The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER, pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to up to 20 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Nebraska (Mr. OSBORNE) for 5 minutes.

SUPPORT OF THE PRESIDENT’S ENERGY PLAN

Mr. OSBORNE. Mr. Speaker, I recently heard a member of the Committee on Resources make an interesting statement. This individual said that the United States currently has only 3 percent of the known oil reserves in the world. The truth is that we really do not know. We do not know whether it has 3 percent or 5 percent or 15 percent or 20 percent, because for the last 10, 15, 20 years we have done absolutely no exploration. We have had no energy plan.

Mr. Speaker, think about what our corporation, what military unit, what athletic team would proceed without a plan and without knowing what its assets were. This is precisely what we have done here in the United States.

I would really encourage people to support the President’s energy plan because, number one, it provides a blueprint where there has been none, a plan of action that provides conservation practices and development of alternative fuels. It also provides for exploration which allows us to know what our assets and limitations are. In the event of an international crisis, it will be critical that we know what is there.

SUPPORT FOR A DAY OF DEMOCRACY

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker’s announced policy of January 3, 2001, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this morning the Ford-Carter Commission on Election Reform will release its report. One of the striking aspects of its report, and I say striking because it is sometimes rare for commissions to study an issue and offer to give the American people another day off; but I believe this is an important step in acknowledging the very important and pivotal role that the American people play in fostering democracy in this Nation. That is the election of the President of the United States, election of their Federal officials that come about in one group every 4 years. The President, in many instances, Senators and, of course, Members of the House of Representatives are running for reelection.

The Ford-Carter Commission was to assess the plight of elections in this Nation. Certainly a laboratory was the election of November 2000. Not only was Florida a prime example where things can go wrong, but as I traveled around the country listening to voters in many many jurisdictions, this is a problem that is systemic to our Nation and one that we must fix in order to enhance democracy.

We must ensure that every voter has a right to vote. We must ensure that they are knowledgeable about where to vote. We have to ensure that voters are not purged from the list that is kept by their local governmental officials. We must ensure that voters are educated on how to vote and that they are able to utilize high technology equipment.

There are many legislative initiatives that are fostering or looking to improve the election system. I support the Dodd-Conyers legislation and I have offered legislation myself to determine the best technology that this Nation should use.

Many jurisdictions who have the resources have already begun to improve their election system. We must keep in mind, however, that the rush to judgment to improve our election system should not replace one bad system with another. So it is imperative that we create standards and I hope the Ford-Carter commission includes that.

I have a bill, H.R. 934, that has spoken to the issue of a national holiday. Why a national holiday? One more day for us to be in the shopping malls? I think not. A day that everyone can focus on their most important responsibility, and that is the maintenance of democracy in this Nation, the upkeep of the Constitution. This will allow college students and high school students and working people from all walks of life to participate in a day of democracy. That is what we should call it.

My bill, H.R. 934, says it is a sense of Congress that private employers in the United States should give their employees a day off on the Tuesday next, after the first Monday in November in 2004 and each fourth year thereafter to enable the employees to cast votes in the presidential and other elections held on that day.

But, more importantly, we will not hear of the young mother or the young father or the hard-working individual who says, I just did not get the time to vote. I tried to get back to my polling place, but it was closed. Traffic kept me from voting. Transportation kept me from voting. My employer would not let me have time off to vote.

College students who might want to be poll workers at the polls, a most important responsibility on that day.
knowing the laws, assisting people in exercising their democratic right, having those kinds of poll workers assist us along with other professionals as well as the wonderful volunteers we have had to date.

Mr. Speaker, I think it is high time for us to be able to give the kind of credible evidence and the kind of respect for the election system that is long overdue in this Nation. There are many countries around the world that fight for the meager chance to cast their votes. There are many that do not have that chance. There are others who look to us for our leadership and many countries have had us as election monitors.

We can do no less for our citizens than to ensure that every vote counts, to ensure that we have a working system that allows every vote to count, to respect the military votes, to respect those who have done their time in prisons and now want to be the kind of citizen that they have their rights restored, to respect those who have registered and yet now are purged.

There are many things we can do to fix the election system. But I believe one that we can all rally around is the Fordham. As I said, this national holiday will not be a shopping day. It will be a day of freedom, a day that we will recognize that every single American goes to the polls acknowledging and respecting our democracy.

While our men and women who offer themselves for the ultimate sacrifice in the United States military, they do so so that freedom will reign. Support H.R. 934 as we move to the process of enhancing democracy in this Nation.

CELEBRATING THE CITY OF THOMASVILLE’S 150TH BIRTHDAY

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from North Carolina (Mr. COBLE) is recognized during morning hour debates for 5 minutes.

Mr. COBLE. Mr. Speaker, the city of Thomasville, North Carolina, will celebrate its 150th birthday in 2002. When one thinks of Thomasville, there are many things that come to mind: Thomasville Furniture Industries, the Big Chair, the Baptist Children’s Orphanage, Everybody’s Day, textile mills, and the locally run football team that has had one of the best records of any high school football team in the state of North Carolina.

Thomasville was named for State Senator John W. Thomas, who helped pioneer the construction of the first railroad across North Carolina and, in 1852, created the town of Thomasville. Senator John W. Thomas, who helped the construction of the first railroad across North Carolina and, in 1852, created the town of Thomasville.

Unfortunately, after 15 years of exposure, the local chair was torn down in 1936. Due to the Depression and the advent of World War II, another chair was not built until 1940. In 1946, once again, Thomasville Chair Company, spearheaded the effort to construct another chair, and a decision was made to construct a chair that would stand the test of time.

The concrete chair was a reproduction of the original Duncan Phyfe armchair. Today, the monument stands almost 30 feet high and overlooks the downtown square. In addition to the chair, downtown Thomasville is home to North Carolina’s oldest railroad depot which today houses the Thomasville Visitors Center.

Another one of Thomasville’s significant contributions is its commitment to the Mills Home Baptist Children’s Orphanage, the largest orphanage in the South outside of Texas. The orphanage provides a wide array of very important children’s services to the local and State communities.

One of the longest held traditions in Thomasville is Mr. Speaker, is Everybody’s Day. We continue to observe it. The first Everybody’s Day Festival was held in Thomasville in 1908 and is North Carolina’s oldest festival.

In 1910, the Amazon Cotton Mill, one of the Cannon chain of textile mills, opened its doors as did the Jewell cotton mills that same year. Jewell was a result of investments contributed by local investors in the community. Both these mills served as a catalyst for textile mills that would become a very vibrant industry, which still exists today.

Last, but certainly not least, Thomasville is home to a long and rich high school football tradition, a tradition of champions begun under the days of Coach George Cushing, a beloved coach and teacher. In fact, the current football stadium bears his name. Under Cushing’s tutelage emerged an individual in whom many place their hopes for continued success. This man, Coach Allen Brown, did not let the fans down.

Leading the Bulldogs to several State Championship titles and guiding them through the maze of several conference realignments, he was always able to keep his team focused and the fans engaged, continuing in the great tradition of his predecessor.

Today, Mr. Speaker, the Bulldogs are led by yet another great leader and former quarterback, Benjie Brown, who followed in the footsteps of his dad, Allen Brown, and Coach Cushing.

Needless to say, Mr. Speaker, Thomasville is a vibrant city whose future looms bright, and it is truly an honor for me to be able to recognize this fine city, the Chair Capital of the World on its 150th birthday as it begins its celebration for its 150th birthday next year.

TAKING ANOTHER LOOK AT SPRING VALLEY

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, this morning’s editorial in the Washington Post calls for a second look at Spring Valley. This is the area in an exclusive residential neighborhood in Washington, D.C., immediately adjacent to the American University campus, that was 83 years ago the site of American chemical weapons testing and production during World War I. It is one of over 1,000 sites across America where we have unexploded ordnance, military toxins, environmental waste left from the past.

I could not agree more with the Washington Post that it is time for a second look at what is happening in Spring Valley.

Last spring, the gentlewoman from Washington, D.C., (Ms. NORTON) and I led a group of media and concerned citizens to visit the site where we have seen the areas of the concentration of arsenic, the vacant child care center that had many, many times the level of recommended contaminants before it was vacated, that now stands empty where just a few months ago there were young children.

Or looking at the back yard of the Korean Ambassador that is all scratched away where they are trying even now after the second cleanup to finish the job.

Yes, it is time for a second look at the Spring Valley situation to see what happened, who knew the information, to see if people were adequately warned of the dangers. But I think there is a much larger issue here than the management of the Spring Valley site. In fact, the current football stadium bears his name. Under Cushing’s tutelage emerged an individual in whom many place their hopes for continued success. This man, Coach Allen Brown, did not let the fans down.

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perhaps more, where we have no real understanding of how many thousands, how many hundreds of thousands indeed. Indeed, the estimates are that it could be as many as 50 million acres that are contaminated.

Until Congress gets on top of this issue, I fear that we are going to be putting the Department of Defense in a situation where, with an inadequate budget, they are given no choice but to go from hot spot to hot spot, from the focus of every story from the media, political pressure or some other contingency forces their attention.

A much better approach is for us to take a comprehensive look. I would suggest that my colleagues join me in cosponsoring H.R. 2605, the Ordinance and Explosive Risk Management Act that calls for the identification of a single person who is in charge. Right now there is not a single point of contact.

It calls for increased work in terms of research so that we know how best to clean up these sites, that we do a comprehensive inventory so at least we know how big the problem is. Of course, we all need to make sure that we are adequately funding this problem.

People who followed this in the news noticed that American University has filed suit against the United States Government for almost $100 million in damages.

Ultimately, we were responsible for cleaning up after ourselves in terms of Federal Government. Those of us who care about livable communities that make our families safe, healthy and economically secure and who believe that the single most powerful tool available to us is not new fees, new laws, new requirements, but rather the Federal Government led by this bill, modeling the behavior that we expect of other Americans whether they are families, businesses or local government.

We have an opportunity to do that right now in moving forward with legislation, with adequate funding to make sure that the toxic legacy of over a century of unexploded ordnance and environmental degradation is taken care of, is addressed, that we do clean up after ourselves.

Mr. Speaker, I strongly urge my colleagues join me in support of H.R. 2605 and that we urge our colleagues on the Committee on Appropriations and the Committee on Armed Services to make sure we are all doing our job, making the framework so that Congress is no longer missing in action on the issue of unexploded ordnance.

Mr. ISAKSON. Mr. Speaker, last night about 10 hours ago this Congress passed the VA–HUD appropriations bill for the year 2002. In so doing, we have appropriated billions of dollars to assist low- and moderate-income Americans in the purchase or rental of their housing.

Mr. Speaker, 13 years ago when George Herbert Walker Bush, the former President of this country, made his acceptance speech, he made a speech about the “Thousand Points of Light,” those Americans who go unnoticed every day so much good for their fellow man without credit or without compensation.

Today in Washington, D.C., a point of light will shine brightly. Under the auspices of a not-for-profit playground construction company known as KaBOOM! In the Jetu Washington apartment complex where over 500 children reside, a new playground will be dedicated to improve the quality of life and the environment for those children, a safe, attractive and accessible playground. The KaBOOM! Corporation, over these many years, has built 270 playgrounds in America for disadvantaged children and assisted in the renovation of 1,200 such playgrounds.

They do so by partnering with the private sector to provide the manpower, the resources and the funding. I am pleased today to acknowledge the Home Depot Corporation and NASCAR, who have partnered to provide the manpower, the funding and the resources for the playground that will be built today.

I particularly want to pay tribute to the Home Depot Corporation. Its founders, Bernie Marcus and Arthur Blank, when they started their company not too many years ago in their first store, insisted on community participation on behalf of their employees, and through KaBOOM! the gifts of their money to support good causes.

Last year alone the Home Depot Foundation donated $75 million in America for our at-risk youth, for their recreation and their quality of life, and for their health care. They truly are points of light that make our community better.

So as last night we celebrated the expenditure of billions of dollars in taxpayer money to assist Americans, let us also pay tribute today to the untold billions of dollars in manpower, man-hours and actual money donated by those points of light in America who for no reason but the goodness of their hearts make the quality of life for the less fortunate better.

Today in Washington, D.C. that will happen at the Jetu Apartment complex thanks to the not-for-profit company, KaBOOM!, the day but do companies of NASCAR and Home Depot, two points of light that will make a difference in the lives of hundreds of children.

IN SUPPORT OF CLEAN PATIENTS’ BILL OF RIGHTS LEGISLATION

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from New Jersey (Mr. Pallone) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, many of us know now that the Republican leadership postponed any debate or vote on the patients’ bill of rights, the HMO reform even though it was scheduled for last week. Now, of course, we are hearing that it may come up this week perhaps as early as Thursday, later on this week.

Mr. Speaker, I mention it because myself and many other Democrats have come to the floor frequently over the last year, and perhaps over the last 2 or 3 years, demanding that we have an opportunity for a clean vote on a patients’ bill of rights where we know of the problems that Americans and our constituents face with abuses when they are in the managed care system, where they have an HMO as their insurer.

What I fear though, Mr. Speaker, from the pronouncements that we are hearing from the Republican leadership is that there will not be an opportunity for a vote on HMO reform unless they have the votes for a weaker version of HMO reform or they call it the patients’ bill of rights than what the majority and the Members of this House have been seeking.

The majority of the Members of the House, almost every Democrat and a significant number of Republicans, in the last session of Congress voted for a very strong patients’ bill of rights, the one sponsored by the gentleman from Michigan (Mr. Dingell), who is a Democrat and also by some Republicans, the gentleman from Iowa (Mr. Ganske), and the gentleman from Georgia (Mr. Norwood), who are Republicans.

It is very important that the opportunities be presented here in the House if it is going to happen this week to have a clean vote on the real patients’ bill of rights.

I think it is crucial that my colleagues and the public understand that there is a difference in each of the different versions that have been sort of circulating around this Chamber, and to suggest that we are going to have a vote on the patients’ bill of rights but not have the opportunity to deal with the really effective strong one, I think would be a major mistake.

Let me give an example of the differences and why I think it is important that we have a vote on the real bill, on the one that is going to make a difference for the average American.

President Bush has indicated and over and again the he does not support a real patients’ bill of rights. He does not support the Dingell-Ganske-Norwood bill because, first of all, there will be
too much litigation, too much opportunity to go to court. Secondly, because it will drive up the cost of health insurance.

We know from the Texas insurance, and there are ten other States that have suits of rights including my own in New Jersey, that the fear of lawsuits is not real and the fear about increased cost of health insurance or people having their health insurance dropped is not real. In the case of Texas, it is well documented since 1997, when the patient bill of rights went into effect in that State there were only 17 lawsuits. The average cost of health insurance in Texas has not gone up nearly as much as the national average. So we know that these fears that President Bush talks about are not legitimate.

What the President has been supporting and what the Republican leadership has been supporting is a weakened version of the patients’ bill of rights that has been controlled by the gentleman from Kentucky (Mr. FLETCHER).

Just to give an example of what the differences can be on these bills, let me talk about some of the patients’ protection guaranteed under the real patients’ bill of rights that we would not have in the Fletcher Republican leadership bill. For example, we know that what we want is we want doctors to be able to practice medicine and be able to give us with the care that they think we need. Well, under the Fletcher bill, for example, doctors could be told by their HMO that they cannot even talk to a patient about a medical procedure that they think a patient needs. It is called the gag rule. Doctors also would continue to be provided financial incentive, or could under their Fletcher bill by their HMO, financial incentives not to provide us with care because they get more money at the end of the month if they do not have as much procedure, if they do not care for as many people, if they do not do as many operations.

Another very good example is with regard to specialty care. Under the real patients’ bill of rights, the Dingell-Norwood-Ganske bill, we basically are able to go to a specialist on a regular basis without having to get authorization each time we want to go. Well, that is not true under the Fletcher bill. For example, under the real patients’ bill of rights, a woman can have her OB-GYN as her family practitioner. She does not have to have authorization each time she goes.

Under the real patients’ bill of rights, if we need pediatric care, we are guaranteed specialty care for our children, for specialty pediatric care. Under the Fletcher bill neither of these things are true.

So there are real differences here. That is why it is important that we have an opportunity this week to vote on the real patients’ bill of rights. I ask the Republican leadership, do not put any roadblocks procedurally in the way through the Committee on Rules so that we do not have a clean vote on the real patients’ bill of rights.

Let me talk about another area. Well, I guess my time has run out, Mr. Speaker. But I would ask that we have an opportunity this week to vote on a clean bill.

GRANTING PRESIDENT BUSH TRADE PROMOTION AUTHORITY

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from Texas (Mr. BRADY) is recognized during morning hour debates for 2 minutes.

Mr. BRADY of Texas. Mr. Speaker, the House of Representatives will consider legislation granting President Bush trade promotion authority. I urge my colleagues to support this legislation.

Why do we need restored trade promotion authority to the President and to America? The answer is jobs and our children’s future. Currently the United States is at a severe disadvantage when we have to compete with the rest of the world. Not because of the quality of our products. They are high. But because the President does not have the authority to cause our competitors face a more fair trade environment.

According to a report released earlier this year of the estimated 130 free trade agreements around the world, only two today include the United States.

Giving the President this authority to negotiate on our behalf would help give America the tools we need to break down the barriers abroad so we can sell American goods and services around the world and the potential is huge. Ninety-six percent of the world lives outside the United States. Ninety-six percent of the world lives outside our borders. While they cannot all buy the products we buy today, someday they will, and we want them to buy American products.

Here is an interesting statistic. Half the adults in the world today, half the adults in the world have yet to make their first telephone call. Well, if it is European countries to sell those telephone systems, they will create European jobs. If they are Asian companies that sell those telephone systems, they will create Asian jobs. If they are American companies that sell those telephone systems, we will create American jobs.

These are jobs for our future and for our children going through the schools today.

Countries around the world are hesitant to negotiate trade agreements with us. They are scared Congress will change every agreement 1,000 different ways after it has been negotiated. What trade promotion authority does, it gives Congress, your representatives, a final say on whether an agreement is fair and final. I urge my colleagues to support this legislation.

PRIVATE PENSION BILL FOR RETIRED RAILROAD WORKERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, it is a great morning, but I am going to talk about a disconcerting bill that we might be taking up today or maybe tomorrow. It is the private pension bill for the railroad workers in this country.

The gentleman from Texas (Mr. SAM JOHNSON) and I are sending out a dear colleague this morning, Mr. Speaker. I hope all staff and workers and Members who are concerned about reaching in the Social Security Medicare trust fund next year will take a look at this dear colleague, and then take a look at the railroad retirement bill that cost $15 billion.

I have been working on Social Security since I came here years ago. In working with the Social Security system and researching its origins back to 1934, I discovered that the railroad employees were included in the social security system at that time in 1934.

The railroad workers and employers who were tremendously influential politically back in the 1930’s as they are today, came to Congress and said we do not want to be part of the Social Security system, we want our own pension system. So government passed a law and took them out, and it became sort of a quasi-governmental pension system for this private industry—the only private industry that has sort of this government back-up of a private pension system.

The railroad retirement system was established during the 1930’s on a pay-as-you-go basis just like Social Security; but unlike Social Security, which now has three workers to support every one retiree, the railroad retirement system has three beneficiaries being supported by every one worker. That is why they have come back to Congress so many times to ask the American taxpayer to bail out their pension system.

The disproportionate ratio of beneficiaries to workers is a direct result of historical decline in railroad employment. Since 1945, the number of railroad workers has declined to 240,000 from 1.7 million. So we can see there are fewer workers, but all the existing retirees are living longer life spans, it has come to a tremendous burden on that workers asking each worker to have the kind of contribution that would support three retirees, so they have not been able to do it.

Declining employment. Many benefit increases have produced chronic deficits. The railroad retirement system has spent more than it has collected in
payroll taxes every year since 1957. I want to say that again. The railroad retirement system has spent more than it has collected in payroll taxes every year since 1957. The cumulative shortfall since 1957 is $90 billion. That $90 billion has come from other taxpayers paying into this private taxpayer system.

So I think everybody can believe me, Mr. Speaker, when I say the influence of the railroad workers and the railroad system has been very influential in the United States Congress. Although railroad workers and their employers currently pay a 33.4 percent payroll tax excluding Medicare and unemployment, the railroad retirement system still spends $4 billion more than it collects in payroll deductions each year. So every year we are subsidizing and putting money back into the railroad retirement system out of the general fund.

Despite the payroll tax shortfall, the railroad retirement system remains technically solvent thanks to these generous taxpayer subsidies. The American taxpayer has bailed out the retirement system to the extent that those retirement funds now claim a $20 billion surplus, not a $90 billion deficit. So this bill that is proposed to come up takes $15 billion out of the general fund next year. It is going to a division of the railroad retirement board investment effort where they invest it and spend it for current retirees.

But the challenge is while we are passing these bills, we are reducing the payroll tax that these workers pay in and we increase benefits. We have increased benefits for widows, and we allow those workers to retire in the railroad system, under this proposed legislation that is coming before us, to retire at 60 years old with full benefits. Of course, on Social Security what we have done over the years is we have increased that, and now we are in the mode of taking that full benefit eligibility up to 67 years old for Social Security.

So in this railroad bill, we have reduced the tax they pay; we have increased the benefits. I hope everybody will study this issue very closely because if we are going to pass this kind of legislation, we should at least take American taxpayers off the hook in the future.

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

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

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker’s approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker’s approval of the Journal.

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

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

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

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THE JOURNAL

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

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

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PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance?

Mr. SAM JOHNSON of Texas 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.

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WELCOMING THE REVEREND MONSIGNOR JOHN BRENKLE

Mr. THOMPSON of California asked and was given permission to address the House for 1 minute.

Mr. THOMPSON of California. Mr. Speaker, I am honored to have such a truly genuine servant and good friend lead us in today’s opening prayer. Father John Brenkle—Monsignor John Brenkle—has humbly and effectively served our diocese for over 30 years and has been pastor at the St. Helena Catholic Church for nearly 20 years.

He has worked tirelessly with local, State and Federal officials, housing advocates and the wine industry within the Napa Valley to improve farm working housing in our area.

In addition to St. Helena, Father Brenkle has served the diocese by leading two other parishes and serving as a school principal. He has been both a forceful presence and silent leader and has the respect and the admiration of our entire community regardless of their religious affiliation.

I thank my colleagues for allowing him to lead us in prayer today.

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CLONING

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

Mr. PITTS. Mr. Speaker, the columnist Charles Krauthammer called legislation that we are going to consider today to permit cloning human embryos a “nightmare and an abomination.” It truly is.

Some of those who support this proposal are so eager to clone human beings that they have taken to twisting the truth to promote their arguments. The latest thing they are saying is that cloned embryos are not really embryos at all. They say that if you use body cells instead of sperm to fertilize an egg, that that really is not an embryo.

Mr. Speaker, that is ridiculous. Take a look at this picture of Dolly the sheep. Everybody knows how Dolly is a clone. Dolly was made by fertilizing a sheep egg with a cell taken from the mammary gland of another sheep. It took 277 tries before they got a clone that worked. Now she is 5 years old.

Those who argue that cloned human embryos are not really embryos might as well argue that Dolly is not a sheep. That is ridiculous.

Cloning human beings is wrong. Eighty-eight percent of the American people do not want scientists to create human embryos for the purpose of experimentation, harvesting and destruction. We will be voting later today to ban all human cloning. Support the Weldon-Stupak bill.

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IRS COMMISSIONER ROSSOTTI

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

Mr. TRAFICANT. The legal group Judicial Watch has charged IRS Commissioner Rossotti with conflict of interest involving a company he founded.
Earlier this year, I introduced H.R. 612, the Persian Gulf War Illness Compensation Act of 2001 with two other outstanding advocates for veterans, the gentleman from Illinois (Mr. MANZULLO) and the gentleman from California (Mr. GALLEGLY). This legislation garnered strong bipartisan support from over 225 Members of the House.

The Veterans Benefits Act of 2001 will now clarify VA standards for compensation by recognizing fibromyalgia, chronic fatigue syndrome, multiple chemical sensitivity, and other ailments as key symptoms of undiagnosed or poorly defined illnesses associated with Gulf War service. Additionally, this bill extends the presumptive period for undiagnosed illnesses to December 31, 2003. This is a true victory for veterans.

Mr. Speaker, these veterans put their lives on the land to protect, defend and advance the ideals of democracy.

Vote for this bill. It is the right thing to do.

TRADE PROMOTION AUTHORITY

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

Mr. KNOLLENBERG. Mr. Speaker, Congress must pass trade promotion authority. International trade is an essential part of the U.S. economy. But when it comes to trade agreements, the U.S. is lagging behind significantly. Of the 130 preferential trade agreements that exist, the U.S. is a party to only two: NAFTA and a free trade agreement with Israel. That is it. The European Union has 27, 20 of which have agreements throughout the southern hemisphere. There are currently over 12 million U.S. jobs that depend upon exports. American jobs that export goods pay up to 18 percent more than the U.S. national average. As we can see, trade agreements are a crucial element for the success of the U.S. economy. Remember, the jobs stay here; the products are exported overseas.

Mr. Speaker, in order to get back in the game and develop a stronger economy, I urge my colleagues to join me in supporting trade promotion authority.

PROUD TO SALUTE THE HONORABLE DONNA SHALALA, NEW PRESIDENT OF THE UNIVERSITY OF MIAMI

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to salute the Honorable Donna Shalala who has assumed the reins as the fifth president of the University of Miami. Donna Shalala was U.S. history’s longest serving Secretary of the U.S. Department of Health and Human Services. During her tenure, Dr. Shalala distinguished herself on a broad range of issues, including taking care of the needs of our elderly and our Nation’s children.

She led campaigns for child immunization, for biomedical research, and played a key role in reforming our welfare system. In fact, the Washington Post described her as “one of the most successful government managers of our time.”

Donna brings to UM more than 25 years of experience in education, also, including serving as President of Hunter College. As chancellor of the University of Wisconsin-Madison, she was the first woman to head a Big 10 university.

The University of Miami is already a leader in international and medical education, biomedical research and environmental sciences, but with Donna Shalala at its helm, UM will be certain to reach great new heights.

The Florida congressional delegation welcomes Donna Shalala back to Washington, D.C. today and looks forward to working together to achieve her vision for the future of the University of Miami and for our South Florida community.

MANAGED CARE LEGISLATION

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, some health plans systematically obstruct, delay and deny care. That is a fact.

Earlier this year, Republicans and Democrats negotiated a bill that contains the minimum protections necessary to get health insurance back on track. Ganske-Dingell reminds HMOs that they are being paid to provide coverage, not excuses. And it contains a right to sue with enough teeth in it to deter health plans from cheating their enrollees, and enough definition to preclude frivolous lawsuits.

Recourse in the courts is essential. If we tell HMOs that they are accountable, we must hold them accountable. Unfortunately, the Fletcher bill compromises away the two most important patient protections, leaving HMOs thrilled and consumers no better off. It provides a right to sue that cannot actually be exercised and a right to an external appeals process that simply cannot be trusted.

We need to enact legislation that does not just sound like it protects patients but actually does protect patients. Ganske-Dingell fits that bill. I ask for House support.

□ 1015

SUPPORT FLETCHER HEALTH CARE REFORM

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am going to talk about Benny Johnson, no relationship.

Benny Johnson of Logic L engines in Richardson, Texas, employs 18 people and pays over $80,000 a year for health insurance for himself, his employees, and their families. Benny has paid for their health insurance for nearly 20 years.

If health insurance premiums rise much higher, Benny is going to have to reduce benefits, drop coverage, or change plans, ending relationships with doctors they trust and know. Why would his premiums go up? Because of the McCain-Kennedy legislation in the House and Senate, which everybody knows would drive costs up.

This potentially could add Benny and his employees, and their families, to the 43 million Americans without health insurance.

It is just plain wrong. It has to stop. We have to think of Benny, his employees, and his families. Let us support the Fletcher bill.

STRENGTHENING AMERICA’S LEADERSHIP ON TRADE

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

Mr. DREIER. Mr. Speaker, in just a few minutes, the gentleman from California (Chairman THOMAS) will begin the debate on the very important U.S.-Jordan Free Trade Agreement, but I want to take a moment to talk about a very important issue which we are going to be phasing in the not-too-distant future, and that is the issue of Trade Promotion Authority.

Since that authority expired in 1994, our trading partners have been very busy building a web of trade agreements that excludes the United States. Today we sit here wasting valuable time that the President and his trade negotiators could be using to improve the lives of families here in the United States and around the world.

Free trade has been a boon for the American family, from higher paying jobs to lower prices. The North American Free Trade Agreement and the World Trade Organization have increased the overall national income by $40 billion to $60 billion. Continued efforts to open new markets help working families that bear the brunt of hidden imported taxes on everyday items like clothes, food, and electronics. And, with 97 percent of exporters coming from small or medium-sized companies, increased exports mean better, higher paying export jobs for workers that make up the heart and soul of this country.

Along with American workers, open trade has helped to raise more than 100 million people out of poverty in the last decade. A recent World Bank study showed that developing countries that participate actively in trade grow faster and reduce poverty faster than countries that isolate themselves.

We should grant the President Trade Promotion Authority as soon as possible to ensure that the United States continues to lead in the global economy and the fight to spread democracy and freedom throughout the world.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules and to revise and extend his remarks.

Any record votes on postponed questions will be taken later today.

UNITED STATES-JORDAN FREE TRADE AREA IMPLEMENTATION ACT

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2603) to implement the agreement establishing a United States-Jordan free trade area, as amended. The Clerk read as follows:

H.R. 2603

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 "United States-Jordan Free Trade Area Implementation Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to implement the agreement between the United States and Jordan establishing a free trade area;

(2) to strengthen and develop the economic relations between the United States and Jordan for their mutual benefit; and

(3) to establish free trade between the 2 nations through the removal of trade barriers.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(A) AGREEMENT.—The term "Agreement" means the Agreement between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area, entered into on October 24, 2000.

(B) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

TITLE I—TARIFF MODIFICATIONS; RULES OF ORIGIN

SEC. 101. TARIFF MODIFICATIONS; RULES OF ORIGIN.

(a) Tariff Modifications Provided For in the Agreement.—The President may proclaim—

(1) such modifications or continuation of any duty,

(2) such continuation of duty-free or excise treatment, or

(3) such additional duties, as the President determines to be necessary or appropriate to carry out article 2.1 of the Agreement and the schedule of duty reductions with respect to Jordan set out in Annex 2.1 of the Agreement.

(b) Other Tariff Modifications.—The President may proclaim—

(1) such modifications or continuation of any duty,

(2) such continuation of duty-free or excise treatment, or

(3) such additional duties,
growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, and salesmen’s salaries, commissions, or expenses.

(c) **TEXTILE AND APPAREL ARTICLES.**—

(1) **IN GENERAL.**—A textile or apparel article imported directly from Jordan into the customs territory of the United States shall be considered to meet the requirements of paragraph (1)(A) of subsection (a) if—

(A) the article is wholly obtained or produced in Jordan;

(B) the article is a yarn, thread, twine, cordage, rope, cable, or braiding, and—

(i) the constituent staple fibers are spun in Jordan; or

(ii) the continuous filament is extruded in Jordan;

(C) the article is a fabric, including a fabric classified under chapter 59 of the HTS, and the constituent filaments, filaments, or yarns are woven, knitted, needled, tufted, felted, entwined, or transformed by any other fabric-making process in Jordan; or

(D) the article is any other textile or apparel article that is wholly assembled in Jordan from its component pieces.

(2) **DEFINITION.**—For purposes of paragraph (1), an article is considered to be “wholly obtained or produced in Jordan” if it is wholly the growth, product, or manufacture of Jordan.

3. SUBTLE RULES—

(A) **CERTAIN MADE-UP ARTICLES, TEXTILE ARTICLES IN THE PIECE, AND CERTAIN OTHER TEXTILES AND TEXTILE ARTICLES.**—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, subparagraphs (A), (B), or (C) of paragraph (1), as appropriate, shall determine whether a good that is classified under one of the following headings or subheadings of the HTS shall be considered to meet the requirements of paragraph (1)(A) of subsection (a): 5609, 5807, 5811, 6209.20.50.40, 6213, and 9404.90.

(B) **CERTAIN KNIT-TO-SHAPE TEXTILES AND TEXTILE ARTICLES.**—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, a textile or apparel article which is knit-to-shape in Jordan shall be considered to meet the requirements of paragraph (1)(A) of subsection (a).

(C) **CERTAIN DYED AND PRINTED TEXTILES AND TEXTILE ARTICLES.**—Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, an article is considered to meet the requirements of paragraph (1)(A) of subsection (a) if the fabric in the good is both dyed and printed in Jordan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decrating, permanent shrinking, weighting, permanent embossing, or moiréing.

(D) **FABRICS OF SILK, COTTON, MAN-MADE FIBER OR VEGETABLE FIBER.**—Notwithstanding paragraph (1)(C), an article is considered to meet the requirements of paragraph (1)(A) of subsection (a) if the fabric is wholly obtained or produced in Jordan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decrating, permanent shrinking, weighting, permanent embossing, or moiréing.

4. **MULTICOUNTRY RULE.**—If the origin of a textile or apparel article cannot be determined under paragraph (1) or (3), then that article shall be considered to meet the requirements of paragraph (1)(A) of subsection (a) if—

(A) the most important assembly or manufacturing process occurring in Jordan; or

(B) if the article is classified under heading 8065 of the HTS, the last important assembly or manufacturing occurs in Jordan.

5. **EXCLUSION RULES—**

(a) **APPLICATION.**—Except as provided under this subtitle with respect to that article.

(b) **ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.**—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, the Commission shall, and at such time as the President determines necessary to prevent or remedy the injury found by the Commission, secure for reduction or elimination of a duty under section 212.

(c) **REPORT TO PRESIDENT.**—No later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that shall include—

(1) a statement of the basis for the determination;

(2) dissenting and separate views; and

(3) any finding made under subsection (b) regarding import relief.

(d) **PUBLIC NOTICE.**—Upon submitting a report to the President under subsection (c), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall not make any summary thereof to be published in the Federal Register.

7. **APPLICABLE PROVISIONS.**—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)) shall be applied with every determination made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2215).

8. **PROVISION OF RELIEF.**—

(a) **IN GENERAL.**—No later than the date that is 30 days after the date on which the President receives the report of the Commission containing an affirmative determination of the Commission under section 212(a), the President shall provide relief from importation of the article that is the subject of such determination to the extent that the President determines necessary to prevent or remedy the injury found by the Commission, and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) **NATIONAL ECONOMIC INTEREST.**—The President may determine under subsection of the Trade Act of 1974 (19 U.S.C. 2215).
(a) that providing import relief is not in the national economic interest of the United States only if the President finds that taking such action would have an adverse impact on the United States economy clearly greater than the benefits of taking such action.

