3514.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appears on pages H3491–92, H3492–93, and H3493. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 9:50 p.m.

Committee Meetings

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Ordered reported the Energy and Water Development appropriations for fiscal year 2002.
TRANSPORTATION APPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered for amendment by paragraph. The rule waives clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriations bill) against provisions in the bill except as otherwise specified in the rule. 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 Rogers of Kentucky, Sabo, Obey, Moran of Virginia and Borski.

COMMITTEE MEETINGS FOR TUESDAY, JUNE 26, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2002 for the Architect of the Capitol, 11 a.m., SD–124.

Committee on Armed Services: Subcommittee on Strategic, 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, 10 a.m., SR–222.

Committee on 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, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings on the nomination of Samuel W. Bodman, of Massachusetts, to be Deputy Secretary of Commerce; and the nomination of Allan Rutter, of Texas, to be Administrator of the Federal Railroad Administration; the nomination of Kirk Van Tine, of Virginia, to be General Counsel, and the nomination of Ellen G. Engleman, of Indiana, to be Administrator of the Research and Special Programs Administration, all of the Department of Transportation, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine certain provisions relating to S. 472, to ensure that nuclear energy continues to contribute to the supply of electricity in the United States; S. 597, to provide for a comprehensive and balanced national energy policy; and S. 388, to protect the energy and security of the United States and decrease America’s dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly, 9:30 a.m., SD–366.

Committee on Finance: to hold hearings to examine the United States-Vietnam Bilateral Trade Agreement, 2:30 p.m., SD–215.

Committee on Foreign Relations: to hold hearings on 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; the nomination of Daniel C. Kurtzer, of Maryland, to be Ambassador to Israel; the nomination of Margaret DeBardeleben Tutwiler, of Alabama, to be Ambassador to the Kingdom of Morocco; and the nomination of Wendy Jean Chamberlin, of Virginia, to be Ambassador to the Islamic Republic of Pakistan, 2:30 p.m., SD–419.

Committee on Governmental Affairs: Permanent Subcommittee on Investigations, 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, 9:30 a.m., SH–216.

Committee on Indian Affairs: to hold oversight hearings to receive the goals and priorities of the Great Plains Tribes for the 107th Congress, 10:30 a.m., SR–485.

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine concerns of ideology relative to the judicial nominations of 2001, 10 a.m., SD–226.

House

Committee on Agriculture, Subcommittee on Conservation, Credit, Rural Development and Research, hearing to review on rural development, 1 p.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Legislative, on the Library of Congress, 10 a.m., on the GPO, 11 a.m., on the GAO, 11:30 a.m., and on the CBO, 12 p.m., H–140 Capitol.

Committee on Armed Services, Special Oversight Panel on Department of Energy Reorganization, hearing on the management of the National Nuclear Security Administration, 1:30 p.m., 2216 Rayburn.

Subcommittee on Military Readiness, hearing on the readiness posture of the military service, 3 p.m., 2212 Rayburn.

Subcommittee on Military Research and Development, hearing on the Defense Science and Technology Program, 9:30 a.m., 2118 Rayburn.

Committee on Financial Services, Subcommittee on International Monetary Policy and Trade, hearing entitled “Trade in Financial Services—Current Issues and Future Developments,” 2 p.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled “The SEC’s Role in Capital Formation: Help or Hindrance?” 9:30 a.m., 2128 Rayburn.
Committee on Government Reform, Subcommittee on the District of Columbia, hearing on the Reform of the Family Division of the District of Columbia Superior Court—Improving Services to Families and Children, 12 p.m., 2154 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 2137, Criminal Law Technical Amendments Act of 2001; and H.R. 1892, Family Sponsor Immigration Act of 2001, 10 a.m., 2141 Rayburn.

Subcommittee on Commercial and Administrative Law, hearing on the following bills: H.R. 1552, Internet Tax Nondiscrimination Act; and H.R. 1675, Internet Tax Nondiscrimination Act, 2:30 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, hearing on H.R. 2187, to amend title 10, United States Code, to make receipts collected from mineral leasing activities on certain naval oil shale reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves, 10 a.m., 1324 Longworth.

Subcommittee on National Parks, Recreation and Public Lands, to mark up the following bills: H.R. 271, to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada; H.R. 695, Oil Region National Heritage Area Act; H.R. 1491, Utah Public Lands Artifact Preservation Act of 2001; and H.R. 1628, El Camino Real de los Tejas National Historic Trail Act of 2001, 10 a.m., 1334 Longworth.

Committee on Rules, to consider a measure making appropriations for the Department of Agriculture, Rural Development, Food and Drug Administration and Related Agencies for the fiscal year ending September 30, 2002, 5 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Research, hearing on Reinventing the Internet: Promoting Innovation in IT, 10 a.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on Space Tourism, 2:30 p.m., 2318 Rayburn.

Committee on Small Business, briefing on the Administration’s Trade Agenda: How Does Small Business Fit In? 10 a.m., 2360 Rayburn.

Subcommittee on Tax, Finance and Exports and the Subcommittee on Workforce, Empowerment and Government Programs, joint hearing on access to capital, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on Runway Incursions, Focusing on the Technology to Prevent Collisions, 2 p.m., 2167 Rayburn.
Next Meeting of the SENATE
9:30 a.m., Tuesday, June 26

Senate Chamber

Program for Tuesday: Senate will continue consideration of S. 1052, Patients’ Bill of Rights, with a vote to occur on or in relation to the Frist (for Grassley) Motion to Commit at 11:30 a.m., followed by a vote on or in relation to Gramm Amendment No. 810; following which, Senate will be in a period of morning business where two Senators will be recognized for speeches; following which, Senate will recess until 2:15 p.m. for their respective party conferences.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Tuesday, June 26

House Chamber

Program for Tuesday: Consideration of Suspensions:
(1) H. Res. 166, recognizing the disaster relief assistance provided to the people of Houston, Texas, and surrounding areas during tropical storm Allison; and
(2) H.R. 2213, 2001 Crop Year Economic Assistance; and
Consideration of H.R. 2299, Transportation Appropriations Act for Fiscal Year 2002 (open rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

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