(b) Nature of Relief.—The import relief (including provisional relief) that the President is authorized to provide under this subtitle with respect to imports of an article is—

(1) the suspension of any further reduction provided for under the United States Schedule to Annex 2.1 of the Agreement in the duty imposed on that article;

(2) an increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force; or

(3) in the case of a duty applied on a seasonal basis to that article, an increase in the rate of duty on the article to a level that does not exceed the column 1 general rate of duty imposed under the HTS on the article for the corresponding season occurring during the prior year preceding the date on which the Agreement enters into force.

(d) Period of Relief.—The import relief that is authorized to provide under this section may not exceed 4 years.

(e) Rate After Termination of Import Relief.—When import relief under this subtitle is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which termination occurs shall be the rate that, according to the United States Schedule to Annex 2.1 of the Agreement for the staged elimination of the tariff, would have been in effect 1 year after the initiation of the import relief action under section 211; and

(2) the tariff treatment for that article after December 31 of the year in which termination occurs shall be, at the discretion of the President, either—

(A) the rate of duty conforming to the application or set out in the United States Schedule to Annex 2.1; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages by the date set out in the United States Schedule to Annex 2.1 for the elimination of the tariff.

SEC. 214. TERMINATION OF RELIEF AUTHORITY.

(a) General Rule.—Except as provided in subsection (b), no import relief may be provided under this subtitle after the date that is 15 years after the date on which the Agreement enters into force.

(b) Exception.—Import relief may be provided under this subtitle in the case of a Jordanian article on the date on which such relief is provided, but for this subsection, terminate under subsection (a), but only if the Government of Jordan consents to such provision.

SEC. 215. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 213 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 216. SUBMISSION OF PETITIONS.

A petition for import relief may be submitted to the Commission under—

(1) this subtitle, with respect to imports of an article on which import relief is being considered or requested; or

(2) chapter 1 of title II of the Trade Act of 1974; or

(3) under both this subtitle and such chapter 1 at the same time, in which case the Commission shall consider such petitions jointly.

Subtitle C—Cases Under Title II Of The Trade Act of 1974

SEC. 221. FINDINGS AND ACTION ON JORDANIAN IMPORTS.

(a) Effectiveness of Import Relief.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974, the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the article from Jordan are a substantial cause of serious injury or threat thereof.

(b) Presidential Action Regarding Jordanian Imports.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974, the President shall determine whether imports from Jordan are a substantial cause of the serious injury found by the Commission and, if such determination is made, whether to exclude from such action imports from Jordan.

SEC. 222. TECHNICAL AMENDMENT.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ‘‘and part 1’’ and inserting ‘‘part 1’’; and

(2) by inserting before the period at the end ‘‘and title II of the United States-Jordan Free Trade Agreement Act’’.

TITLE III—TEMPORARY ENTRY

SEC. 301. NONIMMIGRANT TRADERS AND INVESTORS.

Upon the basis of reciprocity secured by the Agreement, an alien who is a national of Jordan and any spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1))) of the alien, if accompanying or following to join the alien) shall be considered as entitled to enter the United States under and in pursuance of the provisions of the Agreement as a nonimmigrant described in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), if the entry is solely for a purpose described in clause (i) or (ii) (or such sections and the other admissible to the United States as such a nonimmigrant).

TITLE IV—GENERAL PROVISIONS

SEC. 401. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) Relationship of Agreement to United States Law.—

(1) United States Law to Prevail in Conflict.—No provision of the Agreement, or the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect.

(2) Construction.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States.

(b) Relationship of Agreement to State Law.—

(1) Legal Challenge.—No State law, or the application of any State law, shall be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought in a State for the purpose of declaring such law or application invalid.

(2) Definition of State Law.—For purposes of this subsection, the term ‘‘State law’’ includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) Effect of Agreement With Respect to Private Remedies.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement; or

(2) shall have any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any provision of any political subdivision of a State on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year after fiscal year 2001 to the Department of Commerce not more than $100,000 for the payment of the United States share of the expenses incurred in dispute settlement proceedings under article 17 of the Agreement.

SEC. 403. IMPLEMENTING REGULATIONS.

After the date of enactment of this Act—

(1) the President may proclaim such actions, and

(2) other appropriate officers of the United States may issue such regulations as may be necessary to implement any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date the Agreement enters into force.

SEC. 404. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) Effective Dates.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) Exceptions.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) Termination of the Agreement.—On the date on which the Agreement ceases to be in force, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. Thomas) and the gentleman from Michigan (Mr. Levin) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. Thomas).

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

Mr. Speaker, first of all I want to thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Chairman Sensenbrenner), for their willingness to expedite this process. As you know, many committee share jurisdiction over issues; and on this particular piece of legislation, notwithstanding the Committee on the Judiciary’s jurisdictional prerogative, they were willing to exchange letters with us so that we might move forward.

As Chair of the Committee on Ways and Means, I include these letters for the record and thank the gentleman from Wisconsin (Chairman Sensenbrenner).
H4874

CONGRESSIONAL RECORD—HOUSE
July 31, 2001

COMMITTEE ON WAYS AND MEANS,
Hon. F. JAMES SENSENBRENNER, JR.,
Chairman, House of Representatives, Rayburn House Office Building, Washington, DC,


As you have noted, the Committee on Ways and Means ordered favorably reported, H.R. 2603, United States-Jordan Free Trade Area Implementation Act of 2001, on Thursday, July 26, 2001. I appreciate your agreement to expedite the passage of this legislation despite containing provisions within your Committee’s jurisdiction. I acknowledge your decision to forego further action on the bill was based on the understanding that it will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives or the appointment of conferees on this or similar legislation.

Finally, I will include in the Congressional Record a copy of our exchange of letters on this matter. Thank you for your assistance and cooperation. We look forward to working with you in the future.

Best regards,

BILLY THOMAS,
Chairman.

COMMITTEE ON THE JUDICIARY,
Hon. WILLIAM M. THOMAS,
Chairman, House Committee on Ways and Means, Longworth HOB, House of Representa- tives, Washington, DC,

DEAR BILL: Thank you for working with me regarding H.R. 484, the United States-Jordan Free Trade Area Implementation Act, which was referred to the Committee on Ways and Means and the Committee on the Judiciary. As you know, the Committee on the Judiciary has a jurisdictional interest in this legislation, and I appreciate your acknowledgment of that jurisdictional interest. Because I understand the desire to have this legislation considered expeditiously by the House and because the Committee does not have a substantive concern with those provisions that fall within its jurisdiction, I do not intend to hold a hearing or markup on this legislation.

In agreeing to waive consideration by our Committee, I would expect you to agree that this procedural route should not be construed to prejudice the Committee on the Judiciary’s jurisdictional interest and prerogatives on this or similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. The Committee on the Judiciary takes this action with the understanding that the Committee’s jurisdiction over the provisions within the Committee’s jurisdiction is in no way diminished or altered, and that the Committee’s right to the appointment of conferees during any conference on the bill is preserved. I would also expect your support in the Speaker for the appointment of conferees from my Committee with respect to matters within the jurisdiction of my Committee should a conference with the Senate be convened on this or similar legislation.

Again, thank you for your cooperation on this important matter. I would appreciate your exchange of letters in your Committee’s report to accompany H.R. 484.

Sincerely,

F. JAMES SENSENBRENNER, JR.,
Chairman.

Mr. Speaker, approval of this agreement will do a number of things. One, it will provide some degree of recognition, and, if you will, a small acknowledgment of the gratitude that the people of the United States have for the people of the Hashemite Kingdom of Jordan. Jordan has played a constructive role through 2 generations of leadership in the Middle East. Their steadfast advocacy for peace and cooperation in fighting terrorism not only needs to be recognized in symbolic ways, but I believe with this particular trade pact it will be recognized in a very realistic way as well.

Although Jordan is a small market, Jordan is a trusted friend and ally; and, as importantly, it is strongly committed to liberalizing its economy. Once this agreement is ratified, more than 50 percent of the tariffs between our two countries will be eliminated overnight, and then gradually the more difficult areas will be worked down to zero, so that at the end of the 10 years, it truly will be a free trade relationship.

In addition to that, the quality of particular areas of this agreement are unsurpassed. The intellectual property rights provisions contain the highest standards ever included in a trade agreement. In addition, Jordan will be the first of our trading partners to bind itself to no customs duties on electronic commerce. Clearly, this agreement will open Jordanian markets to U.S. services and U.S. markets to Jordan’s products, whereby they can earn their way by trade.

Mr. Speaker, the reason that we are now in front of the House is that, notwithstanding those excellent portions of the agreement that I indicated, there was an attempt in this particular agreement in dealing with our friend and ally to dictate the way in which sanctions would be dealt with; that is, to establish per-country parameters, that for the first time, this agreement includes treating labor and the environment equally with trade. That in itself is not necessarily a good thing to do, but what it did do was lock in the old-fashioned trade sanctions, while expanding it to new areas. That, to the present administration, to this majority, is an unacceptable structure.

Not wanting to go back and require a revision of the agreement, what we were able to do was exchange between the Hashemite Government of Jordan and the United States Government an exchange of letters in which, notwithstanding the Clinton Administration’s attempt to use this particular agreement to further its own agenda, neither the Government of the United States nor the Government of Jordan intend to exercise trade sanctions in the areas in the agreement, especially in terms of formal dispute resolution. Rather, they will themselves to a cooperative structure in the exchange of these two letters, especially looking for alternate mechanisms that will help to secure compliance without recourse to, as I said, those traditional trade sanctions that are the letter of the agreement.

Mr. Speaker, I include for the record the exchange of letters between the Hashemite Government of Jordan and the United States Government.

U.S. TRADE REPRESENTATIVE,
His Excellency MARWAN MUCHAR, Ambassador of the Hashemite Kingdom of Jordan to the United States,

DEAR MR. AMBASSADOR: I wish to share my Government’s view on implementation of the dispute settlement provisions included in the Agreement between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area, signed on October 24, 2000.

Given the close working relationship between our two Governments, the volume of trade between our two countries, and the clear rules of the Agreement, I would expect few if any differences to arise between our two Governments over the interpretation or application of the Agreement. Should any differences arise under the Agreement, my Government will make every effort to resolve them without recourse to formal dispute settlement procedures.

In particular, my Government would not expect or intend to use the Agreement’s dispute settlement enforcement procedures to secure its rights under the Agreement in a manner that results in blocking trade. In light of the wide range of our bilateral ties and the spirit of collaboration that characterizes our relations, my Government considers that appropriate measures for resolving any differences that may arise between our two Governments over the interpretation or application of the Agreement would be bilateral consultations and other procedures, particularly alternative mechanisms, that will help to secure compliance without recourse to traditional trade sanctions.

Sincerely,

ROBERT B. ZOELLICK,
U.S. Trade Representative.

EMBASSY OF THE HASHEMITE KINGDOM OF JORDAN,
Hon. ROBERT B. ZOELLICK,
U.S. Trade Representative, United States of America,

DEAR MR. AMBASSADOR: I wish to share my Government’s views on implementation of the dispute settlement provisions included in the Agreement between the Hashemite Kingdom of Jordan and the United States of America on the Establishment of a Free Trade Area, signed on October 24, 2000.

Given the close working relationship between our two Governments, the volume of trade between our two countries, and the clear rules of the Agreement, I would expect few if any differences to arise between our two Governments over the interpretation or application of the Agreement. Should any differences arise under the Agreement, my Government will make every effort to resolve them without recourse to formal dispute settlement procedures.

In particular, my Government would not expect or intend to apply the Agreement’s dispute settlement enforcement procedures to secure its rights under the Agreement in a manner that results in blocking trade. In light of the wide range of our bilateral ties and the spirit of collaboration that characterizes our relations, my Government considers that appropriate measures for resolving any differences that may arise regarding
Mr. Speaker, with these long delays, it means that, notwithstanding the narrow, specific wording of the document, the attempt to drive a particular political agenda with this agreement, in which all are in favor of increasing trade to the point of free and open trade between the United States and Jordan, this agreement becomes acceptable, especially when this is the first instance in which the 21st century needs to be addressed with clearly a better way to deal with perceived violations and actual violations of agreements.

Alternate mechanisms beyond the old-fashioned 19th and early 20th century approach that is needed to develop and grow trade in this century. I am pleased to say that with the exchange of letters, notwithstanding the specifics of this agreement, we have begun to move down that direction; and we are now ready and prepared to present to this House a Trade Promotion Authority which builds on this exchange of letters between the Government of the United States and the Hashemite Government of Jordan.

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

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

Mr. Speaker, this agreement indeed is an important one. It is important in terms of national security. Jordan is important in the quest for peace and security in the Mideast. This agreement is important economically. A healthy Jordanian economy is important in and of itself, and for Jordan to play a constructive role in the Middle East.

This agreement is important because it addresses essential ingredients of the economic relationship between our two nations.

It is important because it recognizes that included in that economic relationship are labor and environmental standards.

This agreement is so important that it should have been presented to this House for approval many months ago. The delay was because some did not like the provisions relating to labor and the environment. That position was and is misguided.

Domestic labor markets and environmental standards are relevant to trade and competition within a nation and competition and trade between nations. That has become inescapably true as the volume of international trade has increased dramatically and as nations with very different economic structures trade and compete with one another. Recognition of that reality has become inescapable in this era of trade. It is not a political question, it is a matter of sheer economic reality.

The Government of Jordan was willing from the start, and I emphasize that, to address that reality. Some in the United States were not. As a result, after several different notions have been suggested, there has been an exchange of letters between the two governments. Under this agreement, they do not forego any of its provisions; they say what their intention and expectations are as to implementation of all the provisions in the agreement.

Both nations have strong practices on labor and environmental standards. The governments say in the letters that if either fails to meet their commitments to enforce such standards, or any other provisions of the agreement, and I emphasize that, any of the other provisions of the agreement, they do not expect or intend to use traditional trade sanctions to enforce them.

That was unnecessary and unfortunate. It is unwise to say that regardless of the violation, the expectation is that any method of enforcement will not be used. Trade sanctions are always a last resort, but to set a precedent in any agreement that under no circumstances is there any expectation that they may have to be used as to any provision is a mistake, an unwise precedent.

It was unnecessary because the agreement carefully sets up a framework for all kinds of consultations and mediation over a long period of time before either party could use those sanctions, and only after recurring violations affecting trade, and only with appropriate and commensurate measures.

I support our approving this agreement because of the importance of the U.S.-Jordanian relationship and because the agreement within its four corners still stands.

But cutting corners on the important issues of labor and environmental standards and trade agreements is a step backwards for future constructive action on trade. But today, to proceed on Jordan is important, and we should do so.

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

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

I would say to the gentleman the only unfortunate circumstance in this agreement was the unfortunate consequences of taking advantage to push a domestic agenda on trade with as important and vital a strategic partner as Jordan. We would have preferred that this domestic agenda be done in a slightly different way. The letters, in fact, go a long way toward correcting that attempt, to grab the initiative on a domestic agenda on trade by using this agreement.

Mr. Speaker, it is my pleasure to yield to the gentleman from California (Mr. DREIER), one of the leading advocates and spokesmen for trade in the House of Representa-

tives and the chairman of the Committee on Rules.

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

I of course, was going to begin by talking about the great importance of bringing about stability in the region and the benefits of this U.S.-Jordan Free Trade Agreement to economic growth and all, but since both the gentleman from California (Mr. THOMAS) and the gentleman from Michigan (Mr. LEVIN) have gotten to the issue of labor and the environment and this very important exchange of letters, and I congratulate the chairman for having put that arrangement together. I think it is important to underscore why it is that there seems to be this disagreement.

We believe very passionately that the best way to deal with those important issues of labor and the environment is through economic growth. Mr. Speaker, there is a great arrogance that exists as we proceed with this debate on trade for the United States of America to try to impose on developing nations around the world and we are struggling to get onto the first rung of the economic ladder, standards with which they cannot comply. They cannot comply.

I recall so well, following the very important December 1999 Seattle ministerial meeting of the World Trade Organization, the cover of the Economist Magazine the week after that meeting was very telling. It said, when they talked about the sanctions, when President Clinton talked about the imposition of sanctions on issues of labor and the environment, the cover had a picture and above that picture was the caption: ‘Who Is The Real Loser at Seattle?’ The photograph, Mr. Speaker, was of a starving baby in Bangladesh.

It is so apparent that those countries which we hope to help get into the international community are being imposed on because the gentleman from California (Mr. THOMAS) said appropriately, the imposition of a domestic agenda on other nations. It is unfortunate that Jordan was caught in the middle on this issue, however, we do want to see environmental standards and worker rights improved in Jordan.

We believe that the economic growth that is going to follow this kind of effort is important for the stability of the region. It is for bringing about greater stability as it expands throughout the Middle East. I hope this is just really the second, following the U.S.-Israel Free Trade Agreement, the second in steps that we have taken to bring very, very important economic growth and stability that is needed there.

Mr. LEVIN. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I want to move on to other speakers, but I want the RECORD to be clear: I was in meetings with the Jordanian Government from the outset, at least in discussions with this
body, and the King said they were willing to negotiate on labor and environmental standards. Do not talk about shaving this down somebody’s throat. It is not true.

Secondly, imposition of our standards? Non-existent. Is it because we want to remedy the disadvantage of U.S. manufacturers in the United States. That works to the disadvantage of U.S. manufacturers. These are international standards. Are we imposing our standards when we insist on intellectual property or on subsidies in agriculture? The gentleman uses a different standard when it comes to one or another.

Environmental standards. The President withdrew from Kyoto because developing nations were not in the Kyoto Accord, and now someone comes to this floor and says because we want countries to enforce the environmental standards, are we forcing them to have their own agenda, or it is a political agenda. It is not. This relates to the terms of competition of countries, and there are some basic standards that need to be applied and to be implemented.

Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. CARDIN).

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

Mr. Speaker, I strongly support the agreement that is before us. Jordan is a friend of the United States in the Middle East. They are moving forward in opening direct trade between their country and Israel, and they are truly our ally in seeking peace in the Middle East and in fighting terrorist activities.

I also support this agreement because it is a good agreement. It is a good agreement from the point of view of the United States. We already have a Free Trade Agreement with Israel. This Free Trade Agreement will open up opportunities for American producers and manufacturers. And we have made progress, as the gentleman from Michigan (Mr. Levin) has pointed out, on labor and environment; that is, removing barriers to fair trade because of the standards of other countries being far below the standards here in the United States. We already have a Free Trade Agreement with Israel. This Free Trade Agreement will open up opportunities for American producers and manufacturers. And we have made progress, as the gentleman from Michigan (Mr. Levin) has pointed out, on labor and environment; that is, removing barriers to fair trade because of the disadvantage of U.S. manufacturers and producers. We made progress in this agreement because Jordan agreed to enforce its own laws in the trade agreement. What is wrong with that?

Now, Mr. Speaker, I must tell my colleagues, I am concerned about the letters that were exchanged between Jordan and the United States that the distinguished Chairman of the Committee on Ways and Means (Mr. ENGLISH), a member of the Committee on Ways and Means, Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, our relationship with Jordan is a strategic one, and that alone is reason enough for this trade agreement to be made complete. H.R. 2603 is also a model for how we can pursue a balanced trade relationship with a developing country whose legal system and workplace environment is radically different from our own.

This trade agreement and the Jordan agreement with an Arab Nation and will give us a closer trade ties to the Arab world. Trading with Jordan will be mutually beneficial and strengthen them as our ally.

But Jordan also represents a country that plays a critical role in the Middle East peace process. Beyond that, this agreement negotiated by the last administration provides us with a sensible and balanced approach to addressing standards and green trade agreements, discouraging a race to the bottom by countries seeking to attract investment and lure jobs.

This agreement will benefit not only Jordanians, but American workers by creating an export of high value-added U.S. products in a nation that cannot make these products for themselves. The bill phases out all tariffs during a 10-year period and establishes the first-ever bilateral commitment regarding e-commerce. It also addresses intellectual property rights and the protections for copyrights, trademarks and patents, as well as makes a specific commitment to opening markets in the services sector.

But as a truly inclusive trade agreement, H.R. 2603 addresses various labor and environmental concerns. This agreement does not seek to place further labor and environmental regulations on Jordan, but rather, requires that they enforce the law that they already have on their books. Jordan cannot relax environmental standards to attract trade, and they have agreed to fully enforce national labor laws. This agreement provides us with a model, perhaps not the only one, but a very promising one, for engaging in fair trade with a developing country, and I urge my colleagues to support it.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I certainly support this agreement, as I did in committee, but the handling of this bill really represents another foreign policy failure for the Bush Administration.

During the last week alone, this Administration has stood alone and isolated from 178 other countries on how to resolve climate change and global warming. It has stood alone and isolated from 80 years of negotiations about how to make an international agreement on germ warfare more effective. And it reasserted its intention to unilaterally reject the AntiBallistic
Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from Michigan (Mr. KNO LLENBERG).

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

I rise in very strong support of this agreement, Mr. Speaker, and I urge my colleagues on both sides to support passage.

The U.S.-Jordan Free Trade Agreement will provide economic benefits to both countries. That is what we are really here about. This agreement will eliminate tariffs on virtually all trade between the two countries within 10 years. Passage of this agreement offers the prospect of rapid growth in the U.S.-Jordan trade relationship.

In addition to economic benefits, this agreement will help to strengthen our association with a key ally in the Middle East. Jordan is a trusted friend and ally of the U.S. and is strongly committed to liberalizing its economy. This agreement provides important support to Jordan's commitment.

In addition, the U.S.-Jordan FTA builds on other U.S. initiatives in the region designed to encourage economic development and political reform. This includes, of course, the 1985 U.S.-Israel Free Trade Agreement and its extension to areas administered by the Palestinian Authority in 1996.

Again, Mr. Speaker, I urge my colleagues to vote yes on this agreement. Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend, the gentleman from Michigan, for yielding time to me.

Let me preface my statement by saying that I support the Jordan-U.S. trade agreement and plan to vote for it. That said, this agreement illustrates why this Congress must not re-linquish our right to amend future trade agreements and why we must vote down Fast Track.

When we look closely at this, we see the fingerprints of the brand-name drug industry all over it. This agreement provides protections for the drug industry more stringent than those established by the World Trade Organization.

Look at the fine print of section 20 of Article 4 on intellectual property. Not only does it set up barriers to generic access in Jordan that are greater than those in place here, it prevents the United States from using a WTO sanction mechanism, compulsory licensing, to bring down grossly inflated drug prices.

The Jordan trade pact blocks the U.S. from ever enacting compulsory licensing, law, now or in the future, to combat excessive drug prices.

While Congress waited for the trade agreement to be negotiated, our drug importers, the U.S. Trade Representative to tie our hands and to tie Jordan's hands. It is outrageous that the drug industry can have this kind of influence, particularly when their pricing practices are robbing Americans blind. But that is what happens when Congress has too little oversight in trade agreements.

If Fast Track passes, what will the future hold for the drug industry and other special interests know that Congress cannot amend the trade agreement? How many poison pills will we have to swallow or will the American public have to swallow provisions like these, slipped into trade agreements, which are the reason why Fast Track is such a threat to the best interests of our constituents. While trade agreements go to great lengths to protect investors and property rights, these agreements rarely include enforceable provisions to protect workers in the U.S. or abroad. Like the Jordan agreement, corporations will slip provisions into the text that will abuse the most vulnerable of society.

Three years ago, Fast Track was defeated in Congress, 243 to 180. Vote for the Jordan trade agreement but defeat Fast Track, which allows bad provisions like this agreement, Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in yielding time to me to speak on this issue.

Mr. Speaker, I have a slightly different perspective than my friend, the gentleman from Ohio. I happen to believe very strongly that the trade promotion authority is important and that our future, not just from our region but for our country and for developing nations around the world, lies in fairer, freer trade.

I supported the trade promotion authority for the last administration. I hope to be able to support it for this administration.

But I would look at this agreement today as a model for an approach that we can have trade promotion authority, which I think is important, but do it in a way that brings us together, where we can have 300 or 400 people on this floor, as the gentleman from Michigan is looking for ways to be able to express these concerns about environment, about worker standards.

This agreement that we have before us can be a template in a way that does not divide us but actually strengthens fairness for trade. It brings the wealth that does not have to have a partisan edge to it, and actually encourages countries to be able to develop their own labor and environmental standards. The United States has a number of companies around the world that are doing pioneering work in their own work to be able to advance higher standards for the environment and the workplace; international corporations that are showing the way in terms of how to treat their employees in patterns of compensation and worker safety.

I would strongly urge that we approve this agreement before us, and
July 31, 2001

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Michigan (Mr. BONIOR), our distinguished whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding time to me, and I thank him and others who worked on this agreement.

Mr. Speaker, the agreement we face today is a good agreement. It furthered our relationship with our friends and allies; and it increases the prospects, as we have heard, for economic and political stability in the Middle East. It contains modest yet meaningful standards for worker rights and the environment.

Mr. Speaker, by these values are considered as terms of the agreement, just as tariffs, just as intellectual property traditionally have been. But what I am concerned about is the interpretation of these side letters. The administration, I think, is undermining a good deal with these side letters. The side letter effectively removes the possibility of enforcing labor and environmental violations by tough enforcement mechanisms of sanctions. The side letter places a higher value on commercial provisions which are still enforceable by sanctions through the WTO.

Overall, the side letters suggest that we value our goods over our workers. It has been the nexus, the heart of the problem we have had on the trade issue. This was a solid agreement negotiated in good faith by two strategic friends and partners. It deserves to be implemented as such.

This agreement was once a good step forward, including worker rights and environmental standards in a trade agreement. Now, with the side letter, it becomes yet another reflection of the conflict past that deny the realities of today.

We must remember the administration's actions to gut these modest worker rights and environmental provisions when we look to future agreements, especially Fast Track. Fast Track requires us to put all of our faith in Presidential authority. The action on the Jordan agreement should warn us against that. This administration gives with one hand while trying to take away with the other.

Mr. Speaker, I will vote for this trade agreement because I believe in the deal that was negotiated, and that is on the floor today. It is a step forward. But I am deeply disappointed with the administration's attempt to undermine the deal and to turn the clock back.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1/2 minutes to the gentleman from Virginia (Mr. CANTOR).

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

I would posit that this agreement does bring us together by providing a positive structure for dealing with trade violations, rather than controversial and potentially ineffective sanctions.

Economic prosperity, stability, and religious tolerance form the foundation of our foreign policy in the Middle East. In a region where daily violence has almost become a fact of life, the establishment of economic cooperation is a vitally important aspect of creating an environment where the nations of the Middle East can exist in peace and with prosperity.

This agreement will enable the United States to have a productive economic exchange with a valuable trading partner that has been a stabilizing factor in that region. The spirit of bilateral economic cooperation between these two countries will be beneficial both to our nations, and sends a signal to the world that we can share our values and desire for peace will prosper.

Jordan has been a steadfast partner for promoting peace and fighting terrorism, and I welcome this agreement.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Speaker, I thank my friend, my very distinguished colleague from Michigan, Mr. LEVIN, for yielding me this time.

I strongly support this resolution that approves the U.S.-Jordan Free Trade Agreement. The United States clearly gets a chance to score a clear victory that will promote economic growth, regional stability, reward a trusted ally, and affirm our most basic democratic values. We have such an opportunity right now with this agreement. Even though Jordan is only our 100th largest trading partner, the Jordan Free Trade Agreement is crucial to our national interest.

First, this agreement holds the potential of jump-starting a process of trade liberalization that has slowed overall economic growth.

Second, this agreement strongly supports our values and desire for peace will prosper.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE), who through his time and talent has assisted for a long time. I look forward to working with him as we move trade promotion authority.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for his effective challenge.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Arizona (Mr. KOLBE), who through his time and talent has assisted for a long time. I look forward to working with him as we move trade promotion authority.

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

Mr. Speaker, I rise today in strong support of the U.S.-Jordan Free Trade Agreement. I want to begin by thanking President Clinton, acknowledging his role in negotiating this agreement. I want to praise President Bush for bringing this agreement forward in a determined fashion.

I would like to commend the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), and the gentleman from the subcommittee, the gentleman from Illinois (Mr. CRANE), and the ranking member from Michigan (Mr. LEVIN), for their bipartisan support in bringing this agreement forward.

Mr. Speaker, this agreement is critical to the foreign policy of the United States. It is of enormous political significance to us. Jordan is a vital ally of ours in the Middle East. It has been in the past; and it continues to be a leader in this peace process, this Middle East peace process.

Lastly, having doubt, we have relied heavily on Jordan to play a constructive role in building peace in the region, and certainly the least we can do today is extend our hand in free trade.

This role that Jordan has played has been a very difficult one. It is located geographically between Iraq and Syria and the west bank of the Jordan. Over half of its population is of Palestinian descent. In short, it is in the heart of a region that is plagued by centuries of conflict and conflict conflict all along all of its borders.

Despite this, it has had strong political leadership over the years that has taken repeatedly difficult steps towards peace, started by former King Hussein, with a peace agreement between Jordan and Israel in 1994, and that continues today under the leadership of his son, King Abdullah II.

We must implement this free trade agreement, not because of the economic benefits the U.S. may receive, although they are some, but because of the fact that implementing this agreement because it will help Jordan develop economically and become more prosperous. With the prosperity and the prospect for economic stability, we can help it continue to lead by example in a region where greater, stronger leadership is so desperately needed.

Just a couple of months ago, I led a delegation of members of the Committee on Foreign Affairs to Israel, Egypt, and to Jordan. In all of those countries, we appreciated the importance of trade as a driver of regional economic growth.

Mr. Speaker, this is an important agreement. I urge my colleagues to support it.

Mr. BONIOR. Mr. Speaker, I yield my colleague for yielding time to me, and I thank him and others who worked on this agreement.

Mr. Speaker, the agreement we face today is a great agreement. It furthered our relationship with our friends and allies; and it increases the prospects, as we have heard, for economic and political stability in the Middle East. It contains modest yet meaningful standards for worker rights and the environment.

Mr. Speaker, by these values are considered as terms of the agreement, just as tariffs, just as intellectual property traditionally have been.

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Mr. Speaker, I will vote for this trade agreement because I believe in the deal that was negotiated, and that is on the floor today. It is a step forward. But I am deeply disappointed with the administration's attempt to undermine the deal and to turn the clock back.

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Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Speaker, I thank my good friend, my very distinguished colleague from Michigan, Mr. LEVIN, for yielding me this time.

I strongly support this resolution that approves the U.S.-Jordan Free Trade Agreement. The United States clearly gets a chance to score a clear victory that will promote economic growth, regional stability, reward a trusted ally, and affirm our most basic democratic values. We have such an opportunity right now with this agreement. Even though Jordan is only our 100th largest trading partner, the Jordan Free Trade Agreement is crucial to our national interest.

First, this agreement holds the potential of jump-starting a process of trade liberalization that has slowed overall economic growth.

Second, this agreement strongly supports our values and desire for peace will prosper.
opening its markets fully to U.S. manufac-
turers, farmers, and service pro-
viders. The Jordan FTA is the first such agreement ever to address issues related to electronic commerce and the Internet, with Jordan promising to rat-
ify international agreements ensuring the protection of software and Internet recordings on the Internet. Also under this agreement both sides pledge much greater openness in the resolution of disputes.

More significant than this contribution is the unprecedented openness to trade is what the Jordan FTA should mean for our continuing pursuit of peace and stability in the Middle East. Since coming to power after the death of his legendary father, King Hussein, 2 years ago, King Abdullah has launched a series of pro-
gressive reforms intended to modernize Jordan’s economy. The nation has joined the World Trade Organization, deregulated some of its service industries, and strengthened its intellectual property laws. It has also stood with the United States politically, helping to enforce our trade embargo against Iraq, and serving as a voice of modera-
tion among the Arab states.

By entering into this agreement, we are lowering regional economic barriers, and sending a strong and posi-
tive signal of support to a crucial ally. If we were to delay this trade agree-
ment that the previous Clinton admin-
istration worked out so constructively, it would be the opposite and wrong signal.

This trade agreement marks a new approach to addressing labor and environmental provisions that I think is reasonable and realistic.

Approval of this agreement should give us some momentum now to move forward on our larger bipartisan trade agenda, most notably trade promotion authority. Global agreements can be values driven as well as profits driven, and that is why I urge my colleagues to approve this agreement and reaffirm our commitment to this vital ally in the Middle East.

Mr. LEVIN. Mr. Speaker, I yield the balance of my time, a long 30 seconds, to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, so much to say.

Mr. Speaker, I am here to vote for the Jordan treaty, but the world will little note nor long remember what we do here today. But what was important about today was the President of the United States showed his hand. He is not trustworthy. He will take an agree-
ment, and when it is being out here on the floor he will then write a letter and undo it.

Now, let us give them trade promo-
tion authority, shall we? He will go and negotiate, he will bring a treaty in here, we will vote for it, and as we vote “aye” or “no,” he will be putting in the mailbox at the White House a let-
ter to say, “I did mean it, guys. This does not really count. You know we didn’t really mean what’s in this.”

Watch and remember what happened with those letters on this issue. Vote for this but do not forget.

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

The SPEAKER pro tempore. The gen-
tleman from California (Mr. THOMAS) has 2 minutes remaining.

Mr. THOMAS. Well, gee, Mr. Speak-
er, I guess I am a little bit confused. Apparently the gentleman from Wash-
ington thinks that President Bush ne-
gotiates this agreement. Perhaps I should shock him into reality and indi-
cate that the proper response on this floor should have been shame on you. Shame on your administration in try-
ning to push your domestic trade agenda by making an offer to Jordan you knew they could not refuse. What kind of diplomatic relationship is that?

The mistake of using Jordan as a pawn has partially been corrected by the exchange of letters. And so when my colleague stands up here and says yes to this agreement, the previous ad-
ministration tried to sneak an agree-
ment through, and it was not done. Now, let us sit down and work together and talk about not using antiquated sanctions in resolving these new issues.

Mr. Speaker: This agreement is on the suspension calendar. We all agree that our friend and ally is long overdue this recogni-
tion.

Let us vote “yes” on H.R. 2603.

Mr. GILMAN. Mr. Speaker, the U.S.-Jordan Free Trade Agreement with the United States is good for Jordan, good for the United States and good for peace in the Middle East. By eliminating trade barriers between both our countries, it will increase trade. In doing so, it will strengthen one of the most constructive regimes in the Middle East regarding the Peace Process.

Under King Abdullah’s leadership, Jordan has already made significant strides in mod-
ernizing its economy and in opening its mar-
kets to the outside world. For example, Jordan has embarked on a major privatization pro-
gram that includes telecommunications com-
panies, and has improved its record on intellectual property rights.

This agreement will accelerate that process by guaranteeing:

1. Elimination of all tariffs on industrial goods and farm products within 10 years;

2. Free trade in services, giving American service providers full access to services of key importance;

3. Modern intellectual property rights commitments, which will provide prospects for technology-based industries, copyright-based indi-
ustries, and pharmaceutical companies;

4. A joint commitment to promote a liberalized trade environment for e-commerce that should encourage investment in new technologies, and avoid imposing customs duties on elec-
tronic transmissions.

Just as Jordan has been a model for con-
structive participation in the Peace Process, the U.S.-Jordan Free Trade Agreement can help to make it an economic model for the rest of the Arab world.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to support H.R. 2603, the United States-Jordan Free Trade Implementation Act. Jordan is a small Arab country with abun-
dant natural resources such as oil. The Persian Gulf crisis aggravated Jordan’s already serious economic problems, forcing the gov-
ernment to put a hiatus on the International Monetary Fund program, stop most debt pay-
ment, and suspend negotiations. However, the economy rebounded in 1992, thanks to the influx of capital repatriated by workers returning from the Gulf.

After averaging 9 percent in 1992–95, GDP growth averaged only 2 percent during 1996–
In an attempt to spur growth, King Abdallah of Jordan has undertaken some eco-

nomic reform measures, including partial pri-
vatization of some state-owned enterprises. These actions culminated with Jordan’s entry in January 2000 into the World Trade Organi-

zation.

Mr. Speaker, I hope personally met with King Abdallah on several occasions. I was pleased to host the King and Queen in 1999, when they visited Northern Virginia to discuss possible invest-
ment opportunities in Jordan with regional high technology and technology compa-
nies. The King and representatives from his government showed a keen interest in explor-

ing trade opportunities with our technology sector. The attendees, which included CEOs and Presidents of national high-tech organiza-

tions and companies, were overwhelmingly im-
pressed with the King’s knowledge of the in-
dustry and his openness towards working with them.

Mr. Speaker, I believe passage of H.R. 2603 will have significant and positive eco-

nomic and political impacts for both Jordan and the United States. The U.S.-Jordan Free Trade Agreement (FTA) will increase levels of trade in services for both nations, boost the Jordanian economy, contribute to easing un-
employment, attract foreign direct investments from both U.S. and other foreign-based com-
panies, and reinforce momentum for additional economic reform in Jordan. In the year 2000, total bilateral trade between the U.S. and Jordan was approximately $385 million, with U.S. exports accounting for about 80 per-
cent or $310 million of this total. In the same year, U.S. imports from Jordan totaled $73 million and accounted for approximately 20 percent of total bilateral trade.

The FTA builds on other U.S. initiatives in the region that are designed to encourage economic development and regional integra-

tion, including: the 1996 extension of the U.S.-

Israel Free Trade Agreement to areas admin-
istered by the Palestinian Authority; and the 1997 creation of the Qualifying Industrial Zones (QIZ), which are areas under joint Israeli and Jordanian control whose exports are eligible for duty-free treatment in the United States.

Once passed by the Congress and the Jordanian Parliament, the U.S.-Jordan FTA will be the first U.S. free trade agreement with an independent Arab country, and Jordan will be the fourth country in the world to have a bilat-
eral free trade agreement with America—all of which reflects the close bond between the two nations, and reaffirms our commitment to this burgeoning relationship.

Mr. CROWLEY. Mr. Speaker, I rise as a co-
sponsor of H.R. 2603, the United States-Jor-
dan Free Trade Agreement.
This legislation, as approved, would implement H.R. 107—a vote of confidence in Jordan in recognition of the significant steps that Jordan has taken to implement necessary economic and political reforms. Jordan has also included U.S.-Jordanian cooperation on Jordan’s accession to the World Trade Organization (WTO), our joint Trade and Investment Framework Agreement, and our Bilateral Investment Treaty. This agreement also represents a vote of confidence in Jordan’s economic reform program, which should serve as a source of growth and opportunity for Jordanians in the coming years.

I am pleased that the Jordan FTA includes the highest levels of market access for agriculture products from Jordan on behalf of U.S. business on key issues, providing significant liberalization across a wide spectrum of trade issues. The FTA builds on economic reforms Jordan has made by requiring it to eliminate tariffs on agriculture goods and industrial products within a decade, strengthening intellectual property protections and liberalizing services trade.

Perhaps most importantly, the Jordan FTA contains provisions in which both our countries agree not to relax environmental labor standards in order to enhance competitiveness. For the first time, these provisions are in the main body of the agreement. It is important to note that the FTA does not require either country to adopt any new laws in these areas, but rather includes commitments that the countries will enforce both domestic and environmental laws. While I understand that the Bush administration has exchanged letters with Jordan pledging neither country would use sanctions to enforce that part of the pact, I believe the approach taken under this bill is the right approach—it allows this body to move forward on an agreement of strategic importance that emphasizes the importance of labor and environmental standards to existing and future U.S. trade policy. In light of the agreement on this issue, it would serve this body well to consider a similar compomise that can garner broad bipartisan support for Trade Promotion Authority, which the House may consider as soon as this week.

I am pleased that the House moved the Jordan FTA largely as negotiated. However, with less than $400 million in two-way trade between the U.S. and Jordan—and about the same volume of trade the U.S. conducts with China in a single day—the real impact of congressional approval of this agreement is to show our support for a key U.S. ally in a troubled region of the world. Given the relatively small volume of trade between the U.S. and Jordan, any Administration, Democrat or Republican, present or future, will be forced to impose trade sanctions on Jordan. However, since this agreement includes language that neither mandates or precludes any means of enforcement, it signifies a critical shift in U.S. priorities; one that reflects growing concerns over the effect of globalization on U.S. jobs and economic opportunity.

Under the agreement negotiated by the United States and Jordan, both nations have committed themselves to removing almost all duties on trade in ten years. The two countries have also includedU.S.-Jordanian cooperation on Jordan’s accession to the World Trade Organization (WTO), our joint Trade and Investment Framework Agreement, and our Bilateral Investment Treaty. This agreement also represents a vote of confidence in Jordan’s economic reform program, which should serve as a source of growth and opportunity for Jordanians in the coming years.

I am pleased that the Jordan FTA includes the highest levels of market access for agriculture products from Jordan on behalf of U.S. business on key issues, providing significant liberalization across a wide spectrum of trade issues. The FTA builds on economic reforms Jordan has made by requiring it to eliminate tariffs on agriculture goods and industrial products within a decade, strengthening intellectual property protections and liberalizing services trade.

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Mr. Speaker, passage of the Jordan FTA is more significant than the trade benefits included in this legislation. Passage of this implementing bill sends an important signal of support to our allies and our trading partners that the U.S. intends to be an important player in promoting trade policies that open markets to U.S. exports and create U.S. jobs, while addressing concerns related to the effects of increased globalization on our economy. We may never reach consensus on the issue of the most appropriate means of enforcing labor and environmental violations, but I think that all Members can agree on the importance of expanding exports and creating good paying jobs for Americans, while providing adequate safeguards to preserve our economic interests. With passage of the Jordan FTA, I believe we are taking an important first step in achieving these goals, and I urge my colleagues to approve this bill.

Mr. BERIERTE. Mr. Speaker, this Member rises today to express his support for H.R. 2603, which implements the United States-Jordan Free Trade Area Agreement. This Member would like to thank the distinguished gentleman from California (Mr. THOMAS), the Chairman of the House Ways and Means Committee, for introducing this legislation and for his efforts in bringing this measure to the House Floor.

The U.S.-Jordan Free Trade Agreement, which was signed by President Clinton on October 24, 2000, will eliminate commercial barriers and duties to bilateral trade in goods and services originating in Jordan and the United States. The agreement will eliminate virtually all tariffs on trade between Jordan and the United States within ten years.

The U.S.-Jordan Agreement is part of the broader U.S. effort to expand free trade in the Middle East. For example, in 1985, the U.S.-Israel Free Trade Agreement was signed and it was extended to areas administered by the Palestinian Authority in 1996. In addition, the U.S. has also signed Trade and Investment Framework Agreements with Egypt in 1999 and Turkey in 2000. It should also be noted Jordan joined the World Trade Organization in April of 2000.

This Member would like to focus on the following three aspects of the U.S.-Jordan Free Trade Agreement: the agriculture sector, the services sector, and the environmental and labor provisions.

First, with regard to agriculture, the top U.S. exports to Jordan include wheat and corn. In 1999, the U.S. exported $26 million of wheat and $10 million of corn to Jordan. With low prices and higher supplies of agricultural commodities, this free trade agreement is a step in the right direction.

Second, the U.S.-Jordan Free Trade Agreement opens the Jordanian service markets to U.S. companies, which includes engineering, architecture, financial services, and courier services to name just a few. Some U.S. companies should directly benefit from this opening of the service markets in Jordan.
trade is becoming a bigger part of the overall trade picture. In fact, worldwide services trade totaled $309 billion in 1998, which resulted in an $84 billion positive balance for the U.S. in services for 1998. This positive trade balance for services is in stark contrast to the U.S. merchandise trade deficit.

As the Chairman of the House Financial Services Subcommittee on International Monetary Policy and Trade, this Member has focused on the importance of financial services trade. My Subcommittee conducted a hearing in June 2001 on financial services trade with insurance, securities, and banking witnesses testifying. At this hearing, the Subcommittee learned that U.S. trade in financial services equaled $20.5 billion. This is a 26.7 percent increase from the U.S.'s 1999 financial services trade data. Unlike the current overall U.S. trade deficit, the U.S. financial services trade had a positive balance of $8.8 billion in 2000.

Third, the U.S.-Jordan Free Trade Agreement also includes labor and environment provisions. This is the first time that these types of provisions have been included in the main text of a U.S. free trade agreement. This Member would like to note that these labor and environment provisions focus on Jordan and the U.S. enforcing its own labor and environmental laws. This agreement does not impose any labor and environment standards on Jordan or the U.S.

Mr. Speaker, in conclusion, this Member urges his colleagues to support H.R. 2603, the implementation of the U.S.-Jordan Free Trade Agreement.

The SPEAKER pro tempore. The question was taken; and (two-thirds) agreed to, and the bill, H.R. 2603, as amended, was ordered to be reported for consideration.

Mr. Speaker, House Resolution 213 is a structured rule which provides for 1 hour of general debate equally divided between the gentleman from North Carolina (Mr. TAYLOR), chairman of the subcommittee, and the ranking member, the gentleman from Virginia (Mr. MORAN), for the consideration of H.R. 2647, the fiscal year 2002 Legislative Branch Appropriations bill. After general debate, the rule makes in order only the amendments printed in the Committee on Rules report; an amendment offered by the gentleman from Ohio (Ms. PRYCE); an amendment offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 2647, as amended;

The SPEAKER pro tempore. The gentleman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of order of business, I yield the custom 30 minutes to my colleague and good friend, the gentleman from Ohio (Mr. HALL); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 213 is a structured rule which provides for 1 hour of general debate equally divided between the chairman of the Committee on Appropriations (Mr. Moran) and the ranking member; and for the consideration of H.R. 2647, the fiscal year 2002 Legislative Branch Appropriations bill. After general debate, the rule makes in order only the amendments printed in the Committee on Rules report; an amendment offered by the gentleman from New Jersey (Mr. ROTHMAN) and an amendment offered by the gentleman from the great State of Ohio (Mr. TRAFICANT).

The rule waives points of order against consideration of the bill for failure to comply with clause 4(c) of rule XIX, waives a 3-day availability of printed hearings on general appropriations bills, as well as clause 2 of rule XXI prohibiting unauthorized or legislative provisions. The rule also waives all points of order against the amendments printed in the report.

Finally, the rule permits the minority to offer a motion to recommit, with or without instructions.
Not only will these transit benefits reduce demand on the already limited parking and help reduce traffic congestion, but it will also make a humble reduction in air pollution.

The bill recognizes our need to become more environmentally friendly and efficient in reusing and recycling our waste by directing a review of the current recycling program, identifying ways to improve the program, establishing criteria for measuring compliance, and setting reasonable milestones for increasing the amount of recycled material.

Finally, I would simply like to commend the Library of Congress, our Nation's library, for the integral role it plays in our shared national goal of increasing literacy. The Library of Congress provides an invaluable service to the many libraries that dot our towns and cities across the country, and it is truly a national treasure.

Mr. Speaker, this is a good bill. It deserves our support. I urge all my colleagues to support this straightforward rule as well as this noncontroversial legislation.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume; and I thank my colleague, the gentlewoman from Ohio (Ms. PRYCE), for yielding me this time.

This is a restrictive rule. It will allow for the consideration of H.R. 2647, which is a bill that funds Congress and its legislative branch agencies in fiscal year 2002. As my colleague from Ohio has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule allows only two amendments. No other amendments may be offered on the House floor.

Mr. Speaker, this is the spending bill that pays for the operation of Congress. Therefore, now is an opportunity to reflect on whether the taxpayers are getting their money's worth. I think that they are.

I think the men and women who make up the House and the Senate are a hard-working group. They are very, very dedicated to public service. They work long hours. I think if the American public saw how the process really works and the character of the Members of Congress, they would be impressed.

There are a number of provisions in the bill and the related committee report that are good. The bill funds the Federal mass transit benefit program for the legislative branch which reimburses staff for using public transit to commute. This is good for the environment and improving congestion on the highways.

The bill increases funding above the administration's request for the Library of Congress to purchase material for its collections. The Library of Congress is one of America's greatest cultural treasures, and the addition of funds will make it a greater resource.

I commend the gentleman from North Carolina (Mr. TAYLOR) and the ranking member, the gentleman from Virginia (Mr. MORAN), for their work on this bipartisan bill, and urge my colleagues to vote for the rule and the underlying bill.

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

Ms. PRYCE of Ohio. Mr. Speaker, we have no speakers on this issue. I would like to inquire of the gentleman from Ohio.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a noncontroversial rule. It has strong bipartisan support. It will provide the institution with the necessary resources so we can not only fulfill our constitutional responsibilities as the first branch of the government, but more importantly, address the many and varied needs of the constituents that we all so proudly serve.

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

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

The previous question was ordered. The resolution was agreed to.
## LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002 (H.R. 2647)

(Amounts in thousands)

<table>
<thead>
<tr>
<th>FY 2001 Enacted</th>
<th>FY 2002 Request</th>
<th>Bill</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
</table>

### TITLE I - CONGRESSIONAL OPERATIONS

#### HOUSE OF REPRESENTATIVES

| Payments to Widows and Heirs of Deceased Members of Congress | 714 | 714 | +107 | +24 |

| Salaries and Expenses |  |
|-----------------------|---|---|---|---|
| House Leadership Offices | 1,759 | 1,866 | 1,866 | +107 | +24 |
| Office of the Speaker | 1,728 | 1,830 | 1,830 | +103 | +18 |
| Office of the Majority Floor Leader | 2,066 | 2,224 | 2,224 | +158 | +22 |
| Office of the Majority Whip | 1,456 | 1,562 | 1,562 | +106 | +17 |
| Office of the Minority Whip | 1,526 | 1,618 | 1,618 | +92 | +15 |
| Speaker's Office for Legislative Floor Activities | 410 | 431 | 431 | +21 | +5 |
| Republican Conference | 765 | 806 | 806 | +41 | +8 |
| Republican Leadership | 1,265 | 1,342 | 1,342 | +77 | +19 |
| Democratic Caucus | 666 | 713 | 713 | +47 | +11 |
| Nine minority employees | 1,229 | 1,293 | 1,293 | +64 | +14 |
| Training and Development Program: |  |
| Majority | 278 | 290 | 290 | +12 | +3 |
| Minority | 278 | 290 | 290 | +12 | +3 |
| Subtotal, House Leadership Offices | 14,378 | 15,250 | 15,910 | +632 | +46 |

| Salaries, Officers, and Employees |  |
|-----------------------------------|---|---|---|---|
| Committee Employees | 430,677 | 479,338 | 479,472 | +48,835 | +133 |
| Standing Committees, Special and Select (except Appropriations) | 100,272 | 104,492 | 104,514 | +4,242 | +22 |
| Committee on Appropriations (including studies and investigations) | 23,328 | 23,000 | 23,002 | +64 | +2 |
| Subtotal, Committee employees | 122,000 | 127,492 | 127,516 | +4,916 | +24 |

| Salaries, Officers, and Employees |  |
|-----------------------------------|---|---|---|---|
| Office of the Clerk | 17,740 | 18,026 | 15,408 | -2,638 | -17 |
| Office of the Sergeant at Arms | 3,560 | 4,032 | 4,130 | +447 | +9 |
| Office of the Chief Administrative Officer | 72,848 | 67,490 | 67,495 | -5,353 | -15 |
| Office of Inspector General | 3,260 | 3,754 | 3,756 | +507 | +2 |
| Office of General Counsel | 806 | 902 | 902 | +96 | +3 |
| Office of the Chaplain | 140 | 144 | 144 | +4 | 1 |
| Office of the Architect of the Capitol | 1,244 | 1,244 | 1,244 | +104 | +8 |
| Office of the Parliamentarian | (1,035) | (1,148) | (1,188) | +133 | +12 |
| Compilation of precedents of the House of Representatives | (198) | (176) | (176) | +10 | +1 |
| Office of the Law Revision Counsel of the House | 2,049 | 2,104 | 2,107 | +58 | +3 |
| Office of the Legislative Counsel of the House | 5,065 | 5,454 | 5,456 | +391 | +8 |
| Corrections Office | 832 | 883 | 883 | +51 | +6 |
| Other authorized employees | 213 | 230 | 140 | -73 | -9 |
| Technical Assistants, Office of the Attending Physician | (213) | (230) | (140) | -73 | -9 |
| Subtotal, Salaries, Officers, and Employees | 107,851 | 102,283 | 101,766 | -6,085 | -52 |

| Allowances and Expenses |  |
|-------------------------|---|---|---|---|
| Supplies, materials, administrative costs and Federal tort claims | 2,236 | 3,369 | 3,379 | +1,144 | +20 |
| Office mail for committees, leadership offices, and administrative offices of the House | 410 | 410 | 410 | 0 | 0 |
| Government contributions | 150,778 | 153,167 | 152,967 | +1,200 | +10 |
| Miscellaneous items | 363 | 990 | 990 | +7 | 1 |
| Special education needs | 215 | 215 | 215 | 0 | 0 |
| Subtotal, Allowances and expenses | 154,029 | 157,926 | 157,436 | +3,407 | +21 |
| Total, salaries and expenses | 629,736 | 582,100 | 582,100 | +52,636 | +90 |
| Total, House of Representatives | 630,449 | 582,100 | 582,100 | +52,349 | +89 |

### JOINT ITEMS

| Joint Congressional Committee on Inaugural Ceremonies of 2001 | 1,000 | 1,000 | 0 | 0 |
| Joint Economic Committee | 3,315 | 3,424 | 3,424 | +109 | +3 |
| Joint Committee on Taxation | 6,416 | 6,733 | 6,733 | +317 | +9 |
| Office of the Attending Physician | 1,831 | 1,765 | 1,865 | +100 | +34 |

| Capitol Police Board |  |
|----------------------|---|---|---|---|
| Salary |  |
| Sergeant at Arms of the House of Representatives | 47,306 | 54,848 | 55,013 | +7,667 | +13 |
| Sergeant at Arms and Doorkeeper of the Senate | 50,346 | 56,976 | 57,579 | +7,233 | +13 |
| Subtotal, salary | 97,652 | 111,822 | 112,592 | +15,060 | +16 |

| Security enhancements (emergency funding) | 2,102 | 2,102 | 0 | 0 | 0 |
### LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002 (H.R. 2647)—Continued
(Amounts in thousands)

<table>
<thead>
<tr>
<th>FY 2001</th>
<th>FY 2002 Request</th>
<th>Bill</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General expenses</strong></td>
<td>7,243</td>
<td>10,364</td>
<td>11,081</td>
<td>+ 3,836</td>
</tr>
<tr>
<td><strong>Subtotal, Capitol Police</strong></td>
<td>106,687</td>
<td>120,318</td>
<td>123,673</td>
<td>+ 18,776</td>
</tr>
<tr>
<td><strong>Capitol Guide Service and Special Services Office</strong></td>
<td>2,371</td>
<td>2,512</td>
<td>2,512</td>
<td>+ 141</td>
</tr>
<tr>
<td><strong>Statements of Appropriations</strong></td>
<td>30</td>
<td>30</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td><strong>Total, Joint Items</strong></td>
<td>121,680</td>
<td>136,780</td>
<td>136,237</td>
<td>+ 16,457</td>
</tr>
<tr>
<td><strong>OFFICE OF COMPLIANCE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>1,851</td>
<td>2,059</td>
<td>2,059</td>
<td>+ 208</td>
</tr>
<tr>
<td><strong>CONGRESSIONAL BUDGET OFFICE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>28,430</td>
<td>30,680</td>
<td>30,780</td>
<td>+ 2,350</td>
</tr>
<tr>
<td><strong>ARCHITECT OF THE CAPITOL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Capital Buildings and Grounds</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General and administration, salaries and expenses</td>
<td>44,864</td>
<td>111,830</td>
<td>17,674</td>
<td>-26,950</td>
</tr>
<tr>
<td>Minor construction</td>
<td>5,350</td>
<td>7,754</td>
<td>8,804</td>
<td>+ 1,554</td>
</tr>
<tr>
<td>Capital buildings, salaries and expenses</td>
<td>41,975</td>
<td>51,187</td>
<td>49,809</td>
<td>-2,378</td>
</tr>
<tr>
<td>Capital grounds</td>
<td>43,728</td>
<td>51,499</td>
<td>49,724</td>
<td>+ 5,966</td>
</tr>
<tr>
<td>Offsetting collections</td>
<td>-4,400</td>
<td>-4,400</td>
<td>-4,400</td>
<td></td>
</tr>
<tr>
<td><strong>Net subtotal, Capitol Power Plant</strong></td>
<td>38,328</td>
<td>47,068</td>
<td>45,324</td>
<td>+ 5,966</td>
</tr>
<tr>
<td><strong>Total, Architect of the Capitol</strong></td>
<td>130,980</td>
<td>217,875</td>
<td>175,095</td>
<td>+ 44,115</td>
</tr>
<tr>
<td><strong>LIBRARY OF CONGRESS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congressional Research Service</td>
<td>73,430</td>
<td>81,159</td>
<td>81,454</td>
<td>+ 8,024</td>
</tr>
<tr>
<td><strong>GOVERNMENT PRINTING OFFICE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congressional printing and binding</td>
<td>81,205</td>
<td>90,900</td>
<td>81,000</td>
<td>-205</td>
</tr>
<tr>
<td><strong>Total, title I, Congressional Operations</strong></td>
<td>1,206,205</td>
<td>1,441,533</td>
<td>1,360,726</td>
<td>+ 122,807</td>
</tr>
<tr>
<td><strong>TITLE II - OTHER AGENCIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>BOTANIC GARDEN</strong></td>
<td>3,321</td>
<td>8,129</td>
<td>5,948</td>
<td>+ 2,625</td>
</tr>
<tr>
<td><strong>LIBRARY OF CONGRESS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>382,596</td>
<td>397,275</td>
<td>304,962</td>
<td>-77,904</td>
</tr>
<tr>
<td>Authority to spend receipts</td>
<td>-6,650</td>
<td>-8,550</td>
<td>-8,550</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal, Salaries and expenses</strong></td>
<td>375,946</td>
<td>388,725</td>
<td>297,412</td>
<td>-77,904</td>
</tr>
<tr>
<td>Copyright office, salaries and expenses</td>
<td>36,438</td>
<td>43,320</td>
<td>40,936</td>
<td>+ 2,458</td>
</tr>
<tr>
<td>Authority to spend receipts</td>
<td>-29,270</td>
<td>-28,964</td>
<td>-27,864</td>
<td>+ 1,096</td>
</tr>
<tr>
<td><strong>Subtotal, Copyright Office</strong></td>
<td>9,168</td>
<td>14,356</td>
<td>13,062</td>
<td>+ 3,864</td>
</tr>
<tr>
<td>Books for the blind and physically handicapped, salaries and expenses</td>
<td>48,502</td>
<td>49,765</td>
<td>49,785</td>
<td>+ 1,288</td>
</tr>
<tr>
<td>Furniture and furnishings</td>
<td>4,681</td>
<td>9,500</td>
<td>7,032</td>
<td>+ 3,501</td>
</tr>
<tr>
<td><strong>Total, Library of Congress (except CRB)</strong></td>
<td>438,267</td>
<td>363,147</td>
<td>368,584</td>
<td>-69,703</td>
</tr>
<tr>
<td><strong>ARCHITECT OF THE CAPITOL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library Buildings and Grounds</td>
<td>15,835</td>
<td>21,402</td>
<td>22,252</td>
<td>+ 6,317</td>
</tr>
<tr>
<td><strong>GOVERNMENT PRINTING OFFICE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office of Superintendent of Documents</td>
<td>27,683</td>
<td>29,639</td>
<td>29,639</td>
<td>+ 1,746</td>
</tr>
<tr>
<td><strong>Government Printing Office Revolving Fund</strong></td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td>-6,000</td>
</tr>
<tr>
<td><strong>Total, Government Printing Office</strong></td>
<td>33,683</td>
<td>35,639</td>
<td>29,639</td>
<td>-4,254</td>
</tr>
<tr>
<td><strong>GENERAL ACCOUNTING OFFICE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and expenses</td>
<td>367,020</td>
<td>430,265</td>
<td>424,345</td>
<td>+ 37,320</td>
</tr>
<tr>
<td>Offsetting collections</td>
<td>-3,000</td>
<td>-2,501</td>
<td>-2,501</td>
<td>+ 499</td>
</tr>
<tr>
<td><strong>Total, General Accounting Office</strong></td>
<td>364,020</td>
<td>427,764</td>
<td>421,844</td>
<td>+ 37,324</td>
</tr>
<tr>
<td><strong>Total, title II, Other agencies</strong></td>
<td>875,468</td>
<td>854,111</td>
<td>846,275</td>
<td>-27,191</td>
</tr>
<tr>
<td><strong>Grand total</strong></td>
<td>2,143,871</td>
<td>2,295,644</td>
<td>2,236,000</td>
<td>+ 95,329</td>
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## LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2002 (H.R. 2647)—Continued
(Amounts in thousands)

<table>
<thead>
<tr>
<th></th>
<th>FY 2001 Enacted</th>
<th>FY 2002 Request</th>
<th>Bill</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
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<tr>
<td><strong>TITLE I - CONGRESSIONAL OPERATIONS</strong></td>
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<td>House of Representatives</td>
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<td><strong>TITLE II - OTHER AGENCIES</strong></td>
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<td>Botanic Garden</td>
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<td>2,230,000</td>
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<td>-56,644</td>
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</table>
Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want first of all to express my appreciation for the cooperation of the gentleman from North Carolina (Mr. TAYLOR), which has enabled us to craft a good bipartisan bill which will garner the support of the full House. Paramount among our objectives has been the need to ensure that the legislative branch agencies have the resources they need to fully carry out their missions. These agencies are the vital elements of our democratic process. I believe they are properly treated by this fiscal year 2002 appropriations bill.

The bill prioritizes our capital improvement programs. It confronts, not defers, personnel issues such as an aging work force and retention challenges, and it funds several new technology projects that will allow us to perform our work more efficiently, and to make this work more readily available to the public and to preserve it for posterity.

The 302(b) allocation and prudent oversight have given us the flexibility we needed to craft a good budget and honor our legislative branch agency requests with only a 4.4 percent increase in our overall allocation. The Library of Congress, the General Accounting Office, the Government Printing Office and the Congressional Budget Office largely received what they requested. Funds are also available to hire an additional 79 police officers, bringing the force to 1,481 full-time equivalents, and provide a full increase in benefits.

We have directed the Architect of the Capitol's budget to make life and safety improvements a priority and not proceed with any new construction projects until design plans are completed.

Mr. Chairman, I want to recognize the gentleman from Maryland (Mr. HOYER), and express my appreciation for his successful effort to add report language that will allow us to develop a policy applicable to the entire legislative branch, as just wisely proposed by our colleague from Illinois (Mr. LAHood), that since we are going to lose some showers for staff, we ought to be providing more, not less. I hope one day we will have a common facility available for staff people, as the Members of Congress have. We should also have parity between the male and female Members in terms of those facilities.

Mr. Chairman, this bill sets aside sufficient funds to enable all offices, be it a Member's, a committee's, the Congressional Budget Office or the Government Printing Office, to provide all their employees with a $65 per month employee transit benefit. We should not forget the sacrifices our staff and committee staff, employees in the GPO, the Capitol Police, the Congressional Research Service, and all of the legislative branch agencies make every day to meet deadlines, advance the interests of Members, and serve the public good. We may not be able to compensate fully what they should receive, but we can and should help where we can.

This budget enables us to at least provide employees with a $65 per month transit benefit, as the other executive agencies are able to. It will eventually go up to $100 per month. It encourages people to use public transit where at present, and that helps everybody commuting in the Washington metropolitan area.

Mr. Chairman, this bill goes a long way towards addressing the needs and obligations of the legislative branch. I am pleased to support it.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), a member of this appropriations subcommittee.

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

Mr. HOYER. Mr. Chairman, this is a good bill. We are trying to take care of Members, their accounts, and the Capitol itself. We have included a provision for severance pay for workers of the Architect of the Capitol to ensure that they can receive the same employee benefits that other employees receive.

I thank the majority clerk of the subcommittee, Elizabeth Dawson, who has done an outstanding job together with her colleagues on the staff, including Mark Murray for the minority, as well as the gentleman from North Carolina (Mr. TAYLOR), and the gentleman from Virginia (Mr. MORAN). This is a good bill as a result of a bipartisan effort to fund at adequate levels for the legislative branch of government so we might do our job on behalf of the people of this country.

Mr. Chairman, our friends from North Carolina and Virginia have written an excellent bill that meets the test any general appropriations bill should meet. It will provide the resources that agencies need to do their jobs next year. I urge my colleagues to vote for it twice in the committee, and I urge all members to support it here.

This bill fully funds a number of accounts, including the Government Printing Office, the Congressional Budget Office, and the Congressional Research Service, key agencies that directly support the work of the Congress. It fully funds the American Folklife Center in the Library, including the Veterans' Oral History Project authorized last year at the suggestion of our colleague, the gentleman from Wisconsin (Mr. Kucinich). It funds the excellent new sound-recording preservation program also authorized last year.

It provides needed funds to improve services to the public in the Law Library. To enhance security in the complex, it funds all the other Capitol Police Officers that the department can hire and train next year, and restores pay parity with Park Police and Secret Service Uniformed Officers.

It extends GPO's early-out/buy-out authority for 3 more years.

It funds the 4.6% COLA that all Federal employees, both military and civilians, should receive next January.

It funds the same $65 transit benefit available in the Executive Branch for every legislative-branch agency. I especially want to commend our friend from Virginia for making this a priority. I will work in House administration to authorize the increased benefit promptly for House employees.

And the bill otherwise provides ample funds for the operation of Member offices, committees, and the officers of the House.

The bill reserves for conference a final decision on the Congressional Budget Office's request for student-loan repayment authority, in order to give House administration time to develop a policy applicable to the entire legislative-branch agency. I especially want to commend our friend from California (Ms. Lee).

Mr. Chairman, I could go on for a considerable time lauding this bill, but I won't. It has been a pleasure working with Chairman TAYLOR and Mr. MORAN this year.

I thank them both for their leadership and tireless efforts. It has also been a pleasure to work with the capable new subcommittee clerk, Liz Dawson. I urge an "aye" vote on this excellent bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield 3½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), who was very active and constructive on this bill.

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time, and I appreciate the hard work that he has been involved with throughout his career on Capitol Hill to deal with notions of improving the quality of life here in the metropolitan area.

Mr. Chairman, I am an enthusiastic supporter of provisions in this bill that
can have a beneficial impact on the entire Washington region; and most important, to improve the quality of life for the thousands of men and women working here on Capitol Hill all at a very small cost.

My goal in Congress is for the Federal Government to be a better partner promoting livable communities, making families safe, healthy and more economically secure. An important part of a livable community is ensuring that people have choices about where they want to live, work and how they travel.

A recent study highlighted Washington, D.C., as the third most congested region in the United States. Rush hour can be 6 hours or more out of every day. Here on Capitol Hill, we have problems of congestion, pollution and parking shortages. There are over 6,000 parking spaces which are reserved for our employees, which are not free. The total cost is estimated at about $1,500 per year, and with the temporary closure of the Cannon Office Building garage, parking is at even more of a premium.

Mr. Chairman, 3 years ago, with the help of the gentlewoman from Maryland (Mrs. Morella), the gentleman from Maryland (Mr. Hooyer), the gentleman from Virginia (Mr. Moran), and then-Speaker Gingrich, we were able to change the policy of only providing free parking to House employees to be able to have a modest transit benefit. We have made some progress in being able to establish it, but unfortunately, we have been passed by by the rest of the Federal Government, by the private sector, even dare I say, by our colleagues on the other side of the Capitol in the Senate.

It is time for us to move forward not just for our congressional offices but the Library of Congress, the Government Printing Office, the Congressional Budget Office, to enjoy the transit benefits that we are giving to the rest of the Federal employees.

Today's bill provides this important change in the language and increase the allowable amount to $65 for legislative branch employees. This modification will provide parity for all of the remaining Federal employees in the metropolitan area. It includes other important language such as to update the bike facilities here on Capitol Hill. We have more and more of our employees who are taking advantage of that opportunity.

We have an opportunity to secure bike lockers for those Members and staff who walk to work, and to study the new potential locations to replace shower facilities that are being lost with the upcoming closing of the O'Neill Building. Currently, there are only two shower facilities on all of Capitol Hill for over 6,000 employees able to work. Some of us have been providing instructions about how to find them so they are not treated as a secret.

I applaud the Committee on Appropriations, particularly the gentleman from North Carolina (Mr. Taylor) and the gentleman from Virginia (Mr. Moran), for including these simple, low-cost efforts in today's bill. They will provide benefits many times over in terms of the quality of life around the Hill for the environment, and it is a signal to our employees that we value their participation. What better way for the House to be part of the solution of saving energy, protecting air, fighting congestion, than by expanding the transit benefit and permitting our employees who run, walk, or bike to work, to be able to do so in a fashion that is hygienic and comfortable.

Mr. Taylor of North Carolina, Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Walsh), a member of the committee.

Mr. Walsh. Mr. Chairman, I thank the gentleman very much for yielding time. It would be nice to ask him to enter into a brief colloquy with me at this time.

Mr. Chairman, I would like to inquire about the status of the Botanical Gardens renovation project. It is my understanding that the project, which started in early 1999 with an estimated completion date of September of last year, is still not finished. We are now approaching the 11th month of delay and apparently it will be an additional few months before we can finally open it up again to the public. Is that correct?

Mr. Taylor of North Carolina, Mr. Chairman, will the gentleman yield?

Mr. Walsh. I yield to the gentleman from North Carolina.

Mr. Taylor of North Carolina. Yes, it is.

Mr. Walsh. I have followed the development and construction of this project with great interest since I was was in his position when we started this project. It is my opinion that this project is just another example of poor management by the construction contractor, Clarke Construction. In fact, it appears that Clarke Construction has quite a track record of not bringing in projects on time or on budget. I am told that the General Services Administration, the agency responsible for building Government facilities, has also had problems of delays and cost overruns on projects awarded to Clarke.

I am not saying that Clarke Construction should bear all the blame, nor do I suppose is the Architect of the Capitol without fault. In fact, I believe he has too many projects on his plate. But I strongly believe that Clarke Construction as general contractor for the Botanical Gardens has not demanded the level of expertise and management skills required to successfully execute this one particular project. There are quite a number of Clarke Construction sites around the D.C. area. I note these sites are quite active.

The Botanical Gardens site has often been lonely or deserted. Clarke Construction may have a disincentive to finish the project compared to private sector sites due to an inadequate penalty clause. Can I inquire of the chairman whether the subcommittee addressed the issue of penalty clauses in this bill.

Mr. Taylor of North Carolina. The committee is very concerned about construction contractor performance and delays in providing the required work to the Architect within the specified contract completion period. Apparently, the Architect has not been including penalty clauses in construction contracts as do other Government agencies and the private sector. Based on these concerns, we have included language in section 111 prohibiting the Architect of the Capitol from entering into or administering any construction contract with a value greater than $50,000 unless the contract includes a provision requiring the payment of liquidated damages within specified amounts. I believe this will rectify the problem.

Mr. Walsh. I thank the gentleman for addressing this issue. I appreciate his continued efforts in working with the Architect to bring this project to a conclusion. I hope that future projects will be awarded to companies with better past performance records and experienced management teams. I thank the gentleman for his vigilance in getting this project completed.

Mr. Moran of Virginia. Mr. Chairman, I yield myself such time as I may consume.

First of all, I wanted to reiterate what the gentleman from Oregon (Mr. Blumenauer) said with regard to the transit benefit. When we offered this benefit to executive branch employees, Mr. Tim Aiken on my staff has been working on it very closely, we saw an immediate increase of 60,000 riders of transit in the executive branch taking advantage of this. It has continued to increase dramatically and steadily every month. This works.

Providing the $65 transit benefit to the legislative branch employees, we trust, will have the same effect of getting people out of their single-occupant vehicles into public transit. That helps all of us, both those people who drive to work as well as, of course, helping the employees of this system. It is also going to help in achieving our pollution attainment standards which are a major problem right now for the Washington metro area.

This is a good idea. It is eventually going to go up to $100. I am underscoring it because I want all of the people that work for the legislative branch to be aware that this $65 transit benefit will now be available to them. It is tax-free; there is no reason not to take advantage of it if you can possibly use public transit. And so we very much encourage people in the Legislative Branch to take advantage of this benefit.
Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2647 is as follows:

H.R. 2647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $362,100,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $15,910,000, including: Office of the Speaker, $1,866,000, including: $25,000 for official expenses of the Majority Floor Leader, $1,830,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,224,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,562,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,168,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $431,000; Republican Steering Committee, $906,000; Republican Conference, $1,342,000; Democratic Steering and Policy Committee, $1,490,000; Democratic Caucus, $713,000; nine minority employees, $1,259,000; training and program development—majority, $280,000; training and program development—Minority, $280,000; and for Cloakroom Personnel—majority, $330,000; and minority $340,000.

MEMBERS’ REPRESENTATIONAL ALLOWANCES

Including Members’ Clerk Hire, Official Expenses of Members, and Official Mail

For Members’ representational allowances, including Members’ clerk hire, official expenses, and official mail, $479,472,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, specified and authorized by House resolutions, $104,514,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2002.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $23,002,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2002.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers and employees, as authorized by law, $101,766,000, including: for salaries and expenses of the Office of the Clerk, including not more than $11,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $15,406,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $750 for official representation and reception expenses, $4,139,000; for salaries and expenses of the Office of the Chief Administrative Officer, $67,485,000, of which $3,525,000 shall remain available until expended, including $31,510,000 for salaries, expenses and temporary personal services of House Information Resources, of which $31,390,000 is provided for net expenses of telecommunications: Provided further, That the House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and reimbursement in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,756,000; for salaries and expenses of the Office of General Counsel, $894,000; for the Office of the Chaplain, $144,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,344,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,107,000; for salaries and expenses of the Office of the Deputy Coordinator of the House, $3,456,000; for salaries and expenses of the Corrections Calendar Office, $883,000; and for other authorized employees, $124,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $175,430,000, including: supplies, materials, administrative costs and Federal tort claims, $1,970,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, and other applicable employee benefits, $152,957,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, $66,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) Effective October 1, 2001, the following four majority positions shall be transferred from the Clerk to the Speaker:

(1) The position of chief of floor service.
(2) Two positions of assistant floor chief.

(3) One position of floor chief.

(4) Effective January 1, 2002, the following four minority positions shall be transferred from the Clerk to the minority leader:

(1) The position of chief of floor service.
(2) Two positions of assistant floor chief.
(3) One position of floor chief.

(4) Each individual who is an incumbent of a position transferred by subsection (a) or subsection (b) at the time of the transfer shall remain subject to the House Employees Position Classification Act (2 U.S.C. 290 et seq.), except that the authority of the Clerk and the committee under the Act shall be exercisable:

(1) by the Speaker, in the case of an individual in a position transferred under subsection (a); and

(2) by the Speaker or minority leader, in the case of an individual in a position transferred under subsection (b).
SEC. 102. (a) The third sentence of section 104(a)(1) of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99-500 and Pub. L. 110-11 (2 U.S.C. 710b)) (2 U.S.C. 710b) is amended by striking “for credit to the appropriate account” and all that follows and inserting the following: “for credit to the appropriate account of the House of Representatives, and shall be available for expenditure in accordance with applicable law. For purposes of the previous sentence, in the case of receipts from the sale or disposal of any audio or video transcripts prepared by the House Recording Studio, the ‘appropriate account of the House of Representatives’ shall be the Chief Administrative Officer of the House of Representatives.”.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 103. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS’ REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFicit REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for “HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS’ REPRESENTATIONAL ALLOWANCES” shall be available only for fiscal year 2002. Any amount remaining after the amendments made under such allowances for fiscal year 2002 shall be deposited in the Treasury and used for deficit reduction or, if there is no Federal budget deficit at the end of fiscal year 2002, any amounts remaining shall be reduced for the fiscal year 2003, and each succeeding fiscal year.

(b) APPROPRIATIONS COMMITTEE.—The Committee on Appropriations of the House of Representatives shall have authority to prescribe regulations to carry out this section.

SEC. 104. (a) DAY FOR PAYING SALARIES OF THE HOUSE OF REPRESENTATIVES.—The usual day for paying salaries in or under the House of Representatives shall be the last day of each month, except that the last day of any month falls on a Saturday, Sunday, or a legal holiday, then the Chief Administrative Officer of the House of Representatives shall pay such salaries on the first weekday which precedes the last day.

(b) Amdt. 1311.—(1) The first section and section 2 of the Joint Resolution entitled “Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December on the 20th day of that month each year”, approved May 21, 1937 (2 U.S.C. 60d and 60e), are each repealed.

(2) The last paragraph under the heading “Contingent Expense of the House” in the First Deficiency Appropriation Act, 1946 (2 U.S.C. 339(a)(1)) is amended by striking “$1,000,000” and inserting “$1,500,000”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to pay periods beginning after the expiration of the 1-year period which begins on the date of the enactment of this Act.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,424,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including not more than $1,000 per month to the Attending Physician; (2) an allowance of $500 per month to each of two assistants, and $400 per month each not to exceed 11 assistants in the aggregate for such assistants; and (4) $1,253,904 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Chief Administrative Officer of the House of Representatives, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,865,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazard, and other payments, such as those incurred by not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, and other employee benefit programs, and employer benefits: $112,592,000, of which $55,013,000 is provided for the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief of the Capitol Police; and the Chief’s delegee, and $57,579,000 is provided for the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Chief of the Capitol Police; and the Chief’s delegee, and $57,579,000 is provided for the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Chief of the Capitol Police; and the Chief’s delegee, and $57,579,000 is provided for the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Chief of the Capitol Police; and the Chief’s delegee, and $57,579,000 is provided for the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Chief of the Capitol Police; and the Chief’s delegee, and $57,579,000 is provided for the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Chief of the Capitol Police; and the Chief’s delegee.

That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, engineering services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed by the Capitol Police Board by an employee of the Sergeant at Arms and Doorkeeper of the Senate or the Sergeant at Arms of the House of Representatives assigned to the Senate, $11,081,000, to be disbursed by the Chief of the Capitol Police or the Chief’s delegee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2002 shall be paid by the Secretary of the Treasury from money otherwise available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 105. Amounts appropriated for fiscal year 2002 for the Capitol Police may be transferred between the headings “SALARIES” and “GENERAL EXPENSES” upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading “SALARIES”;

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading “SALARIES”; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $2,512,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 45 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 18 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Joint Committee on Taxation, of the statements for the first session of the One Hundred Seventh Congress, showing appropriations made, incurred obligations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairman of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 295 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,059,000, of which $254,000 shall remain available until September 30, 2003.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974, $6,733,000, to be paid to the persons designated by the Director of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, and not more than $760,000: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISIONS

SEC. 106. (a) The Director of the Congressional Budget Office may, by regulation, make applicable such provisions of chapter 41 of title 5, United States Code, as the Director determines necessary to provide hereafter for training of individuals employed by the Congressional Budget Office.

(b) The implementing regulations shall provide for training and supervisory examination of the Director, is consistent with the training provided by agencies subject to chapter 41 of title 5, United States Code.

(c) Any recovery of the Congressional Budget Office under this section and its implementing regulations shall be credited to the appropriations account available for salaries and expenses of the Office at the time of recovery.

SEC. 107. Section 105(a) of the Legislative Branch Appropriations Act, 1997 (2 U.S.C. 606(a)(2)), is amended by striking the words “and discard” and inserting “sale, trade-in, or discarding,” and by adding at the end the
following: "Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Congressional Budget Office and be available for acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year in which received and the following fiscal years.'

**ARCHITECT OF THE CAPITOL**

**CAPITOL BUILDINGS AND GROUNDS**

**GENERAL AND ADMINISTRATION**

**SALARIES AND EXPENSES**

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other officers and employees of the Architect of the Capitol, $64,136,000, of which $9,526,000 shall remain available until expended.

**MINOR CONSTRUCTION**

For minor construction (as established under section 108 of this Act), $9,000,000, of which $6,267,000 shall remain available until expended.

**CAPITOL BUILDINGS**

For all necessary expenses for the maintenance, care and operation of the Capitol buildings and grounds, $49,006,000, of which $14,341,000 shall remain available until expended.

**HOUSE OFFICE BUILDINGS**

For all necessary expenses for the maintenance, care and operation of the Office of the Architect of the Capitol, $13,824,000, of which $10,000 shall remain available until expended.

**CAPITOL POWER PLANT**

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant, $5,904,000, of which $2,000 shall remain available until expended.

**CONGRESSIONAL RECORD**

JULY 31, 2001

H4890

**HOUSE**

July 31, 2001

$17,674,000, of which $6,267,000 shall remain available until expended.

**ADMINISTRATIVE PROVISIONS**

SEC. 108. (a) ESTABLISHMENT OF ACCOUNT FOR MINOR CONSTRUCTION.—There is hereby established in the United States an account for the Architect of the Capitol to be known as "minor construction" (hereafter in this section referred to as the "account").

(b) USES OF FUNDS IN ACCOUNT.—Subject to subsection (c), funds in the account shall be used by the Architect of the Capitol for land use design, planning, construction, repair, and alteration projects resulting from unforeseen and unplanned conditions in connection with construction and maintenance activities under the jurisdiction of the Architect (including the United States Botanic Garden).

(c) PRIOR NOTIFICATION REQUIRED FOR OBLIGATION.—The Architect of the Capitol may not obligate any funds in the account with respect to a project unless, not fewer than 21 days prior to the obligation, the Architect provides notification to:

(1) the Committee on Appropriations of the House of Representatives, in the case of a project on behalf of the House of Representatives;

(2) the Committee on Appropriations of the Senate, in the case of a project on behalf of the Senate;

(3) both the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, in the case of any other project.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

SEC. 109. (a) ACQUISITION OF PROPERTY BY ARCHITECT OF THE CAPITOL.—Notwithstanding any other provision of law, the Architect of the Capitol is authorized to acquire, for the use described in such section, land or other personal property, including real property, if the purchase price does not exceed $30,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with matters related to work under the Architect of the Capitol, $46,705,000, of which $3,414,000 shall remain available until expended.

(b) USES AND CONTROL OF PROPERTY.—

(1) In general.—The Architect of the Capitol shall be responsible for the costs of the necessary expenses incidental to the use of the property and facilities described in subsection (b) (including payments under the lease), including expenses for maintenance, alterations, and repair of the property and facilities, except that the Chief of the United States Capitol Police shall be responsible for the costs of any equipment, furniture, and furnishings used in connection with the care and maintenance of vehicles pursuant to subsection (b)(1).

(2) SOURCE OF FUNDS.—(A) In general.—The funds expended by the Architect to carry out paragraph (1) in the fiscal year shall be derived from funds appropriated to the Architect for the fiscal year for purposes of the United States Capitol Police.

(b) USE OF CERTAIN 1999 FUNDS.—The funds expended by the Architect to carry out paragraph (1) in the fiscal year shall be derived from funds appropriated to the Architect for the fiscal year for purposes of the United States Capitol Police.

**APPENDIX**

**WASHINGTON, D.C., 30 JUNE 2001**

**CONGRESSIONAL RECORD**

JULY 31, 2001

H4890

**HOUSE**

July 31, 2001

$17,674,000, of which $6,267,000 shall remain available until expended.

**ADMINISTRATIVE PROVISIONS**

SEC. 108. (a) ESTABLISHMENT OF ACCOUNT FOR MINOR CONSTRUCTION.—There is hereby established in the United States an account for the Architect of the Capitol to be known as “minor construction” (hereafter in this section referred to as the “account”).

(b) USES OF FUNDS IN ACCOUNT.—Subject to subsection (c), funds in the account shall be used by the Architect of the Capitol for land use design, planning, construction, repair, and alteration projects resulting from unforeseen and unplanned conditions in connection with construction and maintenance activities under the jurisdiction of the Architect (including the United States Botanic Garden).

(c) PRIOR NOTIFICATION REQUIRED FOR OBLIGATION.—The Architect of the Capitol may not obligate any funds in the account with respect to a project unless, not fewer than 21 days prior to the obligation, the Architect provides notification to:

(1) the Committee on Appropriations of the House of Representatives, in the case of a project on behalf of the House of Representatives;

(2) the Committee on Appropriations of the Senate, in the case of a project on behalf of the Senate;

(3) both the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, in the case of any other project.

(d) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

SEC. 110. (a) COMPENSATION OF CERTAIN POSITIONS IN THE OFFICE OF THE ARCHITECT OF THE CAPITOL.—In accordance with the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b–Sa(a)), section 108 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b–3b) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

(A) The Architect of the Capitol may fix the rate of basic pay for not more than 11 positions (of which 1 shall be the project manager for the Capitol Visitor Center and 1 shall be the project manager for the modification of the Capitol Power Plant) at a rate not to exceed the highest total rate of pay for a Federal employee in the rate schedule of the Senior Executive Service under chapter VIII of chapter 53 of title 5, United States Code, for the locality involved.'; and

(b) by redesignating subsection (c) as subsection (b).

(b) COMPENSATIONAL MANAGEMENT STUDY AND RESPONSE.—(1) STUDY BY CONTROLLER GENERAL.—The Controller General shall conduct a comprehensive management study of the operations of the Architect of the Capitol, and shall submit the study to the Architect of the Capitol and the Committees on Appropriations of the House of Representatives and Senate.

(2) PLAN BY ARCHITECT IN RESPONSE.—The Architect of the Capitol shall develop and submit to the Committees referred to in paragraph (1) a management improvement plan which addresses the study of the Controller General under subsection (1) and which indicates how the salary adjustments made by the amendments made by this section will support such plan.

(c) EFFECTIVE DATE.—This section (other than subsection (b)) and the amendments made by this section shall apply with respect to pay periods beginning on or after the date on which the Committees on Appropriations of the House of Representatives and Senate approve the plan submitted by the Architect of the Capitol under subsection (b).

SEC. 111. (a) LIQUIDATED DAMAGES.—If the Architect of the Capitol may not enter into or administer any construction contract with a contractor, the greater of such contract includes a provision requiring the payment of liquidated damages in the
amount determined under subsection (b) in the event that completion of the project is delayed because of the contractor. 

(b) AMOUNT OF PAYMENT.—The amount of payment required under any liquidated damages provision described in subsection (a) shall be equal to the product of—

(1) the daily liquidated damage payment rate;

and

(2) the number of days by which the completion of the project is delayed.

(c) DAILY LIQUIDATED DAMAGE PAYMENT RATE.

(1) IN GENERAL.—In subsection (b), the ‘dailyl liquidated damage payment rate’ means—

(A) $140, in the case of a contract with a value greater than $500,000 and less than $1,000,000;

(B) $300, in the case of a contract with a value equal to or greater than $1,000,000 and equal to or less than $5,000,000; and

(C) the sum of $200 plus $50 for each $1,000,000 increment by which the contract value exceeds $5,000,000, in the case of a contract with a value greater than $5,000,000.

(2) ADJUSTMENT IN RATE PERMITTED.—Notwithstanding any other provision of law, the Architect of the Capitol may adjust the daily liquidated damage payment rate by agreement with the contractor involved in a rate greater or lesser than the rate described in paragraph (1) if the agreement is based on a written determination that the rate described does not accurately reflect the anticipated damages which will be suffered by the United States as a result of the delay in the completion of the contract.

(d) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into during fiscal year 2002 or any succeeding fiscal year.

SEC. 112. (a) Notwithstanding any other provision of law, the Architect of the Capitol may appropriate any funds with respect to any project or object class without the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of a project or object class within the House of Representatives;

(2) the Committee on Appropriations of the Senate, in the case of a project or object class within the Senate; or

(3) both the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, in the case of any other project or object class.

(b) This section shall apply with respect to funds provided to the Architect of the Capitol before, on, or after the date of enactment of this Act.

(cc) LIMITATION.—(1) Except as provided in paragraph (2), none of the funds provided by this Act or any other Act for printing and binding and related services may be used for any printing and binding services authorized by law in excess of the amount authorized for obligation or expenditure in appropriations Acts:

Provided, That the total amount appropriated, $15,824,471 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials not otherwise available, to be provided further, That the total amount appropriated, $5,984,000 shall not be derived from collections during fiscal year 2002 and shall remain available until expended for the development and maintenance of the Library's digital collections and related activities,

www.progov.org

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessarily incurred in publishing the semi-monthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 802); printing and binding of Government publications authorized by law to be distributed without charge to the recipient, $81,000,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record or individual Representatives' Resident Commissioners or Delegates authorized under 44 U.S.C. 906: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services may be used for any printing and binding services authorized by law in excess of the amount authorized for obligation or expenditure in appropriations Acts:

Provided further, That the total amount appropriated, $5,650,000 shall be derived from collections during fiscal year 2002 and shall remain available until expended for the development and maintenance of the Library's digital collections and related activities,

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LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; portrait of Thomas Jefferson; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folk Life Center in the Library, preparation of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $904,692,000, of which not more than $6,500,000 shall be derived from collections during fiscal year 2002, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 492) to print and bind, in the case of any other project or object class within the House of Representatives, in the case of a project or object class within the Senate; or

A Mount of Payment.

Notwithstanding any other provision of law, the Architect of the Capitol may appropriate any funds with respect to any project or object class without the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of a project or object class within the House of Representatives;

(2) the Committee on Appropriations of the Senate, in the case of a project or object class within the Senate; or

(3) both the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, in the case of any other project or object class.

This section shall apply with respect to funds provided to the Architect of the Capitol before, on, or after the date of enactment of this Act.

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the amount by which collections are less than $27,861,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an ‘‘International Copyright Institute’’ in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws relating to copyrights; Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

Books for the Blind and Physically Handicapped

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $49,786,000, of which $14,437,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, $73,352,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be, in an amount of not more than $203,560, of which $60,486 is for the Copyright Office of the Library of Congress to administer any flexible or compressed work schedule which—
1. applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and
2. grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term ‘‘manager or supervisor’’ means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—
1. applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and
2. grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term ‘‘manager or supervisor’’ means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress on behalf of other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authorities of sections 1335 and 1336 of title 51, United States Code, shall not be used to employ more than 65 employees and may be expended or obligated—
1. in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or
2. in the case of an advance payment, only to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

(A) To pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or
(B) To such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 205. Of the amount appropriated to the Library of Congress for the activities described in subsection (b) may not exceed $114,473,000.

(b) The activities referred to in subsection (a) are fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 206. (a) For fiscal year 2002, the obligation or expenditure of the Librarian of Congress for the activities described in subsection (b) may not exceed $111,473,000.

(b) The activities referred to in subsection (a) are fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

ADMINISTRATIVE PROVISIONS

1. in the heading, by striking ‘‘AUDIO AND VIDEO’’;
2. in subsection (a), by striking ‘‘audio and video’’;
3. in subsection (b), by striking ‘‘audio and video’’;

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $22,252,000, of which $8,918,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and international and foreign libraries as authorized by law, $29,639,000: Provided, That travel expenses, including travel expenses of the Depository Library Program and the Federal Research Program, to the Public Printer, shall not exceed $175,000: Provided further, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 2000 and 2001 to depository and other designated libraries: Provided further, That items or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 (2 U.S.C. 1705) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, for the maintenance of the Government Printing Office, not to exceed $2,500,000: Provided further, That the revolving fund shall be available for the purchase of time equivalent employment of not more than 3,200 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): Provided further, That the revolving fund may provide in any format: Provided further, That the revolving fund shall not be used for any expenditure that is for the administration of any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: Provided further, That expenses for attendance at meetings shall not exceed $75,000.

ADMINISTRATIVE PROVISION

EXTENSION OF EARLY RETIREMENT AND VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR GPO

SEC. 208. (a) Section 309 of the Legislative Branch Appropriations Act, 1999 (44 U.S.C. 356 note), is amended—
1. in subsection (b)(1)(A), by striking ‘‘October 1, 2001’’ and inserting ‘‘October 1, 2004’’;
2. in subsection (c)(2), by striking ‘‘September 30, 2001’’ and inserting ‘‘September 30, 2004’’.

(b) The amendments made by this section shall have effect as if made in the enactment of the Legislative Branch Appropriations Act, 1999.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States and the connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5316 of such title: Provided, That the revolving fund shall be available for temporary or intermittent services under section 5316 of such title: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicles: Provided further, That expenses for attendance at meetings shall not exceed $75,000.

to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Sec. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBPMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBPMC costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

Sec. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of roads, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

Sec. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2002 unless expressly so provided in this Act.

Sec. 303. Whenever in this Act any office or position is specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto.

Sec. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall not exceed $50,000 excluding any existing Executive order issued pursuant to existing law.

Sec. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment purchased with the amounts made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally labeled bearing a `Made in America' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to the Act, or pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Sec. 306. Appropriations made available in this Act for the Architect of the Capitol for the item relating to `HOUSE OFFICE BUILDINGS', an aggregate amount of $70,000,000 shall be available for the installation of compact fluorescent light bulbs in table, floor, and desk lamps in House office buildings for offices of the Members of Congress which require any retrofitting of the lamps which may be necessary to install such bulbs, consistent with the energy conservation plan of the Architect of the Capitol established under section 305 of the Legislative Branch Appropriations Act, 1999.

The CHAIRMAN. Pursuant to House Resolution 213, the gentleman from New Jersey (Mr. ROTHMAN) and a Mem- ber opposed each will control 5 minutes.

Mr. ROTHMAN. Mr. Chairman, I yield myself such time as I may con- 
sume.

First, let me thank the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Virginia (Mr. MORAN) as well as staff members Liz Dawson and Mark Murray for allowing me to bring this amendment forward and for working with me to make this possible.

Mr. Chairman, I am offering an amendment today that is quite simple. It would provide sufficient resources from existing funds to allow House Members to request the installation of energy-efficient compact, fluorescent light bulbs in their offices.

Some may say, well, that sounds pretty trivial. Well, if saving money for the taxpayers is trivial, if saving energy is trivial, then maybe so. But I think not. I think that this is impor-
tant and an important first step. For example, this compact fluorescent light bulb that could be used in the Members’ offices, at their request, saves about $3.60 per light bulb per year. Now, we have got three or 4,000 light bulbs in the Members’ offices. These new light bulbs will last 20 times longer than regular light bulbs. So not only will we save a lot of money on the energy that we will not be con- suming with these new bulbs, they will last 20 times longer, which means we will be buying between 50 and 100,000 less light bulbs over the course of 10 years, and we will not have to divert attention from the House maintenance staff to this task of changing light bulbs, and they can go on and do the other important work that they are doing.

Let me just say this. It is also, frankly, an indication that the House of Representatives is very much concerned about saving energy. This builds on the 1998 initiative of this Congress to install energy-saving fixtures where we can. As a result of that initiative, the Capitol complex is using nearly 31 million kilowatt hours less than before, a 10 percent decrease in power usage.

Let me add two other points: one is that if we continue in this direction, we can avoid having to construct new
power plants. It is said if everyone in America used them, we could retire 90 power plants. Finally, we should, where possible and reasonable, make sure we use these new light bulbs that are made in the USA.

Again, I think the chairman and my distinguished friend and ranking member, the gentleman from Virginia, for all their help in getting this amendment before this body.

Mr. TAYLOR of North Carolina. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ROTHMAN).

The amendment was agreed to.

The CHAIRMAN. Pursuant to House Resolution 213, the gentleman from New Jersey (Mr. ROTHMAN), the reason why he did not show that bulb, it was made in China. So any of the workers and procurenre people in Washington who are now going to get $65 tax-free to help commute, when they go out and buy, look at the label.

With that, a $360 billion trade deficit, for historical purposes, Jimmy Carter’s last year had a balanced trade picture; no surplus, no deficit.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield? Mr. TRAFICANT. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, we have no objection to the amendment offered by the distinguished gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I would be glad to yield to my distinguished friend, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, we do not have any objection either; but I do not think that, as long as we look for the highest quality at the most affordable price, we are going to have a problem with the intent of the gentleman’s amendment anyway. But we are not going to object to it.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I was hoping the gentleman would say he supported it.

With that, I ask for a vote in the affirmative.

The CHAIRMAN. Is there any Member who claims time in opposition to the amendment?

Hearing none, the question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McHUGH) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the foregoing amendment making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 213, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members have five legislative days within which to revise and extend their remarks, and that I be permitted to include tabular and extraneous material on the bill, H. R. 2647, making appropriations for the Legislative Branch for the fiscal year 2002, and for other purposes.

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

Mr. YOUNG of Florida. Mr. Speaker, reserving the right to object, I only do so to commend the gentleman from North Carolina (Chairman TAYLOR) and the gentleman from North Carolina (Mr. MORAN) for bringing a good bill to the floor and having done a good job.

In addition, I want to announce to Members that this is the tenth appropriations bill that we have passed this year; and despite the fact that we got off to a very late start, not receiving our justifications and specific numbers actually until April, when we normally get them in February, the House has done a great job in coming together to pass these appropriations bills, one supplemental that is already signed into law and nine of the regular appropriations bills.

That is all the appropriations business we will have for the balance of this week and until we return from our summer work period in our districts.

When we get back, we will take very soon upon our arrival the Military Construction bill, the Defense appropriations bill, the District of Columbia bill and the Labor Health and Education bill.

So we had a very busy month in June and an extremely busy month in July as far as appropriations go. September will be no different. It will be an intense time for all of us as we approach the end of the fiscal year.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina (Mr. TAYLOR)?

There was no objection.

The SPEAKER pro tempore. The Chair will put the amendments en gros. The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this will be a 15 minute vote on passage, which will be followed by a 5 minute vote on approving the Journal.

The vote was taken by electronic device, and there were—yeas 380, nays 38, not voting 15, as follows:
MESSRS. SHOWS, SCHIFF, SHIMKUS, DOGGETT, JOHNSON OF ILLINOIS, BARCIA, AND PHELPS changed their vote from "yea" to "nay."
So the bill was passed.
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.
Stated for:
Mr. HERGER, Mr. Speaker, on rollcall No. 298 I was unavoidably detained. Had I been present, I would have voted "yea."

THE JOURNAL

The Speaker pro tem (Mr. McHugh). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.
The question is on the Speaker's approval of the Journal.
The question was taken; and the Speaker pro tem announced that the ayes appeared to have it.

RECORDED VOTE
Mr. McNULTY. Mr. Speaker, I demand a recorded vote.
A recorded vote was ordered.

The SPEAKER pro tem. This is a 5-minute vote.
The vote was taken by electronic device, and there were—ayes 359, noes 44, answered "present" 1, not voting 29, as follows:

(See Roll No. 299)
for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 2001, to the Federal Register for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing, unusual, and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

GEORGE W. BUSH,


PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–110)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides

VETERANS BENEFITS ACT OF 2001

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2540) to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2540

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

CHAPTER I. SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the “Veterans Benefits Act of 2001.”

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—ANNUAL COST-OF-LIVING ADJUSTMENT IN COMPENSATION AND DIC RATES

Sec. 101. Increase in rates of disability compensation and dependency and indemnity compensation.

Sec. 102. Publication.

TITLE II—COMPENSATION PROVISIONS

Sec. 201. Presumption that diabetes mellitus (type 2) is service-connected.

Sec. 202. Inclusion of illnesses that cannot be clearly defined in presumption of service connection for Gulf War veterans.

Sec. 203. Preservation of service connection for undiagnosed illnesses to provide for participation in research projects by Gulf War veterans.

Sec. 204.Presumptive period for undiagnosed illnesses program providing compensation for veterans of Persian Gulf War who have certain illnesses.

TITLE III—ADMINISTRATION OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Sec. 301. Registration fees.

Sec. 302. Administrative authorities.

TITLE IV—OTHER MATTERS

Sec. 401. Payment of insurance proceeds to an alternate beneficiary when first beneficiary cannot be identified.

Sec. 402. Extension of copayment requirement for outpatient prescription medications.

Sec. 403. Department of Veterans Affairs Health Services Improvement Fund made subject to appropriation.

Sec. 404. Native American veteran housing loan pilot program.

Sec. 405. Modification of loan assumption notice requirement.

Sec. 406. Elimination of requirement for providing a copy of notice of appeal to the Secretary.

Sec. 407. Pilot program for expansion of toll-free telephone access to veterans service representatives.

Sec. 408. Technical and clerical amendments.

Sec. 409. Codification of recurring provisions in annual Department of Veterans Affairs appropriations Acts.

SECTION 2. REFERENCES TO TITLE 38, UNITED STATES CODE

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—ANNUAL COST-OF-LIVING ADJUSTMENT IN COMPENSATION AND DIC RATES

SEC. 101. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDENDITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2001, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNT TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:
TITLE III—ADMINISTRATION OF UNITED STATES COURT OF VETERANS CLAIMS

SEC. 301. REGISTRATION FEES.

(a) FEES FOR COURT-SUPPORTED ACTIVITIES.—Section (a) of section 72B is amended by adding at the end the following new sentence: “The Court may also impose registration fees on persons participating in a judicial conference convened pursuant to section 7286 of this title or any other court-sponsored activity.”

(b) USE OF FEES.—Subsection (b) of such section is amended by striking “by the purposes of (1)” and all that follows through the period and inserting “for the following purposes”:

(1) Conducting investigations and proceedings, including employing independent counsel, to pursue disciplinary matters.

(2) Defraying the expenses of—

(A) judicial conferences convened pursuant to section 7286 of this title; and

(B) other activities and programs that are designed to support and foster bench and bar participation in the study, understanding, public commemoration, or improvement of veterans law or of the work of the Court.

Clerical Amendments.—The heading for such section is amended to read as follows: “§ 7285. Practice and registration fees.”

SEC. 302. ADMINISTRATIVE AUTHORITIES.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by adding at the end the following new section:

“§ 7287. Administration

“(a) NOTWITHSTANDING any other provision of law, the Court of Appeals for Veterans Claims may exercise, for purposes of management, administration, and expenditure of funds, the authorities provided for such purposes by any provision of law (including any limitation with respect to such provision) applicable to a court of the United States as defined in section 451 of title 28, except to the extent that such provision of law is inconsistent with a provision of this chapter.”

(b) CLERICAL AMENDMENTS.—The Table of Sections at the beginning of such chapter is amended by inserting after the item related to section 7286 the following new item:

“7287. Administration.”

TITLE IV—OTHER MATTERS

SEC. 401. PAYMENT OF INSURANCE PROCEEDS TO AN ALTERNATE BENEFICIARY WHEN FIRST BENEFICIARY CANNOT BE IDENTIFIED

(a) NSLII.—Section 197 is amended by adding at the end the following new subsection: “(f) Following the death of the insured—

(1) if within five years after the death of the insured no claim has been filed by a person designated by the insured as a beneficiary and the Secretary has not received notice in writing that any such claim will be made, payment of the insurance proceeds may be made to another beneficiary designated by the insured, in the order of precedence as designated by the insured, as if the first benefici ary had predeceased the insured; and

(2) if within five years after the death of the insured, no claim has been filed by a person designated by the insured as a beneficiary and the Secretary has not received notice in writing that any such claim will be made, payment of the insurance proceeds may be made to another beneficiary designated by the insured, in the order of precedence as designated by the insured, as if the first beneficiary had predeceased the insured; and in the judgment of the Secretary be equitably entitled to the proceeds of the policy.
“(2) Payment of insurance proceeds under paragraph (1) shall be a bar to recovery by any other person.”.

(b) AUTHORIZATION OF THE USE OF CERTAIN FUNDS.—Section 1951 is amended—

(1) by inserting “(a)” before “United States Government”;

(2) by adding at the end the following new subsection—

“(b)(1) Following the death of the insured—

“(A) if the first beneficiary otherwise entitled to payment of the insurance proceeds does not make a claim for such payment within three years after the death of the insured, payment of the proceeds may be made to another beneficiary designated by the insured, as if the first beneficiary had predeceased the insured; and

“(B) if within five years after the death of the insured, no claim has been filed by a person designated by the insured as a beneficiary and the Secretary has not received premiums due on commercial life insurance policies substantially complies with the requirements of subsection (b); and”;

SEC. 405. MODIFICATION OF LOAN ASSUMPTION NOTICE REQUIREMENT.

Section 3714(d) is amended to read as follows:

“(d) With respect to a loan guaranteed, insured, or made under this chapter, the Secretary shall provide, by regulation, that at least 30 days before making either the loan or the mortgage or deed of trust therefor, shall conspicuously contain, in such form as the Secretary shall specify, a notice of the right to furnish, in such form, that the loan is not assumable without the approval of the Department of Veterans Affairs or its authorized agent.”.

SEC. 406. ENFORCEMENT OF REQUIREMENT FOR PROVIDING A COPY OF NOTICE OF APPEAL TO THE SECRETARY.

(a) REPEAL.—Section 7266 is amended by striking subpargraph (b).

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking “(1)” after “(a)”;

(2) by redesignating paragraph (2) as subparagraph (b); and

(3) by redesignating paragraph (3) as subparagraph (c) and redesignating subparagraphs (A) and (B) thereof as paragraphs (1) and (2); and

(4) by redesigning paragraph (4) as subparagraph (d) and by striking “(2)” therein and inserting “(2)”.

SEC. 407. PILOT PROGRAM FOR EXPANSION OF TOGETHER(2) TELEPHONE ACCESS TO VETERANS SERVICE REPRESENTATIVES.

(a) Pilot Program.—The Secretary of Veteran Affairs shall conduct a pilot program to test the benefits and cost-effectiveness of expanding access to veterans service representatives of the Department of Veterans Affairs through a toll-free (so-called “1-800”) telephone number. Under the pilot program, the Secretary shall provide, by regulation, that at least one instrument evidencing either the service of someone else, in the Armed Forces.

(b) Information Provided.—The Secretary shall ensure, as part of the pilot program, that veterans service representatives of the Department of Veterans Affairs have available to them—in addition to information about unclaimed funds administered by the Secretary—information about veterans benefits provided by—

(1) all other departments and agencies of the United States;

(2) State governments.

(c) Consultation.—The Secretary shall establish the pilot program in consultation with the heads of other departments and agencies of the United States that provide veterans benefits.

(d) Veterans Benefits Defined.—For purposes of this section, the term “veterans benefits” means benefits provided to a person based upon the person’s own service, or the service of someone else, in the Armed Forces.

(e) Period of Pilot Program.—The pilot program shall—

(1) begin not later than six months after the date of the enactment of this Act; and

(2) end at the end of the two-year period beginning on the date on which the program begins.

(f) Report.—Not later than 120 days after the end of the pilot program, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the pilot program. The report shall provide the Secretary’s assessment of the benefits and cost-effectiveness of the pilot program, including an assessment of the extent to which there is a demand for access to veterans service representatives during the period of expanded access to such representatives provided under the pilot program.

SEC. 408. TECHNICAL AND CLERICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 38, UNITED STATES CODE.—Section 1722A, United States Code, is amended as follows:

(1) Section 712 is repealed.

(2) Section 1716(c)(2)(D) is amended by inserting “or” before “November 30, 1999”.

(b) OTHER AMENDMENTS.—(1) Section 1001(a)(2) of the Veterans’ Benefits Improvements Act of 1994 (38 U.S.C. 7221 note) is amended by striking “and” at the end of subparagraph (C).

(2) Section 12 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7221 note) is amended by striking “and” at the end of paragraph (4).

SEC. 409. CODIFICATION OF REPEATING PROVISIONS IN ANNUAL DEPARTMENT OF VETERANS AFFAIRS APPROPRIATIONS ACTS.

(a) CODIFICATION OF REPEATING PROVISIONS.—Section 313 is amended by adding at the end the following new subsection:

“(a) Compensation and Pensions Funds appropriated for Compensation and Pensions are available for the following purposes:

(1) The payment of compensation benefits to or on behalf of veterans as authorized by section 107 and chapters 11, 31, 51, 53, 55, and 61 of this title.

(2) Pension benefits to or on behalf of veterans as authorized by sections 107, 111, 112, 1761, and 2106 and chapters 21, 31, 53, 55, and 61 of this title and section 306 of the Veterans’ and Survivors’ Pension Improvement Act of 1978.

(3) The payment of benefits as authorized under chapter 18 of this title.

(4) Burial benefits, emergency and other officers’ retirement pay, adjusted-service retirement pay, adjusted compensation Act (43 Stat. 122), the Act of May 24, 1928 (Public Law No. 506 of the 70th Congress; 45 Stat. 735), and Public Law 87-875 (76 Stat. 1138).

Sec. 409. MODIFICATION OF LOAN ASSUMPTION NOTICE REQUIREMENT IN ANNUAL DEPARTMENT OF VETERANS AFFAIRS APPROPRIATIONS ACTS.

(a) Modification of Loan Assumption Notice Requirement.—Section 3714(d) of title 38, United States Code, is amended by striking the item relating to section 712.

(b) The table of sections at the beginning of this title is amended by striking the item relating to section 712.

(c) Section 1716(c)(2)(D) is amended by inserting “or” before “November 30, 1999”.

(d) Section 1001(a)(2) of the Veterans’ Benefits Improvements Act of 1994 (38 U.S.C. 7221 note) is amended by striking “and” at the end of paragraph (4).

(e) Section 12 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7221 note) is amended by striking “and” at the end of paragraph (4).

(f) Section 313 is amended by adding at the end the following new subsection:

“(a) Compensation and Pensions Funds appropriated for Compensation and Pensions are available for the following purposes:

(1) The payment of compensation benefits to or on behalf of veterans as authorized by section 107 and chapters 11, 31, 51, 53, 55, and 61 of this title.

(2) Pension benefits to or on behalf of veterans as authorized by sections 107, 111, 112, 1761, and 2106 and chapters 21, 31, 53, 55, and 61 of this title and section 306 of the Veterans’ and Survivors’ Pension Improvement Act of 1978.

(3) The payment of benefits as authorized under chapter 18 of this title.

(4) Burial benefits, emergency and other officers’ retirement pay, adjusted-service retirement pay, adjusted compensation Act (43 Stat. 122), the Act of May 24, 1928 (Public Law No. 506 of the 70th Congress; 45 Stat. 735), and Public Law 87-875 (76 Stat. 1138).

(5) Medical Care.—Funds appropriated for Medical Care are available for the following purposes:

(1) The maintenance and operation of hospitals, nursing homes, and domiciliary facilities.

(2) Furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department, including care and treatment in facilities not under the jurisdiction of the Department.

(3) Furnishing recreational facilities, supplies, and equipment.

(4) Funeral and burial expenses and other expenses incidental to funeral and burial expenses for beneficiaries receiving care from the Department.

(5) Administrative expenses in support of pilot programs for design, procurement, management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction of the Department.

(6) Oversight, engineering, and architectural activities not charged to project cost.
(7) Repairing, altering, improving, or providing facilities in the medical facilities and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the Department as authorized by law.

(8) Uniforms or uniform allowances, as authorized by sections 5001 and 5002 of title 5.

(9) To States, Territories, or possessions, as authorized by section 1741 of this title.

(10) Administrative and legal expenses of the Department for collecting and recovering any funds, not otherwise provided for, authorized by law.

(11) Construction, Minor Projects, are available, with respect to a project, for the following purposes:

(a) To pay for services of claims analysts.

(b) Temporary measures necessary to prevent or to minimize further loss by such reason of loss or damage caused by a natural disaster or catastrophe; and

(c) For purposes:

(1) To reduce the cost of medical care, the cost of direct or guaranteed loans, the cost of any such loan, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a). 

(2) The table of sections at the beginning of such chapter, is amended by adding at the end the following new item:

"117. Definition of cost of direct and guaranteed loans."

(3) Effect of Section.—Subsections (c) through (h) of section 313 of title 38, United States Code, as added by subsection (a), and section 117 of such title, as added by section (b), shall take effect with respect to funds appropriated for fiscal year 2003.

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

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

Mr. SMITH of New Jersey. Mr. Speaker, as chairman of the Committee on Veterans Affairs, I am very pleased to bring before the House H.R. 2540, the amended, Veterans Benefits Act of 2001.

This is the fourth major piece of legislation that the Committee on Veterans' Affairs has brought to the floor this year. Earlier this year, the House passed the Montgomery G.I. Bill Expansion Act, H.R. 811, the Veterans' Hospitals Emergency Repair Act, which provides $550 million over 2 years to repair and renovate VA medical facilities.

While this legislation is still awaiting action in the Senate, having passed the House, funding was included in the VA-HUD appropriations bill approved last night to begin these needed repairs.

In addition, the House has approved H.R. 1291, the 21st Century Montgomery G.I. Bill Enhancement Act, which also is awaiting Senate action. It provides a 70 percent increase in G.I. educational benefits to qualifying service members.

Mr. Speaker, today we bring yet another vitally important piece of legislation to the floor that will provide increases in VA compensation payments to disabled veterans and their survivors.

Mr. Speaker, there are more than 3.2 million disabled veterans or survivors of disabled veterans today receiving compensation who will receive a boost with passage of H.R. 2540, including more than 170,000 veterans rated 100 percent disabled who will get an additional $767 each year added to their existing benefit.

I would make parenthetically in the State of New Jersey there are 3,246 disabled veterans with a rating of 100%, and they, too, will get an additional $767 in benefits.

Upon enactment of this legislation, all veterans or qualified survivors will get the 2.7 percent COLA. The cost for this will be over $400 million in the first year and $543 million over the next 4 years. In all, the compensation package for the COLA will be $2.5 billion over 5 years.

Another very important component of this bill addresses the lingering effects of service to Persian Gulf War veterans. Many veterans who applied for disability compensation for poorly-defined illnesses found that a beneficial law we adopted in 1994, the Persian Gulf War Veterans Act, had a "Catch-22." If a doctor could diagnose the illness, and the symptoms had not arisen in service or within 1 year, the claim was denied.

Mr. Speaker, there is an evolution occurring in medicine today with respect to so-called chronic multi-symptom illnesses. Some of these illnesses, such as chronic fatigue syndrome, have case definitions that are generally accepted in the medical profession, although their causes and treatment are unknown. Concerned physicians who study and treat many patients with one or more symptoms may not agree that a given set of symptoms fit one case definition or another and may decide to treat discrete symptoms without reaching a definitive diagnosis. This bill provides the expansion authority, and my good friend and colleague, the gentleman from Idaho (Mr. SIMPSON), the chairman of the Subcommittee on Benefits, will explain this momentarily in greater detail.

Let me also say that this legislation is the work of a tremendous amount of bipartisanship as well as a great deal of work by our respective staffs, and I would like to single out a number of Members. First of all, beginning with my good friend, the ranking member, the gentleman from Illinois (Mr. EVANS), who was instrumental in working on section 2 of this important piece of legislation. He has contributed very constructively to the shaping of this bill.

I would especially like to thank the gentleman from Idaho (Mr. SIMPSON), as I mentioned before, chairman of the Subcommittee on Benefits, and the ranking member of the subcommittee, the gentleman from Texas (Mr. REYES). I would just note that while the gentleman from Idaho is only in his second term and is already minority chairman, he is not new to policy making. Chairman SIMPSON is an accomplished lawmaker. As I think many of my colleagues know, he served in his State legislature for 14 years. His positions included majority caucus chairman, assistant majority leader in the Idaho House of Representatives; and he served as speaker, for 6 years in the Idaho House of Representatives. He is also a member of the Idaho Republican Party Hall of Fame. We are very fortunate to have him serving as chairman.

Let me also thank some of the other Members who worked on this. The gentleman from Florida (Mr. BILIRAKIS),
who helped shape the final outcome of this bill. After markup, some issues re-
main that were hammered out in a constrictive dialogue. There were some
lingering issues that needed to be re-
solved, and he was instrumental in
 crafting that compromise—extends the
period by 2 years. I also want to thank
the gentleman from Mississippi (Mr. Si-
ows); and the gentleman from Illi-
ois (Mr. MANZULLO), the latter who
had a major bill on Gulf War vets with
multiple cosponsors, in excess of 200,
who was also very instrumental in
shaping this legislation.

Finally, I want to thank our staff:
Jeanne McNally, Darryl Kehrer, Paige
McManus, Devon Seibert, Kingston
Smith, Stephanie Larson, and my good
friend and chief counsel, Patrick Ryan.

Also the minority staff: Beth Kilker,
Debbie Smith, Mary Ellen McCarthy,
and Michael Durishin, who worked
hard on this bill. I urge support for this
important veterans legislation.

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

Mr. EVANS. Mr. Speaker, I yield my-
self such time as I may consume.

I rise in strong support of H.R. 2540,
the Veterans Benefits Act of 2001; and I
commend and salute our distinguished
chairman of the committee for his
leadership in working with the Mem-
bers on both sides to bring this meas-
ure before us today. I join with him in
saluting the staff that he has recog-
nized as well.

I also want to recognize the new
chairman of the Subcommittee on Ben-
efits, the gentleman from Idaho (Mr.
SIMPSON), and the ranking Democratic
member of the subcommittee for intro-
ducing similar legislation in H.R. 1929.

Again, I want to thank the chairman
of the full committee and the chairman
and ranking member of the sub-
committee for bringing this bill before
us today. I urge all our colleagues to
support H.R. 2540, as amended.

Mr. Speaker, I rise in strong support of H.R.
2540, the Veterans Benefits Act of 2001. I
commend and thank the distinguished Chair-
man of the Committee, Chairman
Simpson, for his leadership, working with members on both
sides of the aisle to bring this measure
before us today. I also want to recognize the new
Chairman of the Subcommittee on Benefits,
Mr. SIMPSON, and the Ranking Democratic
Member of the Subcommittee on Benefits, Mr.
REYES, who contributed to the bill before us
today.

I fully support the cost-of-living increase pro-
vided by Title I of H.R. 2540. The purchasing
power of the benefits which our veterans have
earned must be maintained and not be dimin-
ished when benefits have increased. Our Nation's veterans have earned
their benefits. It is the obligation of a grateful
Nation to preserve the purchasing power of
these benefits and pay them in a timely man-
ner.

As a long time supporter of benefits for vet-
nerans who have suffered from the effects of
exposure to herbicides such as Agent Orange,
I welcome VA's recent regulation providing a
presumption of service-connection for Vietnam
veterans exposed to dioxin who now suffer
from gastrointestinal illnesses. As
recommended by our subcommittee's
chairman, and is one of the few in the medical
community, VA is precluded from providing benefits to vet-
nerans who suffer from fibromyalgia, chronic fa-
toile syndrome responsible for these illnesses had
been identified. In providing for compensation
for undiagnosed illnesses or illnesses for which we
were not able to clearly define—our Con-
gress specifically intended that under Public
Law 103-446, veterans be given the benefit of
the doubt and provided service-connected compensation benefits. Because of an erro-
nous Opinion of VA's General Counsel, the
law's intent has been frustrated and many vet-
erans have been denied compensation.

As many veterans organizations have noted,
both the former Chairman of this Committee
[Boo Struik] and I have criticized VA's inter-
pretation of the term "undiagnosed illness"
in VA General Counsel Precedent Opinion 8-98
as extremely restrictive. That opinion held that
VA is precluded from providing benefits to vet-
erans who develop symptoms after military
service and who receive a diagnostic label,
such as "chronic service fatigue syndrome"
even for illnesses which are not clearly de-
fining. Thousands of veterans have had their
cases denied because "chronic fatigue syn-
drome" or another diagnostic label such as "ir-
radiant nerve syndrome". Other veterans with identical symptoms whose physi-
cians did not attach a diagnostic label have
had their claims granted. Such disparate treat-
ment is unfair and unacceptable.

Since there is no known cause for these ill-
nesses and no specific laboratory tests to con-
firm the diagnosis, as a practical matter VA's
ability to provide compensation has been lim-
ited to veterans whose symptoms became manifest during active duty or active duty for
training; or to veterans who were shown to
be a part of the Gulf War veterans Issues,
"in medicine, we will label something with a name, as you are
aware, and call it a diagnosis, but it may not
convey what the etiology is. There are very
few places in medicine where we say what the
etiology is when we give a diagnosis. One of
the few is infectious diseases."

In focusing on the symptoms of poorly de-
fining illnesses, the bill applies to disabilities
resulting from what is increasingly referred to
as an "undiagnosed illness". (See, "Chronic
Multisymptom Ill-
988, "Clinical Risk Communication: Explaining
Causality To Gulf War Veterans With Chronic
Multisymptom Illness" provided at the Sym-
posium [June 25, 1999] (Found at
wwwdeploymenthealth.mil/education/risk
comm.doc) and "Multiple Chemical Sensitivity
and Chronic Fatigue Syndrome in British Gulf
War Veterans," Reid et al, American Journal
of Epidemiology, 2001; 153:85). Veterans
who could not be clearly defined and many vet-
erans have been denied compensation.

Asia. Claims for service-connected compensa-
tion filed by Gulf War veterans were originally
denied because no single disease entity or
syndrome responsible for these illnesses had
been identified. In providing for compensation
due to undiagnosed illnesses or illnesses for
which we were not able to clearly define—our Con-
gress specifically intended that under Public
Law 103-446, veterans be given the benefit of
the doubt and provided service-connected compensation benefits. Because of an erro-
nous Opinion of VA's General Counsel, the
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service and who receive a diagnostic label,
such as "chronic service fatigue syndrome"
even for illnesses which are not clearly de-
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cases denied because "chronic fatigue syn-
drome" or another diagnostic label such as "ir-
radiant nerve syndrome". Other veterans with identical symptoms whose physi-
cians did not attach a diagnostic label have
had their claims granted. Such disparate treat-
ment is unfair and unacceptable.

Since there is no known cause for these ill-
nesses and no specific laboratory tests to con-
firm the diagnosis, as a practical matter VA's
ability to provide compensation has been lim-
ited to veterans whose symptoms became manifest during active duty or active duty for
training; or to veterans who were shown to
be a part of the Gulf War veterans Issues,
"in medicine, we will label something with a name, as you are
aware, and call it a diagnosis, but it may not
convey what the etiology is. There are very
few places in medicine where we say what the
etiology is when we give a diagnosis. One of
the few is infectious diseases."

In focusing on the symptoms of poorly de-
fining illnesses, the bill applies to disabilities
resulting from what is increasingly referred to
as an "undiagnosed illness". (See, "Chronic
Multisymptom Ill-
988, "Clinical Risk Communication: Explaining
Causality To Gulf War Veterans With Chronic
Multisymptom Illness" provided at the Sym-
posium [June 25, 1999] (Found at
wwwdeploymenthealth.mil/education/risk
comm.doc) and "Multiple Chemical Sensitivity
and Chronic Fatigue Syndrome in British Gulf
War Veterans," Reid et al, American Journal
of Epidemiology, 2001; 153:85). Veterans
who could not be clearly defined and many vet-
erans have been denied compensation.

Asia. Claims for service-connected compensa-
tion filed by Gulf War veterans were originally
denied because no single disease entity or
syndrome responsible for these illnesses had
been identified. In providing for compensation
due to undiagnosed illnesses or illnesses for
which we were not able to clearly define—our Con-
gress specifically intended that under Public
Law 103-446, veterans be given the benefit of
the doubt and provided service-connected compensation benefits. Because of an erro-
nous Opinion of VA's General Counsel, the
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etiology is when we give a diagnosis. One of
the few is infectious diseases."
evidence that claims which Congress intended to recognize in its 1994 legislation are being denied under present law.

The handling of claims based on undiagnosed illnesses continues to be problematic. Current VA policy requires VA to consider service connection to a diagnosed condition under whatever rating is appropriate and to also give full credence to symptoms which cannot be attributed to any of the diagnosed illnesses. In some cases, adjudicators in VA Regional Offices have failed to follow VA policy. I hope that by expanding the coverage of service-connection to illnesses which cannot be clearly defined, VA adjudicators will make fewer such errors.

I regret that having expended so much of our Nation’s resources on a large tax cut, we lack the funding to make this provision effective until April 1, 2002. There is one and only one reason for not making this provision effective upon enactment and even retroactive to the date of the original legislation. Having spent our Nation’s “surplus” on large tax cuts for the wealthiest Americans, we have no way to search for nickels and dimes to meet our debt to our Nation’s disabled veterans. This is a disgrace, but it is the result with which we are now forced to live.

I understand the concerns raised by those who believe the presumptive period for undiagnosed illnesses should be extended. Except for members of the Guard and Reserve who, though not assigned to the Gulf have suffered adverse effects following the administration of anthrax and other vaccines while on inactive duty for training. I am not aware of any cases where symptoms of undiagnosed illnesses have recently become manifest. I am also not aware of any service members recently assigned to the Gulf having experienced symptoms of undiagnosed illnesses: chronic fatigue syndrome or fibromyalgia. However, because this may exist, I do not oppose the two-year extension of time contained in the Manager’s amendment. Although I hope that no disabilities with a long latency period such as cancer or other illnesses will result from Gulf Service, I will support the expansion of service-connected disabilities and when certain disabilities are determined to be more prevalent in Gulf veterans than comparable populations.

Section 203 of H.R. 2540 gives the Secretary of Veterans Affairs the authority to participate in the service connection of veterans receiving compensation benefits. Last year, Congresswoman CAPPS and I became aware that VA was having difficulty in recruiting veterans to participate in a VA-sponsored research study concerning the prevalence of Amyotrophic Lateral Sclerosis (ALS or Lou Gehrig’s Disease) in Gulf War veterans. Because ALS is such a rare disease, the validity of the study required that as many veterans as possible with this condition be identified. A number of veterans refused to participate in the study because they were currently receiving service connected compensation benefits attributed to an undiagnosed illness. If ALS were to be diagnosed, the veteran would lose those benefits. In response to a joint request from Mrs. CAPPS, Mr. STEARNs, Mr. BILIRAKIS and myself to protect the benefits of the ALS study participants, former Acting Secretary Gober stated in an October 19, 2000, letter, “there is simply no viable way to provide such protection consistent with existing law and standards of ethical conduct for Government employees.”

Section 203 of H.R. 2540 is intended to remedy this dilemma and provide the VA with the authority needed to enable veterans to participate in medical research studies, without risking their public benefits in jeopardy. Absent such authority, there is a very real risk that veterans will be caught in a “Catch-22” situation. Without adequate research, it may not be possible to demonstrate an association between service in Southwest Asia and certain undiagnosed illnesses experienced by a small number of Gulf War veterans. If the research is inadequate, deserving veterans may be denied compensation. Medical research serves an important humanitarian goal, by furthering knowledge concerning human diseases and treatment. Veterans who participate in such research, without any likelihood of direct benefit to their own lives, deserve to be protected, not punished, for their humanitarian spirit. By preserving the service connected character of the veteran’s disabilities, they and their survivors would qualify for compensation and dependency and indemnity compensation (DIC) benefits.

I am also pleased that the bill addresses concerns expressed by Mrs. CAPPS and Mr. BAKER concerning VA’s toll-free telephone service. The proposed pilot project should provide VA employees for those questions which cannot be handled by VA’s automated telephone system. This is particularly important for the growing population of elderly veterans and survivors, who may have difficulty navigating through the high-tech computerized triage systems. I expect that this pilot program will provide us with valuable information concerning VA’s ability to handle telephonic inquiries.

Likewise, I strongly support the provisions in H.R. 2540 that are derived from H.R. 1929 introduced by Mr. SMITH and myself to expand the pilot program providing direct home loans to veterans residing on tribal lands. It is critical that this Congress continue to recognize the important differences between homes on tribal land and conventional home loans under VA’s conventional loan programs.

This bill provides another home ownership option to Native American veterans residing on tribal lands.

H.R. 2540 also contains provisions derived from H.R. 2222, introduced by Mr. FILER and H.R. 2359, introduced by Chairman SMITH and myself. VA should not be holding monies which could be distributed to the beneficiaries or heirs of a veteran when the primary beneficiary cannot be located. VA should make every effort to assure that the rightful or equitable beneficiaries of these interests receive the funds to which they are entitled.

Section 406 of H.R. 2540 would eliminate the requirement that veterans filing an appeal with the U.S. Court of Appeals for Veterans Claims also notify the VA. This requirement has apparently caused confusion among appellants and caused some to be denied their right to appeal a decision to the court in a timely manner. Since current court rules require the U.S. Court of Appeals for Veterans Claims to notify the Secretary of Veterans Affairs when an appeal is documented, sufficient notice would be provided to the Secretary with the elimination of this requirement.

I thank the Chairman and Ranking Member of the Subcommittee for bringing this bill forward and urge all members to support H.R. 2540.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the gentleman from Idaho (Mr. SIMPSON), the distinguished chairman of the Subcommittee on Benefits.

Mr. SIMPSON. Mr. Speaker, I thank the gentleman for yielding me this time and for his kind words; and I am proud to rise in support of H.R. 2540, the Veterans Benefits Act of 2001. This bill comprises several of the bills we took testimony on in the Subcommittee on Benefits on July 10 as well as administrative provisions affecting the Court of Appeals for Veterans Claims, all of which we marked up in subcommittee on July 12.

I will briefly outline the various provisions of the bill, which makes an array of improvements to veterans benefits programs.

Title I would provide a cost of living adjustment, already mentioned, effective December 1, 2001, to the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation (DIC) benefits.

On July 9, the Department of Veterans Affairs issued final rules adding Type 2 diabetes to the list of service-connected disabilities presumed to be associated with exposures to the herbicide agents in Vietnam. VA based its decision on recent findings by the National Academy of Sciences. Section 201 of this bill codifies the VA regulations.

The remaining sections of title 2 address issues unique to Persian Gulf War veterans. They indeed are selfless individuals who went into harm’s way to fight tyranny. About 12,000 of our 714,000 service members who served in the Gulf suffer from hard-to-diagnose illnesses.

Section 202 would expand the definition of undiagnosed illnesses to include fibromyalgia, chronic fatigue syndrome, and chronic multi-symptom illnesses for the statutory presumption of service connection, as well as for other illnesses that cannot be clearly defined. This section also lists signs and symptoms that may be a manifestation of an undiagnosed illness.

I would like to take this opportunity to thank the gentleman from Illinois (Mr. MANZUllO), the gentleman from Mississippi (Mr. SHOWS), and the gentleman from Florida (Mr. BILIRAKIS) for their work, and the gentleman from Texas (Mr. REYES) for working with me on this provision.

Section 203 would grant the Secretary the authority to protect the service-connected grant of a Persian Gulf war veteran who participates in a Department-sponsored medical research project. It is the committee’s intention that this provision will
broaden participation in vital scientific and medical studies.

Section 2(226,168),(301,178) would expand to December 31, 2003 the presumptive period for providing compensation to veterans with undiagnosed illnesses. This authorizing language extends the end of this year. And I would like to thank the gentleman from Florida (Mr. Gibbons) and the gentleman from Indiana (Mr. Buyer) for their work with us on this issue.

Title 3 also authorizes the collection of registration fees for other court-sponsored activities where appropriate.

Section 401 would give the VA the authority to make a payment of life insurance to an alternate beneficiary when the primary beneficiary cannot be located within 3 years. Currently, there is no limitation for the first-named beneficiary of a national service life insurance or Uniformed Services Government life insurance policy to file a claim. As a result, VA is required to hold the unclaimed funds indefinitely. Section 402 would extend the copayment requirement for a VA outpatient prescription medication to September 30, 2006 from September 30, 2002.

Section 403 would make the availability of funds from VA’s Health Services Improvement Fund subject to the provisions of the appropriations acts.

Section 404 would extend the Native Americans Veteran Housing Loan Pilot program to 2005.

Section 405 would modify the loan assumption notice requirement.

Section 406 would eliminate the need for a veteran to send a copy of this notice of appeal to the Secretary. Removal of this notice requirement would not impair VA’s ability to receive notice of the filing of an appeal and to respond to those who are properly filed with the court.

Finally, section 407 would establish a 2-year nationwide pilot program requiring the Secretary to expand the available hours of the VA’s 1-800 toll-free information service and to assess the degree of demand for such a service exists. This pilot would provide information on veterans benefits and services administered by all Federal departments and agencies.

I would like to thank the gentleman from Louisiana (Mr. Baker) and his staff for working with the subcommittee on this provision, along with the gentlewoman from California (Mrs. CapfPs) for her testimony that she submitted at the subcommittee’s July hearing.

Mr. Speaker, I also want to thank a real gentleman, the gentleman from Texas (Mr. Reyes), for his support and counsel in my first few weeks as chairman of this subcommittee.

Lastly, we would not be considering this bill if it were not for the wisdom and foresight of the gentleman from New Jersey (Mr. Smith), chairman of the full committee, and the ranking member, the gentleman from Illinois (Mr. Evans). These two gentlemen have served together on the Committee on Veterans’ Affairs for some 20 years, and I appreciate their leadership.

Mr. Speaker, this is a strong bill; and I urge my colleagues support of it.

Mr. Evans. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. Reyes).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time. As an original cosponsor and strong supporter of H.R. 2540, the Veterans Benefits Act of 2001, I am pleased that we are now poised to assess a cost of living increase for our Nation’s disabled veterans and their families, and the other benefits provided in this legislation as well. The sooner the benefits provided in this bill can be enacted into law, I believe the better. I want to acknowledge the cooperation of our chairman and ranking member, the gentleman from New Jersey (Mr. Smith), and the gentleman from Illinois (Mr. Evans), as well as our new subcommittee chair, the gentleman from New York (Mr. Smith), in moving this bill forward.

I want to highlight the provisions addressing the needs of Gulf War veterans. A new report of the Institute of Medicine acknowledges that symptoms experienced by Gulf War veterans have a significant degree of overlap with symptoms of patients diagnosed with conditions such as fibromyalgia, chronic fatigue syndrome, and irritable bowel syndrome.

When legislation was originally passed to provide service-connected compensation benefits to our Nation’s Gulf War veterans, it was the intent of Congress that those who were experiencing these symptoms, such as fatigue, joint pain, and others noted in the recent IOM report, would be compensated. Unfortunately, VA’s General Counsel ruled that only veterans whose symptoms did not carry a diagnostic label would be compensated. Currently, VA’s ability to receive compensation depends on the happenstance of whether or not the examining physician attributes a diagnostic label to the symptoms. This is unfair to our Nation’s veterans and must be changed.

The Gulf War provisions of H.R. 2540 place the emphasis where it was originally intended by focusing on the symptoms experienced by Gulf War veterans rather than a particular label which may be attributed to them. The term chronic multi–symptom illness is intended to include veterans who experience more than one symptom lasting at least 6 months. It is my understanding that thousands of Gulf War veterans have had claims denied because their symptoms were attributed to a diagnosis of chronic fatigue syndrome. Most of these war veterans may manifest symptoms qualifying for compensation as an undiagnosed illness. The measure before us moves us towards the goal of meeting the needs of our sick Gulf War veterans in a respectful and manner.

Again, I want to thank the chairman, the ranking member and the chair of the Subcommittee on Benefits for their leadership and their vision to our Nation’s veterans.

H.R. 2540 is a good bill and I urge all the Members to support it.

Mr. Smith of New Jersey. Mr. Speaker, because of great interest and the number of speakers on H.R. 2540, I ask unanimous consent that we have an additional 10 minutes equally divided between the majority and minority.

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

There was no objection.

Mr. Smith of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. Buyer).

Mr. Buyer. Mr. Speaker, I rise in strong support of the Veterans Benefits Act of 2001. I also wish to extend my compliments to the chairman, the gentleman from New Jersey (Mr. Smith) and the gentleman from Illinois (Mr. Evans); also the gentleman from Idaho (Mr. Simpson) and the gentleman from Texas (Mr. Reyes) and also recognition to my Gulf War comrades, the gentleman from Nevada (Mr. Goss).

I am especially pleased with the compensation provision for Vietnam and Gulf War veterans. For too long the Vietnam veterans have been waiting for VA to recognize illnesses like diabetes mellitus for compensation and pension benefits.

I also clearly recall as a freshman in this Chamber in the 103rd Congress, it having only been a few months since I returned from the Persian Gulf, having to fight for my colleagues just to receive their medical attention as a result of military service.
The concerns and appreciation of the country for their service was real, but the medical science to link causation to service in the Gulf War was severely lacking.

In 1994, I recall Joe Kennedy and the gentleman from Illinois (Mr. EVANS) and myself introduced something that was somewhat radical. It was called compensation for an undiagnosed illness. As we were downsizing the military, we wanted to make sure that these Gulf War veterans received their medical attention, yet they were also in economic dire straits. So we also wanted to make sure their families were taken care of as we then focused and put millions of dollars into medical research to press the bounds of science.

The VA then struggled with our initiatives. What they then learned was, simply put, that the VA over the last several years has narrowly interpreted congressional intent to provide for sick veterans with disability compensation that they so dearly earned and should receive.

The VA failed to consider illnesses like fibromyalgia, chronic fatigue syndrome, and chronic multisymptom illnesses and other illnesses that cannot be clearly attributed to service in the Persian Gulf. I am especially pleased that this bill will include a list of symptoms that the VA must recognize as being a manifestation of an undiagnosed illness. As we were told introducing Congress’s intent with regards to the benefits of sick Persian Gulf War veterans. I fully support this bill and look forward to referring the measure to the Senate.

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the Chair and the ranking member for bringing us H.R. 2540, the Veterans Benefit Act. I would like to briefly call attention to another provision which will provide fairness for our Nation’s veterans.

The VA currently holds about 4,000 national life insurance and U.S. Government life insurance policies valued at about $23 million on which payment has not been made. Why is this? Because the VA has been unable to locate the person identified as the beneficiary following the death of the veteran.

I introduced recently a bill, H.R. 2222, regarding this problem which I am pleased that this provision to permit the VA to pay an alternate beneficiary, if the primary beneficiary cannot be located within 3 years of the death of the insured veteran, has been included in H.R. 2540. I know this provision will benefit the families of many, many, many veterans.

I also support the expanded definition which will allow Gulf War veterans to obtain service-connected compensation for chronic multisymptom illnesses such as chronic fatigue syndrome.

Like the gentleman from Texas (Mr. REYRS) before me, I am upset that the provisions must be delayed until April 1, 2002. Once again, the reason for this is because this Congress enacted a tax plan first, before the budget. So we have to live within the context of a budget which was greatly restricted and restrained to us. So having spent this period of time, we now have to pay this debt.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, 10 years ago a patriot from Freeport, Illinois, named Dan Steele went off to war in Iraq to fight for the American people and protect the freedoms this country has known for more than 200 years.

During the buildup in the Gulf, Dan’s leg was fractured by an Iraqi soldier’s apparent suicide attack. Over the next 8 years, Dan suffered from various conditions shared by many in the Gulf War. In May of 1999, Dan succumbed to his illnesses and passed away. The county coroner listed “Gulf War Syndrome” as a secondary cause on his death certificate.

Shortly after Dan’s funeral, I dispatched Al Pennimen, a retired judge on my staff, to contact his widow, Donna. She vowed to Dan to do whatever she could to help other Gulf War veterans suffering from mysterious ailments. Her story moved me to introduce legislation, H.R. 612, that now has the support of over 225 Members of Congress. A companion bill has been introduced in the Senate by Senator KAY BAILEY HUTCHINSON. I am pleased to announce that significant portions of H.R. 612 are included in this benefits package today.

I thank the gentleman from New Jersey (Mr. SMITH) and members of the Committee on Veterans Affairs for strengthening the part of the bill that provides enhanced benefits for all living Gulf War veterans. These provisions will allow more sick veterans to qualify for compensation by expanding the list of eligible illnesses, adding strong report language on multiple chemical sensitivity, codifying 13 possible symptoms, and extending by 2 years the presumptive period for undiagnosed illnesses.

I urge my colleagues to vote in favor of H.R. 2540. It goes a long way towards fulfilling the promises we have made to our veterans.

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I am proud to be a member of the Committee on Veterans Affairs and to show my strong support for H.R. 2540. The Veterans Benefits Act of 2001. This important legislation will take meaningful action to improve benefits our Nation’s veterans have earned. As my colleagues know, we have been concerned about the appalling 75 percent rate at which Gulf War veterans suffering from undiagnosed illnesses have been denied compensation from the VA.

Earlier this year, I introduced H.R. 612, the Persian Gulf War Compensation Act of 2001 with two other outstanding advocates for veterans, the gentleman from Illinois (Mr. MANZULLO) and the gentleman from California (Mr. EVANS) and my fellow subcommittee members helped us on some provisions in this bill that are key to provisions in H.R. 612.

The Veterans Benefits Act of 2001 will now clarify VA standards for compensation by recognizing fibromyalgia, chronic fatigue syndrome, multiple chemical sensitivity, and other ailments, or poorly defined illnesses associated with Gulf War service.

Additionally, this bill extends the presumptive period for undiagnosed illnesses to December 31, 2003. This is a true victory for the veteran.

Mr. Speaker, these veterans put their lives on the line to protect and advance ideals of democracy, and our Nation’s military leaders expected them to give their all in the United States military. They answered the call. We have a duty to answer them. Vote for this bill. It is the right thing to do.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Speaker, all too often we pick up the telephone and dial a 1-800 number or dial a business enterprise and we are, by computer, referred from department to department, and often are not even able to communicate with another human being to get an answer to our very simple question.

Most of us see that simply as an aggravation, but when it happens to a veteran of military service when calling on his country to have a question answered, it is an insult. That is why I am grateful for the inclusion of a pilot program for 2 years which makes an effort to give a 1-800 veterans number.

Amazingly, we will have a human being on the end of that phone. It is a long overdue service, and I think we should explore the potential. It may be fraught with difficulty and difficult to perfect, but there is one thing that is for sure. The veterans who have given to this country are at least deserving of respectful treatment.

Mr. Speaker, I thank my colleagues for taking this step towards what I think is an appropriate action for the veterans of our country serving the United States.
Mr. RODRIGUEZ. Mr. Speaker, while we have a long way to go, the Veterans Benefit Act is a step in the right direction. The compensation legislation before us would streamline the rating system of certain service-connected illnesses, amend a cost-of-living adjustment to those receiving disability compensation benefits.

As a member of the committee, I am proud to join the bipartisan efforts to improve the quality and deliver the veterans' benefits program. Veterans should not be left wondering if the Federal Government is going to fulfill its promise. Those who have received service-connected disability benefits can expect a cost-of-living benefit. So can their survivors. For Vietnam veterans who were exposed to Agent Orange and now suffer from diabetes, the Veterans Benefit Act acknowledges their entitlement to service-connected disabilities benefits.

In addition, Gulf War veterans suffering from ill-defined illnesses which modern medical technology cannot really diagnose, the Veterans Benefit Act will likewise extend the presumptions listed for these veterans who suffer from disabilities should not be abandoned and their disabilities should not be ignored simply because doctors cannot diagnose the cause.

Finally, I am supportive of a 2-year nationwide pilot program to include in the bill expansion of the availability of hours of the VA 1-800 toll-free information service. Veterans worked around the clock for us, and they deserve for us to do the same for them. Our freemotion, we can provide and for veterans physical and psychological wounds of the war do not go away.

I want to take this opportunity to thank the gentleman from New Jersey (Mr. SMITH) for his hard work, and that of my distinguished colleague, the gentleman from Illinois (Mr. EVANS), the ranking member.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mrs. CAPPS). (Mrs. CAPPS asked and was given permission to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise in strong support of this bill. I want to thank the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) for their leadership on this important legislation. I wish to highlight a couple of provisions contained in H.R. 2540 that I have worked on for some time. The first provision calls for 24 hours a day counseling by vets and VA researchers. Currently vets can lose benefits for an undiagnosed illness if participation in a VA study determines the illness and it is not service connected. This issue was brought to my attention last year. VA researchers told me of concerns that some vets might not participate in an ongoing study to look at possible connections between Gulf War service and Lou Gehrig’s disease. I learned that some vets feared losing needed benefits by participating in the study. The lack of participation could compromise an important study that could benefit vets and all people suffering from Lou Gehrig’s disease. H.R. 2540 fixes this problem by letting VA protect compensation in such cases. This provision is based on a bill the gentleman from Illinois (Mr. EVANS) and I introduced earlier this year. H.R. 2540 also contains provisions to temporarily expand hours for VA’s tollfree information line to at least 12 hours a day Monday through Friday and 6 hours on Saturday. I have a lot of interest in this subject having introduced legislation for the last 2 years which would operate information lines 21 hours a day. 7 days a week. My bill would also get the information line to include crisis intervention services. I am very pleased that the committee has included provisions to keep this information line open longer hours. It will make it easier for vets to get information and the benefits that they have earned. I look forward to working with the committee as we follow up on this important pilot program.

Mr. Speaker, I want to commend the gentleman from New Jersey (Mr. SMITH) for his leadership. He has been aggressive and assertive in representing veterans across this country and in my State of Mississippi.

Secretary Principi has done tremendous work. We are making progress because we know to recruit and retain the young people to our military force, we must show the care and the commitment, the respect and the appreciation to the veterans who served yesterday.

This bill, along with H.R. 1291, the Montgomery GI bill, is a significant step in the right direction, and for that I give great support and commendation to the chairman and to the other Members and to this bill.

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in strong support of this bill. I want to thank the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) for their leadership on this important legislation. I wish to highlight a couple of provisions contained in H.R. 2540 that I have worked on for some time. The first provision calls for 24 hours a day counseling by vets and VA researchers. Currently vets can lose benefits for an undiagnosed illness if participation in a VA study determines the illness and it is not service connected. This issue was brought to my attention last year. VA researchers told me of concerns that some vets might not participate in an ongoing study to look at possible connections between Gulf War service and Lou Gehrig’s disease. I learned that some vets feared losing needed benefits by participating in the study. The lack of participation could compromise an important study that could benefit vets and all people suffering from Lou Gehrig’s disease. H.R. 2540 fixes this problem by letting VA protect compensation in such cases. This provision is based on a bill the gentleman from Illinois (Mr. EVANS) and I introduced earlier this year. H.R. 2540 also contains provisions to temporarily expand hours for VA’s toll-free information line to at least 12 hours a day Monday through Friday and 6 hours on Saturday. I have a lot of interest in this subject having introduced legislation for the last 2 years which would operate information lines 21 hours a day. 7 days a week. My bill would also get the information line to include crisis intervention services. I am very pleased that the committee has included provisions to keep this information line open longer hours. It will make it easier for vets to get information and the benefits that they have earned. I look forward to working with the committee as we follow up on this important pilot program.
Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. GILMAN), the chairman emeritus of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time. I am pleased to rise today in strong support of H.R. 2540, the Veterans Benefits Act of 2001. I ask our colleagues to join in full support of this important legislation.

Mr. Speaker, the House typically passes a general veterans benefits bill each year. H.R. 2540 represents this year’s benefit legislation providing several important improvements to existing programs. I want to thank the distinguished gentleman from New Jersey (Mr. SMITH) for all the good work he is doing for our veterans throughout the country.

First, this bill provides for the annual cost-of-living adjustment to the rates of disability compensation for those veterans with service-connected disabilities. This new rate will go into effect in December of this year. Congress has approved an annual cost-of-living adjustment to these veterans and survivors since 1976.

Second, this legislation adds type II diabetes to the list of diseases presumed to be service connected in Vietnam veterans exposed to herbicide agents. It also greatly extends the definition of undiagnosed illnesses for Persian Gulf War veterans and authorizes the Secretary of Veterans Affairs to protect the grant of service connection of Gulf War veterans who participate in VA-sponsored medical research projects. These are long overdue benefits. It also extends the presumptive period for providing compensation to Persian Gulf War veterans with undiagnosed illnesses to December 31, 2003.

Mr. Speaker, many of our veterans from the Vietnam and Gulf Wars went years suffering from undiagnosed ailments while receiving neither recognition nor treatment from the veterans health care system. During the past 10 years, the Congress made great strides in recognizing the special circumstances surrounding the post-service experiences of these veterans. This bill is the latest step in that process. For that reason, I urge its adoption by the House. I want to thank the gentleman from New Jersey again for his dedicated service to the veterans of our Nation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I would like to thank my colleagues on both sides of the aisle. Veterans issues are very important. Both sides of the aisle support this bill very well. But every once in a while we have got people that just cannot stop themselves from partisan shots, and they need to be answered.

The gentleman from California said there is not enough money for veterans because we spent the surplus in tax rebates. Frankly, that is defined as the amount of money above what it needs to run the Government with a 4 to 6 percent increase. That is what this committee has done.

Secondly, the 124 deployments, $200 billion to support military, and our ability to fund things like the veterans, $200 billion under the peacekeeping deployments of Bill Clinton. Recently, the ranking minority member says, “Well, this is a good step but we have got a long way to go.”

The gentleman from Missouri, the minority leader, recently said that raising taxes in 1993, he was proud of it when the Democrats had control of the White House, the House and the Senate, and he would do it again. I think it with an eye to point out what those taxes were. The first part of those taxes were to cut the COLAs of the veterans. The second part was to cut the COLAs of the military. That is the wrong direction. The third was to increase the Social Security Trust Fund which raises the debt which veterans and military have to pay for.

So yes, I think we are going in the right direction. We do have a long way to go. Let us analyze what is the reason why we do not have the dollars to put forward that we really need. We have had 124 deployments taxing our veterans and our military. That is why I laud both sides of the aisle now for increasing those funds.

Mr. BLIRIKAS. Mr. Speaker, as an original sponsor, I rise in strong support of H.R. 2540, the Veterans Benefits Act of 2001.

One of the most important bills the Congress approves each year is legislation providing disabled veterans an annual cost-of-living adjustment (COLA). H.R. 2540 provides a COLA, effective December 1, 2001, to disabled veterans and the surviving spouses of veterans who are receiving Dependency and Indemnity Compensation (DIC). As in previous years, these deserving men and women will receive the same COLA that Social Security recipients will receive. I am pleased that we are acting to provide disabled veterans and their survivors an annual COLA.

The bill makes a number of other benefits improvements, including the addition of Diabetics Mellitus (Type 2) to the list of diseases presumed to be service-connected in Vietnam veterans exposed to herbicide agents. The bill also requires the Secretary of Veterans Affairs to establish a two-year nationwide pilot program to expand the VA’s 1-800 toll-free information service to include information on all federal veterans’ benefits and veterans’ benefits administered by each state.

The legislation also contains provisions affecting compensation for Persian Gulf veterans. Specifically, the bill expands the definition of undiagnosed illnesses for Persian Gulf veterans to include fibromyalgia, chronic fatigue syndrome and chronic multi-symptom illness for the statutory presumption of service connection. The legislation also extends the presumptive period for Persian Gulf illnesses, which is scheduled to expire at the end of this year, until December 31, 2003.

When Veterans’ Affairs Committee considered H.R. 2540, Members of the Committee had some concerns about the provisions pertaining to Persian Gulf veterans. I was pleased that we were able to sit down and work out these differences so the House could proceed with this important legislation.


Mr. UDALL of New Mexico. Mr. Speaker, I am pleased to say that the Veterans Benefits Act of 2001 contains many important provisions from H.R. 612—the Persian Gulf War Illness Compensation Act—which I introduced with my colleagues Congressmen DON MANZULLO and RONNIE SHOWS. By the end of the last Congress, the Veterans Administration has denied nearly 80 percent of all sick Gulf War veterans’ claims for compensation. In the view of many, including the National Gulf War Resource Center, the Veterans Administration has employed too strict a standard for diagnosing Gulf War illness.

In response, the Veterans Benefits Act includes a critical two-year extension for Gulf War veterans to report and be compensated for Gulf War illness. In addition, the bill includes a comprehensive list of symptoms that constitute Gulf War Illness. The measure also expands the definition of undiagnosed illness to include fibromyalgia and chronic fatigue syndrome as diseases that are compensable, diseases often mistakenly attributed to Gulf War veterans.

I want to personally thank Chairman SMITH and the members of the Veterans’ Affairs Committee in working with me and Congressmen MANZULLO and SHOWS in getting this critical language included. When we move into conference, I hope that we can continue to work to strengthen some of these provisions, including further extending the date of Gulf War veteran can be compensated for Gulf War related symptoms.

As one of the original cosponsors of the 1991 resolution to authorize then-President Bush to use force in the Persian Gulf, I believe we must go the extra mile to take care of the men and women who went to war against Iraqi dictator Saddam Hussein and are now suffering from these unexplained and devastating ailments.

Many of those suffering from Gulf War Illness were Reservists and National Guardsmen uprooted from their families and jobs. They answered the call, and we have a duty to help them. I urge my colleagues to vote for this important measure.

Mr. UDALL. Mr. Speaker, I rise in strong support of H.R. 2540, the Veterans Benefits Act of 2001. This legislation provides an important annual cost-of-living adjustment for disabled veterans, as well as surviving spouses of veteran’s who received dependency and indemnity compensation. I ask our colleagues to join in full support of this important measure.
I want to thank Chairman Smith, Ranking Member Evans, and my colleagues on the Veterans’ Affairs Committee for supporting the inclusion of provisions from H.R. 1929, the Native American Veterans Home Loan Act of 2001, in H.R. 2540. Ranking Member Evans, fourteen others, and I introduced H.R. 2540 on May 21st of this year to extend the Native American Veterans Home Loan Pilot Program for another four years, and expedite the process of obtaining VA home loans for Native American Veterans living on tribal and trust lands. This program helps many Native Americans, Veterans who might otherwise be unable to obtain suitable housing. Including the important provisions of H.R. 1929 in H.R. 2540 will allow other Native American Veterans to take advantage of this important program.

The Native American Veterans Home Loan Pilot Program, however, is just one of many VA benefits improved through H.R. 2540. I ask my colleagues to join me in support of these important benefit enhancements for the men and women who have sacrificed so much in service of our country.

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

Mr. SMITH of New Jersey. Mr. Speaker, I thank all of my colleagues for their participation in this debate in helping to craft what I think is a very worthwhile bill.

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

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2540, 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. Mr. Speaker, on that I demand the yeas and nays.

The Yeas and Nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 2505, HUMAN CLONING PROHIBITION ACT OF 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 214 and ask for its immediate consideration.

The Clerk reads the resolution, as follows:

H. Res. 214

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2505) to amend title 18, United States Code, to prohibit human cloning. The bill shall be considered as read for amendment and amendments recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except Debates on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary;

(1) two amendments printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Scott of Virginia or his designee, which shall be separately debatable for 15 minutes equally divided and controlled by the proponent and an opponent; (2) one motion to recommit the bill with or without instructions.

The SPEAKER pro tempore (Mr. SIMPSON of North Carolina). Mrs. MYRICK is recognized for 1 hour.

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

Mr. Speaker, yesterday the Committee on Rules met and granted a structured rule for H.R. 2505, the Human Cloning Prohibition Act. The rule provides for 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against the bill. The rule provides that the amendments recommended by the Committee on the Judiciary now printed in the bill shall be considered as the amendment printed in the Rules Committee report accompanying the rule if offered by the gentleman from Virginia (Mr. SCOTT) or a designee which shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent. The rule makes in order the amendment printed in the Rules Committee report accompanying the rule if offered by the gentleman from Pennsylvania (Mr. GREENWOOD) or a designee, which shall be considered as read and shall be separately debatable for 1 hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment in the nature of a substitute printed in the report. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, this is a fair rule which will permit a thorough discussion of all the relevant issues. In fact, Members came before the Committee on Rules yesterday and testified on two amendments. This rule allows for both of those amendments to be heard. The first of these amendments is the Greenwood substitute which allows human cloning for medical purposes. I oppose the Greenwood amendment because it is wrong to clone human embryos, even for scientific research. The Committee on Rules, though, recognizes that the gentleman from Pennsylvania’s proposal is the leading alternative to a ban on human cloning. Because we are aiming for a fair and thorough debate, we should make it in order on the House floor.

The second amendment is a proposal by the gentleman from Virginia (Mr. SCOTT) to fund a study on human cloning. Again because the Committee on Rules recognizes the importance of this issue and wants a fair and open debate, we have decided that the gentleman from Virginia’s study deserves House consideration.

Mr. Speaker, as the gentleman from Florida (Mr. HASTINGS) said in our Rules Committee meeting yesterday, this is an extremely important and a very complex issue.

Science is on the verge of cloning human embryos for both medical and reproductive purposes. Congress cannot face a weightier issue than the ethics of human cloning, and Congress should not run away from this problem. It is our job to address such pressing moral dilemmas, and it is our job to do so in a deliberative way. We do so today.

This bill and this rule represent the best of Congress. The Committee on the Judiciary held days of hearings on the Human Cloning Prohibition Act, with the Nation’s leading scientists and ethicists. Today, this rule allows for floor consideration of the two most important challenges to the human cloning bill of the gentleman from Florida (Mr. WELDON). If we wait to act, human cloning will go forward uncontrollably, with frightening and ghoulish consequences.

I have spent a lot of time considering this issue, because it is so complex; and I have decided to vote to ban human cloning. It is simply wrong to clone human beings. It is wrong to create fully grown tailor-made cloned babies, and it is wrong to clone human embryos to experiment on and destroy them. Anything other than a ban on human cloning would license the most ghastly and dangerous enterprise in human history.

Some of us can still remember how the world was repulsed during and after World War II by the experiments conducted by the Nazis in the war. How is this different?

I urge my colleagues to support this rule, and I urge my colleagues to support the underlying measure.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.
For the evolution of two classes of patients, those with the resources to travel abroad to receive the cure and those who are too poor and must therefore stay in the United States to grow sicker and die. Fortunately, we have before us a balanced responsible alternative, the substitute offered by our colleagues, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Florida (Mr. DEUTSCH).

Now, to assert that a human embryo created by the somatic cell nuclear transfer technique is not a human embryo is like saying this was not a sheep embryo. Well, what is this? This is Dolly. To say that a human embryo created by nuclear transfer technology is not a human embryo to me is the equivalent of saying this is not a sheep. Now, I have, I think, some pretty good quotes to support my position. This is from the Bioethics Advisory Commission. The Commission began its discussion fully recognizing that any efforts in humans to transfer somatic cell nuclei into an enucleated egg destroys the embryo. So they support my argument. They have to, it is science, with the apparent potential to be implanted in a uterus and developed to term. I have another one from one of the Commissioners, Alex Capron. “Our cloning report, when read in light of subsequent developments in that field and of the stem cell report, supports completely halting attempts to create human embryos through SCNT,” or somatic cell nuclear transfer, “at this time.”

Now, I just want to point out this is not a stem cell debate. There will be people who will try to make this a stem cell argument. My legislation does not prohibit us from doing embryonic stem cell research.

I would also like to point out this is not an abortion debate. Judy Norsigian is shown here quoted, she is pro-choice, she is the co-author of “Our Bodies, Ourselves for the New Century” with the Boston Women’s Health Collective. “There are other pro-choice groups that have supported my position that we do not want to go to this place, because embryo cloning will compromise a woman’s health, turn their eggs and womb into commodities, compromise their reproductive autonomy,” with virtual certainty lead to the production of experimental human beings. We are convinced that the line must be drawn here.

Finally, I have a quote from the National Institutes of Health guidelines for research using human pluripotent stem cells. They deny Federal funding for research utilizing pluripotent stem cells that were derived from human embryos created for research purposes, research in which human pluripotent stem cells are derived using somatic cell nuclear transfer, the transfer of a
human somatic cell into the human egg.

Now, there are some people who have been approaching me saying why are we having this debate now? Well, there is a company in this country that has already harvested eggs from women. They want to start creating clones. So the issue is here now. If we are going to put a stop to this, the House, I think, needs to speak and the other body needs to take this issue up as well.

Additionally, this is a women’s health issue. There was one article published, I believe in the New England Journal. The way they harvest these eggs is they give women a drug called Pergonal that causes super-ovulation. Then they have to anesthetize them to harvest the eggs. They typically use coeds. It is a class issue, who is going to volunteer for this procedure? Poor women?

Let me tell Members what: The study showed that women who were exposed to this drug have a slightly higher incidence of ovarian cancer. So this is not a trivial issue, in my opinion. It is a women’s health issue. I believe the rule that has been crafted is a very fair rule. It will provide for plenty of debate.

Ms. SLAUGHTER. Mr. Speaker, I yield 8½ minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, there are two bills before us today, effectively, the Weldon bill and then the Greenwood bill, that I am an original sponsor with.

Let us be very, very clear to each other and to the American people. Both of those bills absolutely totally ban human cloning. I am going to say that again so there is no debate on that. They absolutely, totally ban human cloning. There is unanimity, I think, in this Congress, in the American public, about that. There are some extreme, extreme groups that are distinct minorities, but I do not believe there will be one Member who will stand up here and support it.

We should not do it, for both ethical and practical reasons. Before Dolly the Sheep was created, and I am not going to talk about all the ethical reasons. I will talk for a second about the practical reasons. And there are very serious ethical reasons against it. But before Dolly the Sheep was created, 270 sheep died; and Dolly is severely handicapped. I do not think any of us can even contemplate that in terms of the human condition.

Let us talk about what this debate is really about. It is not about human cloning. We are all against human cloning. What it is about is the Weldon bill that prohibits somatic cell nuclear transfer. I am going to say that term again, because that is a term that all the Members who are going to vote in this Chamber and, in fact, in a sense all of the American people at some point are going to have to understand that term.

I think all of my colleagues now understand the term embryonic stem cells, and I think the vast majority of Americans understand the term embryonic stem cells. In fact the majority of Members, in fact, the debate about stem cell research is over. A majority of this Congress, a majority of the other body, both support embryonic stem cell research. The majority of the American people across polling data, 75, 80 percent consistently of the American people, support embryonic stem cell research.

They do it and that breaks up into every sub-segment of our population. In terms of Catholics, the number is about 75–80 percent. People who identify themselves as Evangelical Christians, 75–80 percent support embryonic stem cell research.

But what this Weldon bill tries to ban is somatic cell nuclear transfer.

Now, I really hate doing this to my colleagues and this is really one of the reasons why we ought to defeat this rule today, but I have to do a little bit of layman’s science. This is a chart, and I will make it available for Members, that actually shows what somatic cell nuclear transfer is.

Most of us understand that by any definition, an embryo is created when an egg and a sperm join with the potentiality of a unique human being. That is not what this procedure is about. I seem going to say those things again, because for most of my colleagues they have not heard this before, and this is somewhat of a science lesson.

A normal embryo, what we think of as an embryo, is created by an egg and a sperm joining with the potentiality of a unique human being.

Mr. Speaker, that is not what this bill attempts to ban. What it bans is somatic cell nuclear transfer. Again, as the chart shows, one takes an egg, an unfertilized egg, an egg, and one then takes out the chromosomes from that egg and then, literally, in the trillions of cells in a body and, in other species, they take it out. Obviously, in the human species, it is the female, of the literally trillions of cells that exist in the human body, they take out one of those cells and take out the 46 chromosomes out of one of those cells and then put it into an egg.

At that point, why are they doing that? Let us talk about that a little bit. This is about why this debate really is totally intertwined.

The gentlemen from Florida (Mr. DEUTSCH) said this is not about stem cell research. It is about stem cell research because, let us talk about what is going on.

Stem cell research, one of the reasons why the American people have effectively said they want embryonic stem cell research is because they understand the debate. They understand the debate at a moral level. At the first level, they understand that in vitro fertilization embryos are created that literally get thrown away. We have a choice. We can use those for research that literally has the ability to cure the most horrific diseases humankind has ever seen, whether that is paralysis, whether that is Alzheimer’s, or any number of diseases.

Ms. SLAUGHTER. Mr. Speaker, will the gentleman yield?

Mr. DEUTSCH. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Speaker, I would ask the gentleman, does it trouble him that with all of the difficulty he is having trying to explain what this is about, that our colleagues are going to be coming down here pretty soon and voting on it, and it will affect everybody in the United States.

Mr. DEUTSCH. Mr. Speaker, I agree with the gentlewoman 100 percent, which is one of the reasons to defeat this rule. In my 9 years in this Chamber, this is the least informed collectively that the 435 Members of this body have ever been on any issue, and in many ways, it is as important as any issue we face.

Ms. SLAUGHTER. Mr. Speaker, it is frightening.

Mr. DEUTSCH. Mr. Speaker, reclaiming my time, why is this about stem cell research? As I said, what the American people have said, and I was talking about in vitro fertilization, that we have the ability to take these embryos and do research on them to literally cure disease, and the research is going on.

This takes the cells were inserted into a primate’s spine and a primate that previously had been unable to move was able to move.

Just today, in today’s Wall Street Journal, there is a report on research of stem cells actually being able to create insulin cells. It is in today’s Wall Street Journal. This stuff is happening. Diseases that have existed in the past, polio, other diseases have been cured. We are getting there. We literally can. It is time to take the next step. If we listen to what Nancy Reagan is saying, if we listen to the families, there are literally tens of millions.

I will move this next chart over here just to show my colleagues. This is the number of people in America that we are talking about. We are not talking about millions, we are talking about tens of millions of people who are personally affected by these diseases, and if we put their families in, we are talking about literally maybe 100 million people in this country who are affected by these diseases.

Now again, let us talk specifically about: how does this intertwine with stem cell research? It is very similar to the issue of organ transplants. If we put an organ into someone’s body, it will be rejected. There are antirejection drugs which scientifically do not apply to stem cells.

The best way to be able to actually maybe get a therapeutic use out of this research is actually cure cancer, cure Parkinson’s, cure Alzheimer’s, cure juvenile diabetes, the actual way to do that is to develop research to develop a
Mr. WELDON. Mr. Speaker, today, I yield 5 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I yield the gentleman from Florida.

Mr. WELDON. Mr. Speaker, I thank the gentlewoman for yield.

The gentleman from Florida (Mr. WELDON) and I, and all of the speakers today, believe that embryonic stem cell research is about whether or not Congress has the time to understand and explore the potent ramifications of this issue and to decide an issue which will not only impact millions of Americans today, but will also impact future generations.

Cloning is one of the most important and far-reaching issues we will examine in our public service. Its impact may be incalculable. Cloning will alter our world. It is true that powerful, potent and perhaps dangerous research efforts currently proceed unchecked. Technological knowledge grows exponentially with new and important research findings. The results of data that creates a surging, uncontrolled current that finds its own course.

Mr. GREENWOOD of Pennsylvania (Mr. GREENWOOD). Mr. Speaker, today, I yield 5 minutes to the gentleman from Florida (Mr. WELDON), and I, and all of us believe that embryonic stem cell research is about whether or not Congress has the time to understand and explore the potent ramifications of this issue and to decide an issue which will not only impact millions of Americans today, but will also impact future generations.

Conversely, somatic cell nuclear transfer, or so-called therapeutic cloning, is not about creating a new human being through cloning. We all, the gentleman from Florida (Mr. WELDON) and I, and all of the speakers we will hear from today, all believe that it is not safe and it is not ethical to create a new human being through cloning. We need to ban that.

What we do not want to ban is, as has been said, the somatic cell nuclear transfer research, because that, to our colleagues, is what gives us the most promising opportunity to cure the diseases that have plagued humanity for centuries.
a child and trying to race death that is certain to come from Lou Gehrig's disease.

We have all had people in our office trembling from Parkinson's. We have all had people in our office tell us the tragic prognosis of their parents with Alzheimer's. We have all had people come to visit us in wheelchairs, quadriplegics, paraplegics, with life-ending, life-destroying spinal injuries. We work on people who have suffered from head injuries, never to regain their normal function, and people in coma.

We have all heard these stories. What do we do? We do the best thing we can think of. We say, let us double the funding for the National Institutes of Health. Let us spend billions of dollars to save these people, to save future generations from the scourge of premature death, disability, torturous pain.

What is the research that we think is going to be done to find these miracle cures? Mr. Speaker, it is somatic cell nuclear transfer.

Let us look at this diagram. What the gentleman from Florida (Mr. WELDON) did not say in his explanation of the bill is that when we take the skin cell, the somatic cell, and put it in the nucleus of the denucleated or enucleated cell and allow it to divide for 5 to 7 days, when we get to this point, when we get to the point where we have that cell division, we start the process of cell division and extract from that blastocyst pluripotent stem cells.

When we have those stem cells, the scientists do research where they look at the proteins and the growth factors at work; and they say, what made that skin cell from someone's cheek become a stem cell, a magical stem cell that can become anything? And then, what miraculous proteins and processes can convert that pluripotent stem cell into a specialized spine cell or brain cell or liver cell?

When they unlock that secret through this research, what they will be able to do to our constituents is that little child with diabetes will be able to have some of its skin cells taken, turned in with these proteins, no more eggs, no more embryonic work at all, take her somatic cell, convert it into a stem cell, and convert it into the islets for her liver, convert it into the cells that will cure and repair her spine, convert it into the cells that wake a comatose patient back into consciousness. That is what this research holds for us.

Now, why would we kill this research? Why would we condemn for the world and for future generations not to have the benefit of this miracle? We would do it because some will say, but wait a minute, once we put the cheek cell of the gentleman from Pennsylvania (Mr. GREENWOOD) into this empty cell of the gentleman from Pennsylvania (Mr. GREENWOOD), we would do it because some will say, but would it have the benefit of this miracle? We would search? Why would we condemn for the world and for future generations a stem cell, a magical stem cell that will cure and repair her liver cell?

It is a crime, it is illegal. It is a crime to accept a cure that is developed outside the United States if a cure for a disease is the product of somatic cell nuclear transfer.

Now, that is a very realistic possibility. Just last month, this month, the head of stem cell research at the University of California in San Francisco announced that he was leaving the United States because he could not do his research in the United States. He is moving to England. When he joins other scientists in England, there is quite a good chance that they will come up with cures for horrible diseases that are suffered throughout the world, including America.

If we say, as we are saying Americans are not allowed to get those cures. That, too, would become a crime.

The United States is the metaphysical question here, do we have a soul there?

Mr. Speaker, I would be mightily surprised if we took my cheek cell and put it in a petri dish and it divided, that God would choose that moment to put a soul on it, and say, Mr. GREENWOOD's cheek cell is dividing; quick, give it a soul. It had to have a soul. Then we can break into it and say, hey, it must now become a human being. Mr. GREENWOOD's cheek cell is dividing. It has a soul. It has to live.

That is ridiculous. It is ridiculous. It does not say that in the New Testament; the New Testament says is love; and with this therapy, we make the love a reality.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN).

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

Ms. LOFGREN. Mr. Speaker, it is worth reading the bill that is before us today. If we do read the bill, as I have done, we will see that the bill outlaws somatic cell nuclear transfer. It makes it a felony with a 10-year sentence.

If we read further in the bill, there is a ban on the use of any products that are derived from somatic cell nuclear transfer.

Now, what does this mean? This means that scientists in labs around the country doing research and who may have cultures of cells that are products of somatic cell nuclear transfer will soon become felons in their labs if they ship or send these cells to colleagues in the scientific world.

Further, under the bill, it is illegal, it is a crime, to accept a cure that is developed outside the United States if a cure for a disease is the product of somatic cell nuclear transfer.

Now, that is a very realistic possibility. Just last month, this month, the head of stem cell research at the University of California in San Francisco announced that he was leaving the United States because he could not do his research in the United States. He is moving to England. When he joins other scientists in England, there is quite a good chance that they will come up with cures for horrible diseases that are suffered throughout the world, including America.

If we say, as we are saying Americans are not allowed to get those cures. That, too, would become a crime.

The United States is the metaphysical question here, do we have a soul there?
that far. The Weldon bill will say, stop this cloning business, just stop it, and use these remarkable breakthroughs, instead.

In fact, let me tell the Members what they did in one case, quickly. They used these cells taken from a pancreas that was diabetic, and then they grew insulin-producing islets inside that pancreas using these cells, not stem cells, but these cells that exist already in the body.

Mr. Speaker, there are ways for us to get these answers without messing with cloning. These cells are human beings. We ought to pass this bill today.

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

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

Mr. Speaker, I just want to read a list of people who are interested in this bill, more for the people who may be watching this than for the people in this room. Most of us know who is on which side.

The Juvenile Diabetes Foundation, the American Association of Medical Colleges, the Alliance for Aging Research, the American College of Obstetricians and Gynecologists, the American Academy of Ophthalmology. The American Association of Cancer Research, the American Association of Anatomists, and on and on and on.

Most of these organizations, all of these organizations, are populated by people who, for the most part, are much more knowledgeable about the details than any of us.

I know there are many people on this floor today who know more about this issue on specifics than I do, and I respect that; but it is really not about the details, it is really about the future. That is what it is all about.

I cannot, and most of us are totally incapable of knowing everything we want to know about science, especially in the short period of time we have to learn it. But when I see a list of people like this, all of whom want to continue research unfettered by government, many of whom are not engaged in stem cell research; they may be at some future point, but many of them are not. Most genetic research right now is not related to stem cell research, not yet. It may never be. Stem cells is just another potential. That is all it is at the moment.

For us to sit here today and tell the scientists of America, and particularly the scientists of the world, because it will not stop, it will simply move offshore, Congress, most of whom are generalists on different areas or specialists in other areas, that this Congress is going to tell them stop, really puts us in the exact same position as legislators and clergy in the Middle Ages when they said. Do not do autopsies; it is unethical. We do not like it. Do not cut those bodies open. Yet men and women did it, to our great benefit today.

It is an old story; it is not a new story. It is not just isolated; it has happened throughout the ages. Not very long ago, in my lifetime, we had people in this country who said, The polio vaccine might cause trouble because it is really dead polio stuff. Yet in my family, a normal girl got polio, and we saved my brother based on research that some people in those days condemned.

X-rays, we take them as common today. There were many people when x-rays were first invented who said, Oh, my God, we cannot do that. It was not meant for man to see through someone’s body. Do we do it today with impunity. These same issues are arising again today. We should not substitute our general opinion that we are not even sure about for the future of science and for the health of our children and grandchildren.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Iowa (Ms. GANSKE).

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

Mr. Speaker, I would like to enter into a colloquy with my colleague, the gentleman from Florida (Mr. WELDON).

I would ask the gentleman to correct me if I am wrong, but it seems to me the gentleman’s bill makes illegal the creation of a blastocyst for either reproductive or therapeutic cloning. Is that correct?

Mr. WELDON of Florida. Mr. Speaker, will the gentleman yield?

Mr. GANSKE. I yield to the gentleman from Florida.

Mr. WELDON of Florida. I would say to the gentleman, yes, that is correct.

Mr. GANSKE. Mr. Speaker, I want to ask the gentleman another question. I wrote an op-ed piece that said, “Let me make my position absolutely clear. I oppose the cloning of human beings. I favor Federal funding of stem cell research. The potential this research has to cure disease and alleviate human suffering leads me to believe this is a pro-life position.”

My question to the gentleman from Florida is this: What about those fertilized eggs that are not created for research purposes, that are in fertility clinics that are not being used? Does the gentleman’s bill make it illegal to use those blastocysts for stem cell research?

Mr. WELDON of Florida. If the gentleman will yield further, no, it does not.

Mr. GANSKE. I thank the gentleman. I want to be absolutely clear on this.

I ask the gentleman from Florida (Mr. WELDON), does he think one can be consistent in being for Federal funding for stem cell research and also being in favor of the gentleman’s bill?

Mr. WELDON of Florida. Yes.

Mr. GANSKE. And would the gentleman say that the reason for that is that his bill is focusing primarily on the initial creation of this blastocyst or the equivalent of a fertilized egg and the problems that that would have because we would be basically creating an embryo for research?

Mr. WELDON of Florida. If the gentleman would continue to yield, yes, the threshold we are being asked to cross is no longer just using the embryos that are in the IVF clinics but actually creating embryos for destructive research service.

Mr. GANSKE. Reclaiming my time, Mr. Speaker, I believe there are ethical considerations that enter to the creation of an embryo for research purposes, and that is why I will support the Weldon bill. And I will vote against the Greenwood substitute, and I thank the gentleman.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I am going to use this time really to respond to some of the statements that my colleagues have made in support of the Weldon bill as recently and the last speaker.

Let me again really focus this debate so Members know exactly what they are voting on. It has been presented that the Weldon bill does not stop stem cell research. We do not believe that is true, and I think the facts bear out that that is not true.

This issue is intricately intertwined with stem cell research, and Members need to understand that is what we are voting on. Because just like organ transplants, the organs that can be transplanted have no use if the body is going to reject them. And what I want each of us as Members to think about, and I think my colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), did this as well as I have heard anyone ever do on this floor, think about some of the most awful stories of the human condition, of real people, and each of us have heard these stories, whether on a personal basis or whether as a Member of Congress.

I have the numbers here: 24 million people with diabetes, 15 million with cancer, 6 million with Alzheimer’s, 1 million people with Parkinson’s. Those are obviously large numbers. But I ask each of my colleagues to think of one person, maybe a grandmother or a grandfather, a father, a mother, a friend who had one of these diseases. And ask what we would say if we passed the Weldon bill would be taking away their hope of stopping their pain and their suffering. That is the choice in front of us. That truly is the choice in front of us.

We do not have that cure yet. But we all know, all of us have heard and read the specifics of where the research is, and it is there. It might not be there tomorrow, but it is there. We would stop all this research. All of it. All of it. Not Federal, not Federal, not Federal. Private fund. Federal funding. Federal funding. Private fund. Federal fund. Federal funding. Federal fund. Private fund.
And let us kind of weigh what we have here. Let us weigh what we have. We have the potentiality in terms of the human condition that I think is as monumental as anything we can possibly contemplate. Again, we can talk about tens of millions and hundreds of millions, but I ask each of my colleagues to focus on one, someone who they know. But then what are we weighing that against? We are weighing that against stopping somatic cell nuclear transfer. That is what it is, somatic cell nuclear transfer. It is not an embryo. It is not the creation of life.

There are issues, and I think very serious ethical, moral issues, about using embryos for stem cell research, and we can talk about them. And I think we take this issue seriously. I think all Members take it seriously. We do not take it lightly at all. The gentleman from Pennsylvania (Mr. GREENWOOD), I think, spoke as well as I have ever heard anyone speak about this on this floor, that by any concept of what we have talked about the primacy of the potentiality of the creation of a unique human being. That is not what somatic cell nuclear transfer is about.

Somatic cell nuclear transfer is the taking an egg that is not fertilized, taking out the 23 chromosomes and literally, literally taking one of the several trillion, several trillion cells in a body, whether it is the gentleman from Pennsylvania’s cheek cell, one of the several trillion, or the cell on his skin or another cell, a cell of several trillion in a person’s body, taking that one cell and taking out the 46 chromosomes and putting it in this egg.

And why are we doing it? Again, there is not a Member in this Chamber that wants to allow it to be done for the purpose of creating a human being. Absolutely not. Illegal under both bills. But what we do want is the potentiality of literally saving tens of millions of lives with that. That reality is there. And if we pass the Weldon bill, we prevent that.

We will not prevent it in some other countries, but what we do, as amazing as it sounds, is we prevent that research from coming into the United States. Which again, as I said previously, I cannot conceive that one of my colleagues in this Chamber would ever have the ability to look a family member or any person, for that matter, in the eye, a quadriplegic, someone suffering from Parkinson’s, and say they could not take the benefit of the research.

Mr. Speaker, I urge the defeat of the rule.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume to remind my colleagues that everybody who came before the Committee on Rules with any kind of an amendment got their amendment, so I urge them not to defeat the rule. Yes, this is a complex issue; but we need to have a substantive debate on it.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I rise in favor of the rule on House Resolution 2505, the Human Cloning Prohibition Act. It is a good and fair rule, and it allows for a full debate on this important issue at hand.

In light of recent scientific advances in genetic research, our society is faced with some difficult decisions, foremost among them the question of what place or priority human life should be given. It is not the creation of life. At first glance, human cloning appears to respect life because it mimics the creation of life. However, when we look closely at the manner in which this life is created, in a laboratory, and for what purpose, out of utility, one cannot help but see that cloning is actually the degradation of human life to a scientific curiosity.

Designing a life to serve our curiosity, timing its creation to fit our schedules, manipulating its genetic makeup, and to suppress the potentiality of the creation of a unique human being. That is not what somatic cell nuclear transfer is about.

Somatic cell nuclear transfer is the taking an egg that is not fertilized, taking out the 23 chromosomes and literally, literally taking one of the several trillion, several trillion cells in a body, whether it is the gentleman from Pennsylvania’s cheek cell, one of the several trillion, or the cell on his skin or another cell, a cell of several trillion in a person’s body, taking that one cell and taking out the 46 chromosomes and putting it in this egg.

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Mr. Speaker, I urge the defeat of the rule.

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

(Ms. LOFGREN asked and was given permission to revise and extend her remarks, and include extraneous material."

Ms. LOFGREN. I include for the RECORD two articles that outline the research by Johns Hopkins University about the cure of paralysis that was reported last week at the annual meeting of the Society for Neuroscience in New Orleans.

[From the Yale Bulletin & Calendar, Dec. 1, 2000]

FORMATION OF PRIMATE’S OWN CELLS TO REPAIR SPINAL CORD INJURY

(Submitted by Jacqueline Weaver)

A Yale research team has transplanted stem cells from a primate to repair the protective sheath around the spinal cord in the same animal, an accomplishment that some day could help people with spinal cord injuries and multiple sclerosis.

“The concept is not ready for people, but the fact that it can be done in a primate is significant,” says Jeffrey Kocsis, professor of neurology and neurobiology at the School of Medicine. “Cells were taken from the same animal, with minimal neurological damage, and then injected to rebuild the myelin.”

In multiple sclerosis, the immune system goes awry and attacks the myelin. Damage to the myelin builds up over years, causing muscle weakness or paralysis, fatigue, dim or blurred vision and memory loss.

The team used mice that can repair the myelin, which is a fatty sheath that surrounds and insulates some nerve cells, side-steps a common problem in transplanting organs, explains the researchers generally have to take drugs to suppress their immune systems so that their bodies do not reject an organ obtained from a donor.

“We didn’t even need to immunosuppress the primate,” says Kocsis, who presented his findings last week at the annual meeting of the Society for Neuroscience in New Orleans. Experiment involved small amounts of tissue from the subventricular area of the primate brain using ultrasonography. The neural precursor cells, or stem cells, then were isolated and expanded in vitro using mitogens, an agent that promotes cell division.

At the same time, myelin was removed from the primate’s spinal cord. The stem cells were then injected in the same spot to form new myelin to cover the nerve fibers.

“The lesions were examined three weeks after transplantation and we found the demyelinated axons were remyelinated,” Kocsis says. “These results demonstrate that autologous transplantation of neural precursor cells in the adult non-human primate can remyelinate demyelinated axons, thus suggesting the potential utility of such an approach in remyelinating lesions in humans.”

[From the Times (London), July 26, 2001]

STEM CELL INJECTION HELPS MICE TO WALK AGAIN AS SCIENTISTS FIGHT FOR FUNDING

(Katty Kay in Washington, and Mark Henderson, Science Correspondent)

A video showing mice that have been partially cured of paralysis by injections of human stem cells was released last night by American scientists. They are seeking to head off a ban on government funding of similar research.

Researchers at Johns Hopkins University in Baltimore broke with standard scientific practice to screen the tape before details of their research have been formally published, in the hope that it will convince President Bush of the value of stem cell technology.

The U.S. Government is considering whether to outlaw all federal funding of studies using stem cells taken from human embryos, which provokes new treatments for many conditions, including paralysis and Parkinson’s disease.
Opponents argue that the research is immoral as the cells are taken from viable human embryos. President Bush has suspended federal funding of such work and has announced that his future White House would urge this week by the Pope to outlaw the practice.

John Geanacopoulos and Douglas Kerr, who led the privately funded research, hope that the tape will have a decisive impact on the debate by showing the potential of the technique. It shows mice paralyzed by motor neuron disease once again able to move their limbs, bear their own weight and even more around after injections of human embryonic stem cells in their spinal cords.

Dr. Kerr said the team hopes to start human clinical trials within three years but that a federal funding ban would deal a "potentially fatal" blow to its efforts.

Details of its research were first revealed in November last year, though it has yet to be published in a peer-reviewed journal. In this case, however, the team took the decision to show the tape to Tommy Thompson, the U.S. Health and Human Services Secretary, who is conducting a review of stem cell funding. President Bush, and to Pete Domenici, a Republican senator. It is now to be released to the public as well.

Medical research charities said the video would have a major impact. "If the President would see this tape," said Michael Manganiello, vice-president of the Christopher Reeve Paralysis Foundation, named after the Superman actor who was paralyzed in a riding accident.

"When you see a rat going from dragging his hind legs to walking, it’s not that big a leap to look at Christopher Reeve, and think how this might help him," he said.

In the experiment, 120 mice and rats were infected with a virus that caused spinal damage and paralysis. Half of the animals, in the treatment group, were given a dose of embryonic stem cells, the debilitating condition that affects Professor Stephen Hawking. The disease is generally incurable and sufferers usually die from it within two to six years.

When fluid containing human embryonic stem cells was infused into the spinal fluid of the paralyzed rodents, every one of the animals regained at least some movement. In previous tests stem cells have been transplanted directly into the spinal cord. Influsing the cell fluid and invasive surgery would make eventual treatment in humans much easier.

Dr. Kerr said the limited movement seen was a " promising" result, but limited research, not of the limits to stem cells themselves.

"I would be a fool to say that the ceiling we have now is the same ceiling we’ll see in two years," he said. "We will be smarter and the stem cell research even more developed." However, the prospect of human trials in three years depends on the outcome of a political debate that has been raging in the U.S. Government will allow federal funding for stem cell research. If President Bush decides not to approve government funds for research, the timetable will stretch from 10 to 12 years for tests in humans, Dr. Kerr said.

The controversy stems from the fact that human embryos must be destroyed in order to retrieve the stem cells. Mr. Bush is under pressure from conservative Republicans and Roman Catholics not to back the research on moral grounds.

Some top American scientists, who are becoming increasingly frustrated with the funding limitations, have left for Britain where government funding is available. The British Government has approved stem cell research on the ground that it could help to cure blindness.

The research on rodents at Johns Hopkins took stem cells from five to nine-week-old human fetuses that had been electrically aborted.

**Therapies**

There is no cure for ALS, and more research needs to be done in order for there to be one.

Currently, there is only one drug on the market that has been approved by the FDA for the treatment of ALS: Riluzole. It was originally developed as an anti-convulsant, but it has also been shown to have anti-glutamate effects. In a French trial, it was found that those taking the drug had an enhanced survival rate of 74% as compared to only 58% in the placebo group. [1] But, the drug has gotten mixed reviews, with divergent results occurring throughout the trials.

Creating ways to help human neurons produce needed energy for longer survival and is currently being tested in clinical ALS trials. Creatine is an over-the-counter supplement that is popular as a muscle builder among athletes. Creatine is a natural body substance involved in the transport of energy. Studies using SODI mice found that animals given a diet high in creatine had the same amount of healthy muscle-controlling nerve cells as mice in the normal, or control, group. Creatine can be found in a variety of health food stores.

Sanofi, still in clinical trial, is a nonpeptide compound which possesses neurotrophic and neuroprotective effects, produce trophic growth factors in vitro, and after administration of low oral doses in vivo. The compound reduces the histological, electromyographic, and functional defects produced in widely divergent models of experimental neurodegeneration. The ability of sanofi to increase the innervation of muscle discs and spinal cord and prolong the survival of mice suffering from progressive motor neuronopathy suggest the compound might be an effective therapy for the treatment of ALS.

The mechanism by which sanofi elicits its neurotrophic and neuroprotective effects, although not fully elucidated, is probably related to the compound’s ability to mimic the activity of, or stimulate the biosynthesis of, a number of endogenous neurotrophins such as nerve growth factor (NGF) and brain-derived, neurotrophic (BDNF). While sanofi has high affinity for serotonin 5-HT1A receptors and some affinity for sigma sites, its affinity for these targets appears to be unrelated to its neurotrophic or neuroprotective activity.

**Stem Cell Therapy**

Therapeutic efforts are underway to prevent diseases or prevent their progress, but more is going to be needed in order to repair the damage that has been done in ALS. Neurons are dead and muscles have atrophied; these must be regenerated to get back what has been lost. Stem cell therapy is going to be key.

The definition of a stem cell is under debate, but most researchers agree with the properties of multipotency, high proliferative potential and self-renewal.[2]

Embryonic and fetal stem cells differ in their isolation periods, and thus their potential.

Embryonic stem cells are derived very early in development, either at or before the blastocyst stage, and are defined as pluripotent, with the ability to differentiate into multiple cell types. When a sperm fertilizes an egg, that cell will then go on to further divide and differentiate into cells that have the ability to develop into any cell type in the body. If cells are captured before they differentiate, those cells then have the ability to become many types of desired cells. Fetal stem cells, which are derived from aborted fetuses, have similar properties to embryonic stem cells, but the cells are captured after they have begun to develop and thus are more restricted in their lineage they can become. Research has shown that the beauty of the embryonic stem cell is in its ability to become all types of cells, migrate, and respond to cues in the transplanted environment.

Adult stem cells can be isolated from certain areas in the adult body, including neurogenic areas of the brain (the dentate gyrus and olfactory bulb). Recent research has shown bone marrow derived stem cells are very versatile, differentiating into muscle mass, and neural cells in adult mice. While adults possess promising hope, they are not abundant, are difficult to isolate and propagate, and may decline with increasing age. Some evidence suggests that they have more differential potential and migratory ability as embryonic stem cells. Also, there is concern that adult stem cells may harbor more DNA mutations, since free radical damage and declination of DNA repair systems are known to occur more with age. [4] Any attempt to treat patients with their own stem cells, which from an immunologic standpoint would be great, would require those stem cells to be isolated and grown in culture to produce sufficient numbers. For many patients, including those who may benefit might not be enough time to do this. For other diseases, such as those caused by genetic defects, it might not be wise to use one’s own cells, since genetic causes may have existed, in the first place, in those cells as well. Adult stem cells are less controversial, due to no isolation from embryonic or fetal tissue, but they may not have the same therapeutic potential.

Dr. Evan Snyder and his lab at the Boston Children’s Hospital have transplanted embryonic mouse stem cells (C17.2) into the spinal cords of onset SODI mice. These cells were found to integrate into the system, with some from have have differentiated into motor neurons. Neurotrophic factor (BDNF), which measures functional behavior, indicated that those animals that had received a transplant, had improved functional recovery as compared to those that had not received cells. (This data is in press and will be presented at the Neuroscience Conference in San Diego, Fall 2001.)

**Sickle Cell Anemia**

Scientists at Johns Hopkins report they’ve restored movement to newly paralyzed rodents by injecting stem cells into the animals’ spinal fluid. Results of their study were presented in the latest issue of The Society of Neuroscience in New Orleans.

The researchers introduced neural stem cells into the spinal fluid of mice and rats that had been paralyzed by an anemia specifically attacks motor neurons. Normally, animals infected with Sindbis virus permanently lose the ability to move their limbs, and the muscles deteriorate. They drag legs and feet behind them.

Fifty percent of the stem-cell-treated rodents recovered, however, recuperating enough to place the soles of one or both of their hind feet on the ground. "This research may lead most immediately to improved treatments for some of the most disabling neuron disease, such as amyotrophic lateral sclerosis (ALS) and another disorder, spinal..."
July 31, 2001

The SPEAKER pro tempore (Mr. Gibbons). The gentleman from New York (Ms. Slaughter) has 2 minutes remaining, and the gentleman from North Carolina (Mrs. Myrick) has 6 minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, may I inquire of the gentleman from North Carolina has more speakers?

Mrs. MYRICK. Yes, I do. I have several more speakers.

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

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

Mr. KERNS. Mr. Speaker, I stand before you today to urge my colleagues’ support of the rule and H.R. 2505, the Human Cloning Act of 2001.

Today we take an important step in the process to ban human cloning in the United States. With technologies advancing rapidly, the race to clone a human being has become all too real. Simply put, H.R. 2505 will ban the possibility of cloning another human being. It will not, however, prohibit scientists from conducting responsible research.

Human cloning is not a Republican issue or a Democrat issue, it is an issue for the health of our country. The prospect of cloning a human being raises serious moral, ethical, and human health implications. As countries around the globe look to the United States for leadership, it is our responsibility to take a firm position and ban human cloning.

I spent, recently, many days traveling all throughout Indiana talking to people about this issue, and I have received lots of calls from across the country about this issue. I believe overwhelmingly that the people of this country want to ban human cloning.

There are several important factors my colleagues should be aware of when considering this legislation. H.R. 2505 does not restrict the use of in vitro fertilization. It does not deal with the separate issue of whether the Federal Government should fund stem cell research on human embryos. Furthermore, 2505 does not prohibit the use of cloning methods to produce any molecule, DNA, organs, plants, or animals other than humans.

I urge all my colleagues to vote in support of the rule today.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. Pence).

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

Mr. Speaker, I rise in strong support of the rule and the anti-cloning bill authored by my colleague, the gentleman from Florida (Mr. Weldon). The House of Representatives must choose today whom it will serve, whether it will support the cloning ban and protect nascent human life or whether it will endorse an alternative that will most certainly lead to the creation of a subclass of human life solely for the purpose of experimentation and destruction.

Mr. Speaker, no ethical case can be made for cloning a human being. The Weldon bill bans all human cloning. The alternative before us would allow cloning as long as the cloned human is destroyed before it can follow the natural progression of life.

Today, Mr. Speaker, this Congress has the ability to say that the moral confusion of our time, to say that humanity will master rather than be mastered by science. Humanity is once again on the verge of a great moral decision. I pray we will not fall into the same type of tragic reasoning that led to the human cloning amendment that led to the human cloning amendment that has led previous generations into slavery and genocide through the devaluation of human life.

Let us reject the notion that exploitation of life is acceptable. This instigates the sanctity of life, protect life, and choose life; and I stand in strong support of the rule.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. Terry).

Mr. TERRY. Mr. Speaker, I rise in support of the rule and H.R. 2505.

This bill prohibits cloning of human beings, and it also prohibits another type of cloning which seriously endangers the sanctity of human life, the so-called therapeutic cloning. In this process, scientists would create embryos solely to extract them and eventually to destroy them for stem cells or whatever purpose. Remember, however, that the purpose is to destroy them.

Every argument in favor of therapeutic cloning assumes that the smallest human lives, embryos typically days old, are not lives at all. They are just clumps of cells to be manipulated and used for the benefit of those who have already been born. No matter how justifiable the intent behind it, scientific rationalization endangers the very fabric of our society, our respect for ourselves and others. Nothing, I believe, can justify the taking of human life to improve the quality of another. □ 1415

Mr. Speaker, I urge all of my colleagues to join me in supporting this bill, a ban on human cloning; and I yield myself such time as I may consume.

Mr. Speaker, I would like to just comment, it was said a while ago that all the amendments that were brought up on this piece of legislation were allowed. Three were rejected by the Committee on Rules. One was by the gentlewoman from Texas (Ms. Jackson-Lee), which made sure that this did not have anything to do with in vitro fertilization. Two were by the gentleman from Virginia (Mr. Scott), which would have also protected the rights of human beings.
I want to say to all my colleagues, because all of us have said it over and over again, that we are all opposed to the cloning of human beings. I believe this House is already on record having said that. But a lot of us believe that science is important, that taking care of the human beings who are here, to provide better health, a chance to live, a hope that paraplegics will walk, that diabetes will be done away with, that cancer can be found a cure for, all the things we do not have today. I want to say the same thing that my colleague, the gentleman from Massachusetts (Mr. CAPUANO) said. I recall the first debate when the first organ transplants took place, that that perhaps was not God’s will. Maybe God expects us to help ourselves and to take advantage of the things he has given us here on Earth, to learn to do better and to do better for our fellow human beings.

Underlying all of this, Mr. Speaker, is that this House is in no way ready to debate this measure. There simply is not enough knowledge on either side. People are not clear on what is happening here. I am absolutely certain, as many Members in this House, that this does away with stem cell research, so we can go ahead and have this debate. Mr. Speaker, I urge with all my heart a no vote on this issue.

Ms. SLAUGHTER. Mr. Speaker, will the gentleman yield?
Mr. WELDON of Florida. I only have 2 minutes.

Ms. SLAUGHTER. We are not talking about reproductive cloning.
Mr. WELDON of Florida. I will not yield.

The SPEAKER pro tempore. The gentleman from Florida has the time.
Mr. WELDON of Florida. Mr. Speaker, I yield.

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

The SPEAKER pro tempore. The time of the gentleman from Florida (Mr. WELDON) has expired.

The SPEAKER pro tempore. The previous question was ordered. The yeas appeared to have it.
question of suspending the rules and passing the bill, H.R. 2540, as amended. The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 2540 as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were yeas 422, nays 0, not voting 11, as follows:

[H.R. 2540]

**VETERANS BENEFITS ACT OF 2001**

The SPEAKER pro tempore (Mr. GIBSON). The pending business is the question of suspending the rules and passing the bill, H.R. 2540, as amended. The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 2540 as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were yeas 422, nays 0, not voting 11, as follows:

[H.R. 2540]
The Clerk read the title of the bill. The SPEAKER pro tempore (Mr. Ging- boms). Pursuant to House Resolution 214, the bill is considered read for amendment.

The text of H.R. 2505 as follows:

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 “Human Cloning Prevention Act of 2001”.

SEC. 2. PROHIBITION ON HUMAN CLONING.

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

“CHAPTER 16—HUMAN CLONING

Sec. 301. Definitions.

(1) HUMAN CLONING.—The term ‘human cloning’ means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated to produce a living organism (at any stage of development) that is genetically virtually identical to an existing or previously existing human organism.

(2) ASEXUAL REPRODUCTION.—The term ‘asexual reproduction’ means reproduction not initiated by the union of oocyte and sperm.

(3) SOMATIC CELL.—The term ‘somatic cell’ means a diploid cell (having a complete set of chromosomes) obtained or derived from a living or deceased human body at any stage of development.


“(a) In General.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, knowingly—

(1) to perform or attempt to perform human cloning;

(2) to participate in an attempt to perform human cloning; or

(3) to ship or receive for any purpose an embryo produced by human cloning or any product derived from such embryo.

(b) Importation.—It shall be unlawful for any person, public or private, knowingly to import for any purpose an embryo produced by human cloning, or any product derived from such embryo.


“(a) In General.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, knowingly—

(1) to perform or attempt to perform human cloning;

(2) to participate in an attempt to perform human cloning; or

(3) to ship or receive for any purpose an embryo produced by human cloning or any product derived from such embryo.

(b) Importation.—It shall be unlawful for any person, public or private, knowingly to import for any purpose an embryo produced by human cloning, or any product derived from such embryo.

(c) Penalties.—

(1) Criminal Penalty.—Any person or entity who violates this section shall be fined under this section or imprisoned not more than 10 years, or both.

(2) Civil Penalty.—Any person or entity that violates any provision of this section shall be subject to, in the case of a violation that results in a pecuniary gain, a civil penalty of not less than $1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than $1,000,000.

(d) Scientific Research.—Nothing in this section restricts areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.

(b) Clerical Amendment.—The chapter of the Code relating to chapter 15 of title 16, United States Code, is amended by inserting after the item relating to chapter 15 the following:

“16. Human Cloning .................................. 301”.

The SPEAKER pro tempore. The amendments printed in the bill are adopted.

The text of H.R. 2505, as amended, is as follows:

H.R. 2505

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 “Human Cloning Prevention Act of 2001”.

SEC. 2. PROHIBITION ON HUMAN CLONING.

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(2) ASEXUAL REPRODUCTION.—The term ‘asexual reproduction’ means reproduction not initiated by the union of oocyte and sperm.

(3) SOMATIC CELL.—The term ‘somatic cell’ means a diploid cell (having a complete set of chromosomes) obtained or derived from a living or deceased human body at any stage of development.


“(a) In General.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, knowingly—

(1) to perform or attempt to perform human cloning;

(2) to participate in an attempt to perform human cloning; or

(3) to ship or receive for any purpose an embryo produced by human cloning or any product derived from such embryo.

(b) Importation.—It shall be unlawful for any person, public or private, knowingly to import for any purpose an embryo produced by human cloning, or any product derived from such embryo.

(c) Penalties.—

(1) Criminal Penalty.—Any person or entity who violates this section shall be fined under this section or imprisoned not more than 10 years, or both.

(2) Civil Penalty.—Any person or entity that violates any provision of this section shall be subject to, in the case of a violation that results in a pecuniary gain, a civil penalty of not less than $1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than $1,000,000.

(d) Scientific Research.—Nothing in this section restricts areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.

(b) Clerical Amendment.—The chapter of the Code relating to chapter 15 of title 16, United States Code, is amended by inserting after the item relating to chapter 15 the following:

“16. Human Cloning .................................. 301”.

The SPEAKER pro tempore. The amendments printed in the bill are adopted. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 107-172, if offered by the gentleman from Virginia (Mr. Scott), or his designee, which is time available for debate and controlled by the proponent and the opponent.

After disposition of the amendment by the gentleman from Virginia (Mr. Scott), it shall be in order to consider the further amendment printed in the report by the gentleman from Pennsylvania (Mr. Greenwood), which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and the opponent.

The gentleman from Wisconsin (Mr. Sensenbrenner) and the gentleman from Michigan (Mr. Conyers) each will control 30 minutes of debate on the bill.

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

Gentleman leave

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2505, the bill under consideration.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, I rise in support of H.R. 2505, the Human Cloning Prohibition Act of 2001. This bill criminalizes the act of cloning humans, importing cloned humans, and importing products derived from cloned humans. It is what is needed, a comprehensive ban against cloning humans. It has bipartisan cosponsorship. It was reported favorably by the Committee on the Judiciary on July 24, and is supported by the Secretary of the Department of Health and Human Services, Tommy J. Thompson, and by President Bush.

Today we are considering more than the moral and ethical issues raised by human cloning. This vote is about providing moral leadership for a watching world. We have the largest and most powerful research community on the face of the Earth, and we devote more research funding to cloning humans than any other Nation in the world. Although many other nations have already taken steps to ban human cloning, the world is waiting for the United States to set the moral tone against this experimentation. Currently in the United States there are no clear rules or regulations over privately funded human cloning. Although the FDA has announced that it has the authority to regulate human cloning through the Public Health Service Act and the Food, Drug and Cosmetic Act, this authority is unclear and has not been tested. The fact of the matter is that the FDA cannot stop
human cloning; it can only begin to regulate it. This will be a day late and a dollar short for a clone that is used for research, harvesting organs, or born grotesquely deformed.

Meanwhile, there is a select group of privately funded scientists and religious groups prepared to start cloning human embryos and attempting to produce a cloned child. While they believe this brave new world of Frankenstein science will benefit mankind, most would disagree. In fact, virtually every widely known and respected organization that has taken a position on reproductive human cloning flatly opposes this notion because of the extreme ethical and moral concerns.

Others argue that cloned humans are the key that will unlock the door to medical achievements in the 21st century. Nothing could be further from the truth. These miraculous achievements may be found through stem cell research, but not cloning.

Let me be perfectly clear: H.R. 2505 does not in any way impede or prohibit stem cell research that does not require cloned human embryos. This debate is whether or not it should be legal in the United States to clone human beings.

While H.R. 2505 does not prohibit the use of cloning techniques to produce molecules, DNA cells other than human embryos, tissues, organs, plants, and animals—other than humans—does prohibit the creation of cloned embryos. This is absolutely necessary to prevent human cloning, because, as we all know, embryos become people.

If scientists were permitted to clone embryos, they would eventually be stockpiled and mass-marketed. In addition, it would be impossible to enforce a ban on human reproductive cloning. Therefore, any legislative attempt to ban human cloning must include embryos.

Should human cloning ever prove successful, its potential applications and expected demands would undoubtedly and ultimately lead to a worldwide mass market for human clones. Human clones would be used for medical experimentation, leading to human exploitation under the good name of medicine. Parents would want the best genes for their children, creating a market for human designer genes.

Again, governments will have to weigh in to decide questions such as what rights do human clones hold, who is responsible for human clones, who will ensure their health, and what interaction will clones have with their genealogical parent.

Fortunately, Mr. Speaker, the gentleman from Florida (Mr. Weldon) and the gentleman from Michigan (Mr. Stupak) have introduced this legislation before a cloned human has been produced.

As most people know, Dolly the sheep was cloned in 1997. Since that time, scientists from around the globe have experimentally cloned a number of monkeys, mice, cows, goats, lambs, bulls and pigs. It took 276 attempts to clone Dolly, and these later experiments had an even lower rate of success, a dismal 3 percent. Now, some of the same scientists would like to add people to their experimental list.

Human cloning is ethically and mor-ally offensive and contradicts virtually the entire moral code. It diminishes the careful balance of humanit-35y that Mother Nature has installed in each of us. If we want a society where life is respected, we should take whatever steps are necessary to prohibit human cloning.

I believe we need to send a clear and distinct message to the watching world that America will not permit human cloning and that it does support scientific research. This bill sends this message: the gentleman from Illinois (Mr. Hyde), the distinguished former chairman of the Committee on the Judiciary, Mr. Speaker, support H.R. 2505. Stop human cloning and preserve the integrity of mankind and allow scientific research to continue.

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

Mr. Speaker, I would like to commend the Members for an excellent debate during the debate on the rule, as well as I hope this one will be constructive. I ask the Members, suppose you learned that you had contracted a deadly disease, Alzheimer’s, multiple sclerosis, but the Congress had banned the single most promising avenue for curing the disease. And that is precisely what we will be doing if we pass the Weldon bill in its present form, because it is a sweeping bill.

Let us be honest. If it is half right, it is half wrong. But it is so sweeping that it would not only ban reproductive cloning, but all uses of nuclear cell transfer for experimental purposes. This would stop ongoing studies designed to help persons suffering from a whole litany of diseases. So far-reaching is this measure that it bans the importation even of lifesaving medicine from other countries if it has had anything to do with experimental cloning. What does it mean? If another nation’s scientific development helps reduce cancer, it would be illegal for persons living in this country to benefit from the drug.

Question: Does this make good policy? Is this really what we want to do here this afternoon?

Besides that, the legislation would totally undermine lifesaving stem cell research so that many Members in both bodies strongly support. One need not be a surgeon to understand that it is far preferable to replace diseased and damaged tissues and organs with new cells based on a patient’s own DNA. We simply cannot replicate the needed cells with adult cells only, and this is why we need to keep experimenting with nuclear cell transfer.

That is why I am trying to give the gentleman from Florida (Mr. Weldon), as much credit as humanly possible. It is half right, it is half wrong; and we are trying, in this debate, to make that count.

Now, if we really wanted to do something about cloning, about the problem of reproducing real people, then we invite the other side to join with us in passing the Greenwood-Deutsch submeasure to criminalize reproductive cloning that will also be considered by the House today, for there is broad bipartisan support on both sides of the aisle for such a proposition, and we could come together and do something that I believe most of our citizens would like.

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

Mr. SENSENBERNNR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. HYDE), who asked and was given permission to revise and extend his remarks.

Mr. HYDE. Mr. Speaker, I rise in support of the Weldon-Stupak bill.

Every Member of this House casts thousands of votes in the course of a congres-sional career. Some of those votes we remember for a while; some we remember for the rest of our lives. Or we use this new knowledge to remanufacture the human condition by manufacturing human beings?

The first road leads us to a brighter future, in which lives are enhanced and possibilities are enlarged, for the betterment of individuals and humanity. The second road leads us into the brave new world so chillingly described by Aldous Huxley more than 60 years ago; a world of manufactured men and women, designed to someone else’s specifications, for someone else’s benefit, in order to fulfill someone else’s desires.

When manufacture replaces begetting as the means to create the human future, the de-humanization of the future is here.

That is what is at stake in this vote. That is what we are being asked to decide today. Are we going to use the new knowledge given us by science for genuine human ends? Or are we going to slide slowly, inexorably into the brave new world?

When we succeeded in splitting the atom, an entire new world of knowledge about the physical universe opened before us. At the same time, as we remember too well, we opened up to the cold war, our new knowledge of physics, and the weapons it made possible, handed us the key to our own destruction. It continues to
take the most serious moral and political reflection to manage the knowledge that physics gave us six decades ago.

Now we face a similar, perhaps even greater, challenge. The mapping of the human genome and other advances in the life sciences have increased our knowledge just as potently as the knowledge acquired by the great physicists of the mid-twentieth century. Our new knowledge in the life sciences contains within itself the seeds of good—for it is knowledge that can cure the sick and enhance the lives of us all. But, like the knowledge gained by the physicists, the new knowledge acquired by biology and genetics can also be used to do great evil: and that is what human cloning is. It is a great evil. For it turns the gift of life into a product—a commodity.

We have just enough time, now, to create a set of legal boundaries to guide the deployment of new genetic and nuclear knowledge and the development of the new biotechnologies so that this good thing—enhanced understanding of the mysteries of life itself—serves good ends, not bad ones. We have just enough time to insure that we remain the masters of our technology, not its products. We should use that time well—which is to say, thoughtfully. The new knowledge from the life sciences demands of us a new moral seriousness and a new quality of public reflection. These are not issues to be resolved by politics-as-usual, any more than the issue of atomic energy could be resolved by politics-as-usual. These are issues that demand informed and courageous consciences.

As we are the first generation ever to have the responsibility to make decisions about the deployment of our new genetic knowledge with full awareness of the profound moral issues at stake. The questions before us in this bill, and in setting the legal framework for the future development of biotechnology, are not questions that can be well-answered by a simple calculus of utility: will it “work?” The questions raised by our new biological and genetic knowledge sum mon us to remember that most ancient of moral teachings, enshrined in every moral system known: never use another human being as a mere means to some other end. That principle is the foundation of human freedom.

When human life is special-ordered rather than conceived, “human life” will never be the same again. Begetting the human future, not manufacturing it, is the fork in the road before us. Indeed, to describe that fork in those terms is not quite right. For a manufactured human being is not a human, or humane, future.

The world is watching us, today. How the United States responds to the moral wisdom of the ages to the new questions of the revolution in biotechnology will set an example, for good or for ill, for the rest of humankind. If we make the decision we should today, in support of Congresswoman’s WELDON’s bill, the world will know that there is nothing inexcusable about human cloning, and that it is possible for us to guide, rather than be driven by, the new genetic knowledge. The world will know that there is a better, more humane way to deploy the power that science has put into our hands.

And the world will know that America still stands behind the pledge of our founding, a pledge to honor the integrity, the dignity, the sanctity, of every human life, as the foundation of our freedom.

Mr. SENSENIBRENNER. Mr. Speaker, this bill bans human cloning. Almost all of us agree with that. The problem is, the bill does much more. It makes cutting-edge science a crime. It would make somatic cell nuclear transfer a felony.

An egg is stripped of its 23 chromosomes, 46 chromosomes are taken from the cell, say, of a piece of skin, and inserted into the egg. In 2 weeks, there is a clump of cells, undifferentiated, without organs, internal structures, nerves. Each of these cells may grow into any kind of cell, to cure cancer, Parkinson’s, Alzheimer’s, even spinal cord injuries. Use of one’s own DNA for the curing cells avoids the danger of rejection.

Just last week, as reported at the annual meeting at the Society for Neuro-science in New Orleans, stem cells derived from somatic nuclear transfer technology were used with primates, paralyzed monkeys. Astonishingly, the monkeys were able to regain some movement. For paraplegics, this is a bright ray of hope.

When did outlawing research to cure awful diseases become the morally correct position? I believe that scientific research to save lives and ease suffering is highly moral and ethical and right. Some disagree and oppose that choice. Well, they have the right to disagree, but nobody will force them to accept the cures that science may yield. If your religious beliefs will not let you accept a cure for your child’s cancer, so be it. But do not expect the rest of America to let their loved ones suffer without cure.

Our job in Congress is not to pick the most restrictive religious view of science and then impose that view upon Federal law. We live in a Democracy, not a Theocracy.

Vote for the amendment that will save stem cell research and then we can all vote for a bill that bans cloning humans, and only that.

Mr. SENSENIBRENNER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise in support of the Weldon-Stupak bill.

Simply put, cloning another human being—especially for the purpose of conducting experiments on the tiniest form of human being, is wrong. It is clear that it violates a principle that I think we all accept of human individuality and human dignity. That is why it is imperative that all of us support this bill. It is a responsible and reasoned proposal, and it will ensure that we maintain our strong ethical principles.

We must have ethical principles to guide scientific research and inquiry, ever.

No one who supports this bill suggests that we stop scientific research. In fact, cloning has been used and should continue to be used to produce tissues. It should not, however, be used to produce human beings.

If we do not draw a clear line now, when will we do so? There are so many very serious questions that human cloning raises, questions about conducting experiments on a human being, especially for the purpose of answering questions about the evils of social and genetic engineering; questions about the rights and liberties of living beings, of human beings.

What about a being that is created in the laboratory and patented as a product? It is still a human being.

There are too many serious questions that human cloning brings to the fore. They all have very serious consequences. The consequences that human cloning raises are all ethical questions, and force us to move forward and allow science to be conducted without ethical and moral intervention is just crazy.
We need nothing short of a full and clear ban on human cloning; otherwise, we are not promoting responsible scientific inquiry, we are promoting bad science fiction and making it a reality.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. NADLER), a senior member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, I intend to vote against the underlying bill and against the alternative as well, because I do not believe that I know what I need to know before casting a vote of such profound consequence. I am not ready to decide the intricate and fundamental questions raised by this legislation on the basis of a single hearing held on a single afternoon at which the subcommittee heard only 5 minutes of testimony from only four witnesses, a hearing which many Members, myself included, were not even able to attend.

President pro tempore of the bill have warned, and I speak to the underlying bill, that this is but the “opening skirmish of a long battle against eugenics and the post-human future.” They say that without this sweeping legislation, we will condone the cloning of human beings, which I believe everyone in this Chamber deplores.

Supporters of the substitute respond that the bill is far broader than it needs to be to achieve its objective, and that a total ban on human somatic cell cloning could close off avenues of inquiry that offer benign and potentially lifesaving benefits for humanity.

They may both be right, but both bills have significant deficiencies.

The underlying bill raises the specter of subjecting researchers to substantial criminal penalties if they even go so far as to create a kind of scientific exclusionary rule that would deny patients access to any lifesaving breakthroughs that may result from cloning research conducted outside of the United States. To continue the legal metaphor, it bars not only the tree but the fruit, as well. This seems to me to be of dubious morality.

The substitute would establish an elaborate registration and licensing regime to be sure experimenters do not cross the line from embryonic research to the cloning of a human being. Not only would that system be impossible to police, but it fails to address the question of whether we should be producing cloned human embryos for purposes of research at all.

I find this issue profoundly disturbing. I believe the issue deserves more than a cursory hearing and a 2-hour debate. It merits our sustained attention, and it requires a characteristic which does not come easily to our profession: humility and patience.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH), who will show how bipartisan support is for this bill.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Wisconsin for yielding time to me.

Mr. Speaker, the pro-life pro-choice debate has centered on a disagreement about the rights of the mother and whether her fetus has legally recognized rights. But in this debate on human cloning, there is no woman. The reproduction and gestation of the human embryo takes place in the factory or laboratory; it does not take place in a woman’s uterus.

Therefore, the concern for the protection of a woman’s right does not arise in this debate on human cloning. There is no woman in this debate. There is no mother. There is no father. But there is a corporation functioning as creator, investor, manufacturer, and marketer of cloned human embryos. To the corporation, it is just another product which comes with instructions to engineer the embryo to just another input.

What we are discussing today in the Greenwood bill is the right of a corporation to create human embryos for the marketplace, and perhaps they will be useful, perhaps they will be just for profit, all taking place in a private lab.

But is this purely a private matter, this business of enucleating an egg and inserting DNA material from a donor cell, culturing the cells for research, for experimentation, for destruction, or perhaps, though not intended, for implantation? Is this just a matter between the clone and the corporation, or does society have a stake in this debate?

We are not talking about replicating skin cells for grafting purposes. We are not talking about replicating liver cells for transplants. We are talking about cloning whole embryos. The industry recognizes there is commercial value to the human life potential of an embryo, but does a human embryo have only commercial value? That is the philosophical and legal question we are deciding here today.

The Greenwood bill, which grants a superior cloning status to corporations, would have us believe that human embryos are products, the inputs of mechanization, like milling timber to create paper, or melting iron to create steel, or drilling oil to create gasoline. Are we ready to concede that human embryos are commercial products? Are we ready to license industry so it can proceed with the manufacture of human embryos?

If this debate is about banning human cloning, we should not consider bills which do the opposite. The Greenwood substitute to ban cloning is really a bill to begin to license corporations to begin cloning. Though the substitute claims to be a ban on reproductive cloning, it makes it nearly possible by creating a system for the manufacturer of cloned embryos. It does not have a system for Federal oversight of what is produced and does not allow for public oversight. The substitute allows companies to proceed with controversial cloning with nearly complete confidentiality.

Cloning is not an issue for the profit-motivated biotech industry to charge Congress to consider carefully, openly, and thoughtfully. That is why I support the Weldon bill. I urge that all others support it as well.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. NADLER), a senior member of the Committee on the Judiciary.

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

We all agree that the cloning of human beings should be banned. The cloning of individual cells is a different matter. We know that stem cells have the potential to cure many diseases, to save millions of lives, to enable the paralyzed to walk and feel again, potentially even to enable the maimed to grow new arms and legs.

We also know that nuclear cell transfer, cloning of individual cells, may be the best or only way to allow stem cell therapy to work to cure diseases, because by using stem cells produced by cloning one of the patient’s own cells, we can avoid the immunological rejection of the stem cells used to treat the disease.

Why should we prohibit, as this bill does, the cloning of cells? Why should we prohibit the research to lead to these kinds of cures? Only because of the belief that a blastocyst, a clump of cells not yet even an embryo, with no nerves, no feelings, no brain, no heart, is entitled to the same rights and protections as a human being; that a blastocyst is a human being and cannot be destroyed, even if doing so would save the life of a 40-year-old woman with Alzheimer’s disease.

I respect that point of view, but I do not share it. A clump of cells is not yet a person. It does not have feelings or sensations. If it is not implanted, if it is not implanted in a woman’s uterus, it will never become a person. Yes, this clump of cells, like the sperm and the egg, contains a seed of life; but it is not yet a person.

To anyone wrestling with this issue, I would point them to the comments of the distinguished senior Senator from Utah who is very much against choice and abortion, who has come out in strong support of stem cell research because he recognizes that a blastocyst implanted in a woman is very different than an embryo that will develop into a person.

If one is pro-choice, one cannot believe a blastocyst is a human being. If they did, they would not be for choice. If one is anti-choice, one may believe, as Senator Trent Lott and Senator Jesse Helms and Senator Strom Thurmond, what I said a moment ago, that a clump of cells in a petri dish is not the same as an embryo in a woman.
But as a society we have already made this decision. We permit abortion, which creates nine or 10 embryos, of which all but one will be destroyed. We must not say to millions of sick or incurable human beings, go ahead and die, stay here that we believe in the right to kill. The right to choose is better than the wrong to kill.

Let us not go down in history with those bodies in the past who have tried to stop scientific research, to stop medical progress. It is not in a position of saying to Galileo, the sun goes around the world and not vice versa. That is what this bill does.

It is easier to prevent a human being from being cloned, to put people in jail if they try to do that. It is not a slippery slope. One cannot police the hundreds and thousands of biological labs which can produce clones of cells. Much easier to police the cloning of human beings. The slippery slope argument seems to me weak.

Let us not put a stop to medical progress and to human hope.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the last two speakers, both of whom were on the Democratic side of the aisle, show very clearly the difference in values that are being enunciated in the two bills before the House today.

On one hand, we hear support for the Greenwood substitute, which really allows the FDA to license an industry for profit and clone human embryos.

On the other hand, we hear those in favor of the Weldon bill, myself included, who say that we ought to ban the cloning of human embryos and the experimentation thereon.

This is a question of values. I would point out that the previous speaker, the gentleman from New York, during the Committee on the Judiciary debate, said, "I have no moral compunction about killing that embryo for therapeutic or experimental purposes at all."

Mr. Speaker, I think those who are interested in values should vote against Greenwood and should vote in favor of the Weldon bill.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, science is a wonderful thing. Who would have thought that polio could be cured or men could go to the Moon even a century ago?

But with the power that comes from science, we must also be ethical and exercise responsibility. The Nazis tried to create a race of supermen through the science of eugenics. They tried to create a perfect human being the same way a breeder creates a championship dog. That was immoral. We stopped it, and it has not been tried again since.

Now we have some scientists who want to create cloned human beings, some saying a cloned baby could be born as soon as next year. This is a frightening and gruesome reality. Mr. Speaker, there is no ethical way to clone a human being. If we were to allow it all, we would have to choose between allowing them to grow and be born or killing them, letting them die. This is a line we should not cross.

If we are going to make a judgment right or wrong to clone human beings? Eighty-eight percent of the American people say it is wrong. That is a point that is even in science, the ends do not justify the means. The Nazis may in fact have been the victims of being healthier and more capable Germans if they had been allowed to proceed, but eugenics and cloning are both wrong.

Mr. CONyers. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding time to me. Mr. Chairman, the distinguished chairman says that this bill, the distinction between those of us who support the Greenwood bill or support the Weldon bill is a matter of values.

I agree. Some of us believe that a clump of cells not implanted in a woman’s uterus is, and Senator HATCH agrees, do not have the same moral right and value as a new life suffering from a disease; that it is our right and our duty to cure human diseases, to prolong human life. We value life.

A human life is not simply a clump of cells. At some point, that clump of cells may develop into a fetus and a human being; but the clump of cells at the beginning does not have the same moral value as a person. If one believes that, they should vote with us. If they do not, then they probably will not.

Mr. CONyers. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD), who had an excellent discussion during the Committee on Rules.

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

Mr. Speaker, this is a matter of values. It is a matter of how much one values our ability to end human suffering and to cure disease.

No one in this House should be so arrogant as to assume that they have a monopoly on values, that their side of an argument is the values side and the other’s is not. This is a matter of how much we value saving little children’s lives and our parents’ lives.

There has been talk on the floor about creating embryo factories. Most of that talk I think has been conducted by people who do not understand the first thing about this research.

Here is how one could create an embryo factory. We would get a long line of women who line up in a laboratory and say, would you please put me through the extraordinarily painful process of superovulation because I would like to donate my eggs to science.

Does anybody think that is going to happen? Of course it is not going to happen. We are going to take this research, and this research involves a very small handful of cells. In the natural world, every day millions of cells, millions of eggs, are fertilized, and they do not adhere to the wall of the uterus. They are flushed away. That is how God does God’s work.

Of course there are clinics, every day thousands of eggs are fertilized, and most of them are discarded. That is the way loving parents build families, who cannot do it otherwise. No one is here to object to that. Thousands of embryos are destroyed.

We are talking about a handful, a tiny handful of eggs that are utilized strictly for the purpose of understanding how cells transform themselves from somatic to stem and back to somatic, because when we understand that, we will not need any more embryonic material. We will not need any cloned eggs. We will have discovered the proteins and the growth factors that let us take the DNA of our own bodies to cure that which tortures us.

That is the value that I am here to stand for, because I care about those children, I care about those parents, and I care about those loved ones who are suffering. I am not prepared as a politician to stand on the floor of the House and say, I have a philosophical reason, probably stemmed in my religion, that makes me say, you cannot go there, science, because it violates my religious belief.

I think it violates the constitution to take that position.

And on the question of whether or not we can do stem cell research with the Weldon bill in place, I would quote the American Association of Medical Colleges. It says, “H.R. 2505 would have a chilling effect on vital areas of research that could prove to be of enormous public benefit.” The Weldon bill would be responsible for having that chilling effect on research.

The Greenwood substitute stops reproductive cloning in its tracks, as it ought to be stopped, but allows the research to continue, and I would advocate its support.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. KERNS), who is an author of the bill.

Mr. KERNS. Mr. Speaker, I thank the gentleman for yielding me this time. I commend the leadership of the Gentleman from Wisconsin (Mr. SENSENBRENNER), as well as the coauthors, the gentleman from Florida (Mr. WILLIson), the gentleman from Michigan (Mr. GILL), and the gentleman from Ohio (Mr. KUCINICH), because this is a bipartisan bill. I also appreciate the support and the efforts
of the Committee on the Judiciary in recognizing the important nature of this issue and making it a priority and moving it to the floor for consideration.

I am very pleased to be an original coauthor of this timely and important piece of legislation. As I said earlier today, human cloning is not a Republican or a Democrat issue, it is an issue for all of mankind. The prospect of cloning a human being raises serious moral, ethical, and human health implications. Other countries around the world, as they look to us for leadership, not only on this but on other important pressing issues, and I think we have a responsibility to take a stand and take a leadership position. That stand should reflect the respect for human dignity envisioned by our Founding Fathers.

Human cloning: what once was said to be impossible could become a reality if we do not take action today. I have spent a good deal of time back home in Indiana traveling up and down the highways and byways, attending county fairs, fire departments, little fish fries, church suppers; and I can tell my colleagues that overwhelmingly those people that I represent in Indiana are concerned at our racing towards cloning human beings. They have asked me to help with this effort to ban human cloning. I have received calls from all across the country from those that are concerned about this issue.

As we have heard today, most Americans are opposed to the re-creation of another human being. I am told overwhelmingly that it is our responsibility not only here in this body and at home but around the world that we recognize the important nature of this issue.

Mr. Speaker, let me close by saying this: I believe that God created us, and I do not believe we should play God. I urge my colleagues to support our legislation to ban human cloning.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, I, like the gentleman from Massachusetts (Mr. DELAHUNT), want to say right off the bat that none of us believe in cloning human beings. Nobody on either side. We get this values argument. None of us believe in that. So stop that.

The second thing is that we are here today to talk about a political issue. This is not a scientific issue. I am a doctor, and we will have another doctor get up here and tell us a lot of doctor stuff, but the real issue is a political one here.

We are like the 16th century Spanish king who went to the Pope and asked him, ‘What will my right hand do in order to drink coffee.’ The coffee bean had been brought from the New World. It had a drug in it that made people get kind of excited and it was a great political controversy about whether or not it was right to drink coffee. And so the Spanish king went to the Pope and said, ‘Pope, is it all right. Well, we had that just the other day, and the Pope said, ‘that’s right.’

The Pope also told Galileo to quit making those marks in his notebook. The Earth is the center of the universe, he said. We all know that. The Bible says it. What is it this stuff where you say the center is the universe of our universe? That is wrong.

Now, here we are making a decision like we were the house of cardinals on a religious issue when, in fact, scientists are struggling to find out how human beings actually work. We have mixed stem cells together with cloning all to confuse people. Everybody on this floor knows that the best way to stop something is to confuse people, and we have had confusion on this issue because basically people want it. We have had that a bunch of times that attracts one group of voters against others. That is all this is about, all this confusion.

This business about a few cells and working and figuring out how we can clone the human body in everywhich issue that is being raised is that there is nobody who does not know somebody with juvenile diabetes or Alzheimer’s disease or has had a spinal cord injury and is unable to walk, or who has Parkinsonism. There is nobody here. And my dear friends putting this bill forward say there is no way, no matter how it happens, that we want to help them if it involves a human cell.

Now, my good friend, the gentleman from Florida (Mr. WELDON) is going to get up here and tell us we have a section in this bill that says scientific research is not stopped. Read it. It says we can use monkey cells and put them into people who have Alzheimer’s or diabetes, or spinal cord injury, and put them into people who have diabetes, but we cannot use a human cell. And even more so if the British or the Germans, who are more enlightened, do it and we bring it over. If the doctor gets the material from Germany or from England or some other place and gives it to my colleague’s mother, he is subject to 10 years in prison and a fine of not less than $1 million running up to twice whatever the value of it is.

Now, where do we stand? Wisconsin (Mr. SENSENBERGREN) is upset that there is licensing in the amendment, which I will vote for; not because I think we need it but because we have to have it as an antidote to this awful piece of legislation that is here. But the gentleman from Wisconsin says the free enterprise system is here. I thought he believed in the free enterprise system. Would the gentleman want that bill to say let us give it to the National Institutes of Health to make a medical program? No, no, no, he would not want that. Well, who is going to manufacture this if it comes some day to that point? It says the NIH can license at some point down the road.

Mr. Speaker, I think that the Greenwood amendment is necessary to stop this papal event that we are having here today.

Mr. SENSENBERGREN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, it is time to clarify the record after this last speech. Number one, there is nothing in the Weldon bill that prevents the use of adult stem cells. Number two, with the new births, including umbilical cords and placentas from being used for the research that the gentleman describes.

The gentlewoman from California (Ms. LOGGREN) talked about a Yale study. I have the Yale Bulletin Calendar of December 1, 2000 about the research on monkeys that were used to cure a spinal cord injury. Those were adult stem cells. They would be completely legal under this bill.

Mr. Speaker, we have heard from the gentleman from Washington State (Mr. MCDERMOTT), who seems to think we are having a religious seance here. The fact of the matter is there have been a number of things that are in derogation of the free enterprise system that Congress and the people of the country have banned, including slavery. And I think that perhaps the time has come to ban the cloning of human embryos.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the distinguished whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time. I think and I hope that Members will support the Weldon bill and oppose the Greenwood amendment.

Mr. Speaker, this is not about making fun of the Pope or making fun of the Bible. This is not about politics. It is not even about stem cell research. This is about a very real problem in this country, a potential problem that is cloning human beings. The congratulations of this debate raise very broad and disturbing questions for our society.

So-called therapeutic cloning crosses a very bright-line ethical boundary that should give all of us pause. This technique would reduce some human beings to the level of an industrial commodity. Cloning treats human embryos, the basic elements of life itself, as a simple raw material. This exploitive unholy technique is no better than medical strip-mining.

The preservation of life is what is being lost here. The sanctity and precious nature of each and every human life is being obscured in this debate. Cloning supporters are trading upon the desperate hopes of people who struggle with illness. We should not draw medical solutions from the unwholesome well of an ungoverned monstrous science that lacks any reasonability and deliberation for the sanctity of human life.

Now, some people would doubtlessly argue if we use in vitro fertilization to
help infertile couples create life, then we ought to allow scientists the latitude to manufacture and destroy embryos to produce medical treatments. But these are far from the same thing. Cloning is different from organ transplantation. Cloning is different from in vitro fertilization.

Cloning is an unholy leap backwards because its intellectual lineage and justifications are evocative of some of the darkest hours during the 20th century. We should not stray down this road that surely takes us to dark and unforeseen destinations.

Human beings should not be cloned to stock a medical junkyard of spare parts for experimentation. That is wrong, unethical, and unworthy of an enlightened society.

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

I rise to merely point out to the distinguished chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), that he may be over-reliant on adult stem cells as a viable alternative to embryonic stem cells, and I would like to explain why.

A National Institute of Health study examined the potential of adult and embryonic stem cells for curing disease, and they found that the embryonic stem cells have important advantages over adult stem cells. The embryonic stem cells can develop into many more types of cells. They can potentially replace any cell in the human body. Adult stem cells, however, are not as flexible as embryonic ones. They cannot develop into many different types of cells. They cannot be duplicated in the same quantities in the laboratory. They are difficult and dangerous sometimes to extract from an adult patient. For instance, obtaining adult brain stem cells could require dangerous sometimes to extract from an adult patient. For instance, obtaining adult brain stem cells could require dangerous sometimes to extract from a dark and unforeseen destinations.

Mr. WELDON of Florida. Mr. Speaker, I yield myself another 30 seconds.

So for whatever it may be worth, I refer this study to my good friend, the chairman.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1½ minutes, again just to clarify the record.

I am certain that the study of the gentleman from Michigan is a very valuable one. The fact is that it is not in point to this debate. This bill does not prevent research on embryonic stem cells. What it does do is prevent research on cloned embryonic stem cells.

So NII said in its study that therapeutic cloning would allow us to create stem cell medical treatments that would not be rejected by the patient’s immune system, because they have the patient’s own DNA.

So for whatever it may be worth, I refer this study to my good friend, the chairman.

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

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes, again just to clarify the record.

I am certain that the study of the gentleman from Michigan is a very valuable one. The fact is that it is not in point to this debate. This bill does not prevent research on embryonic stem cells. What it does do is prevent research on cloned embryonic stem cells. There is a big difference.

Secondly, once again going back to the adult stem cell research that was referred to by the gentlewoman from California (Ms. LOFGREN), at Yale University, those were adult stem cells. She brought the issue up. We did not. Those were adult stem cells. And if they were human stem cells, they would not be banned by this bill.

New, finally, adult stem cells are already being used, successfully for therapeutic benefits in humans. This includes treatments associated with various types of cancer, to relieve systemic lupus, multiple sclerosis, rheumatoid arthritis, anemias, immunodeficiency disorders, restoration of sight through generation of corneas.

Further, initial clinical trials have begun to repair heart damage using the patient’s own adult stem cells. Somehow the word is out that adult stem cells are no good. I think this very clearly shows that adult stem cells are very useful for research, and furthermore, the bill does allow research on embryonic stem cells, just not the cloned ones.

Mr. Speaker, I yield myself 1½ minutes to the gentleman from Oregon (Mr. Wu).

Mr. Wu. Mr. Speaker, here we are in the U.S. Congress talking about somatic cell nuclear transfer and I think it is deeply rewarding to see how fast Members of Congress can get up to speed on science-related issues.

Let me say that I am strongly, strongly pro-choice. I am also strongly in favor of stem cell research. But I view these as very separate issues. With all the scientists that I have spoken with, there are no laboratories which are currently using a human model for somatic cell nuclear transfer. In fact, the NIH rules on stem cell research, the same rules that we, as Democrats, have been strongly advocating, these rules, III, specific item D, specifically prohibits the technology that we are banning today. Research in which human pluripotent stem cells are derived using somatic cell nuclear transfer. These are the rules that we have been advocating.

Let me say that ultimately this is not an issue of science or biology. Almost exactly 30 years ago in May of 1971 James D. Watson, of Watson and Crick DNA fame, said that some day soon we will be able to clone human beings. This is too important a decision to be left to scientists and the medical specialists. We must play a role in this.

This is what this Congress is doing today. This is about the limits of human wisdom and not about the limits of human technology. The question that we must ask ourselves is whether it is proper to create potential human life for merely mechanistic purposes.

Mr. CONYERS. Mr. Speaker, I yield myself 25 seconds to point out to my good friend, the chairman of the Committee on the Judiciary and the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, the Committee on the Judiciary the Speaker received a letter signed by 44 scientific institutions and this is what they said:

This bill bans all use of cloning technology including those for research where a child cannot and will not be created. Therefore, this legislation puts at risk critical biomedical research that is vital to finding the cures for diseases and disabilities that affect millions of Americans, such as AIDS, HIV, spinal cord injuries and the like are likely to benefit from the advances achieved by biomedical researchers using therapeutic cloning technology.

This was signed by the American Academy of Optometry, the American Association for Cancer Research, the American Association of American Medical Colleges, the Association of Professors of Medicine, the Association of Subspecialty Professors, Harvard University, the Juvenile Diabetes Research Foundation International, and the Medical College of Wisconsin.

I will take my advice on medicine and research from the scientists, not from the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself another 30 seconds. This statement that the gentlewoman from California (Ms. LOFGREN) mentioned, did not say why they need to have cloned embryonic stem cells. I think we are talking about two different things here.

What this bill does is, it prohibits research on cloned embryonic stem cells, not on uncloned embryonic stem cells. If there is a shortage of uncloned embryonic stem cells, I would like to know on the other side of the aisle, the House about it. We have had not one scintilla of evidence either in this debate or the hearings or markup on the Committee on the Judiciary.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I just want to clarify a few things about my legislation. It is a pretty short bill. It has four pages and I would encourage anybody who has any uncertainty about this issue to take the time to read it.

I specifically want to refer them to section 302(d). It says, under Scientific Research, nothing in this section restricts areas of scientific research not specifically prohibited by this section.

What they are talking about there is somatic cell nuclear transfer to create an embryo as was used to create Dolly.

I go on in this section to say, nothing specifically prohibited by this section research on cloned somatic cell nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants or animals other than humans. Basically that the gentlewoman from California is all the scientific research that is currently going on today can continue.

What cannot continue is what people want to start doing now. It is not being done, but they want to start doing it; and that is to create cloned human embryos for the purpose of research.

Now, there are people putting forward this notion that if we were able to
go ahead with this, all these huge breakthroughs would occur. I want to reiterate, I am a doctor. I just saw patients a week ago. I have treated all these diseases. I have reviewed the medical literature. It is real pie in the sky to say there are going to be all these huge breakthroughs.

I have a letter from a member of the biotech industry, and I just want to read some of it. It says, “I am a biotech scientist and founder of a genomics research company. As a scientist, lawyer, and officer of the Biotechnology Association of Alabama that is an affiliate of the Biotechnology Industry Association, BIO, the group that is opposing my language,” he says, “there is no scientific imperative for proceeding with this manipulation of human life, and there are no valid or moral justifications for cloning human beings.”

Mr. Speaker, I can state that is indeed the case. I choose not to dismiss this notion that has been put forward by some of the speakers here in general debate that a cloned human embryo is somehow not alive or it is not human. There is just literally no basis in science to make this claim. I did my undergraduate degree in biochemistry; I studied cell biology, and I did basic research in molecular genetics.

I have a quote from another scientist that I would be happy to read. “There is not new about cells used in cloning.” This is a researcher from Princeton. He says, “An embryo formed from human cloning is very much a human embryo.”

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, the scientific research exception is meaningless. It allows for research, except that which is not specifically prohibited. If Amendment 501 of the bill, it prohibits somatic cell nuclear transfer, so any kind of representation that research is accepted is incorrect. It is tautological and it is bogus.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, the scientific research exception is meaningless. It allows for research, except that which is not specifically prohibited. If Amendment 501 of the bill, it prohibits somatic cell nuclear transfer, so any kind of representation that research is accepted is incorrect. It is tautological and it is bogus.

Mr. NADLER. Mr. Speaker, I would answer two things that were said, one by the gentleman from Wisconsin (Mr. SENSENBRENNER) when the gentleman stated he did not speak at all about cloning, it only spoke about stem cell research.

The point is that it may very well be true that once stem cell research is exploited and we know how to cure diseases or give people back the use of their arms and legs through stem cells, it may very well be true that that can only be done by the use of cloned stem cells in order to get around the rejection by the patient of stem cells from somebody else. It may be necessary to use the patient’s own cloned cells.

The second point is in answer to what the gentleman from Florida (Mr. WELDON) said. The point is, we do not know a lot of things. We do not know exactly what scientific research will show. We do not know exactly what adult stem cells can do, what embryonic stem cells can do, or cloned stem cells can do.

That is why it is a sentence of death to millions of Americans, to ban medical research which is what my colleagues are trying to do with this bill.

Mr. SENSENBRENNER. Mr. Speaker, I have one question, so I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I rise in opposition to the base bill and in support of the substitute, the Greenwood-Deutsch substitute.

Generally speaking, there are three types of stem cell research. There is adult stem cell research which shows great promise, but with limitations in that adult stem cells cannot be differentiated into each and every type of cell.

There is embryonic stem cell work which shows even more promise because it does have the ability to be differentiated into a variety of stem cell lines for therapy and treatment.

But perhaps the most promising is embryonic stem cell research that employs the technique of somatic cell nuclear transfer. The primary benefit of this research and therapy is simple: It is not rejected by the patient. What that means for a child who is diabetic, you can use that child’s own DNA, place it into an egg cell, and create Islet cells that will help that child produce insulin with the benefit it will not be rejected by the child.

What we are saying, if we allow stem cell research which prohibits the research in this bill, we are saying we will allow stem cell research, but only if the patient will reject the therapy. What sense does that make when the substitute prohibits cloning for reproduction, prohibits the implantation of fertilized eggs with a donated set of DNA into a uterus for the purpose of giving birth to a child? That is prohibited under both bill and substitute.

But we need the research. We are losing scientists who are going overseas to conduct this research. The base bill even precludes us from benefiting from the research done in other countries. This cannot be allowed to go.

Mr. Speaker, this is important to all of our future. Preserve this vital science research. I urge adoption of the substitute and rejection of the base bill.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. Deutch).

Mr. DEUTSCH. Mr. Speaker, everyone in this Chamber agrees, and we have been here for about an hour and three-quarters, everyone in this Chamber agrees that we should ban human cloning by all means. Everyone. There is consensus here.

Mr. Speaker, both pieces of legislation do that, but there is a divergence.

The Weldon bill goes further to ban the somatic cell nuclear transfer. I would like to focus in response to what has been going on in the debate.

There is no longer a debate about stem cell research. This Congress collectively, both the House and the Senate and the American people have made a decision. Whether the President has made his decision or not is irrelevant. The Congress and the American people have made our decision that we want to continue embryonic stem cell research. We collectively, as Americans, understand that issue, and it will continue regardless of what the President decides on this issue. My colleagues know that and understand that.

Let us talk about why there is a serious debate about it, though, and why I take it very seriously as well. When you have an egg and a sperm joining and the potentiality is to create a new unique human being, there are ethical issues involved regarding this transcendental event that could occur in the creation of a unique soul. That is what people find troubling and should find troubling, and should think about it and understand it.

Understanding the other issues and collectively we have made our decision that we are willing, that we want to continue with embryonic stem cell research because of the issues that we have talked about.

But let us talk about what somatic nuclear transfer is all about. It is not about that sperm and egg joining together. It is not about the potentiality to create a unique human being. It is not about a transcendental event that could occur. It is not about all those issues that some people correctly have struggled with and have come to conclusions and significant, serious moral ethical issues.

What is going on here? What is going on here is an egg where the DNA is taken out, 23 chromosomes taken out from literally trillions of cells, trillions of cells, not billions, trillions of cells. Within the human body, one cell is taken out and 46 chromosomes are implanted. Not to create life, not to create an embryo, but to continue life, to save life for literally tens of millions of people, for potentially everyone in this Chamber and everyone in the country.

None of us know who is going to be stricken by one of these horrific diseases. No one knows who is going to get Alzheimer’s or Parkinson’s or cancer. It literally could be any of us in this Chamber or anyone watching on C-SPAN. It could be any of us. If we think about that, it could be any of us who have relatives, loved ones, who have these horrific diseases. Yet what this legislation would do would be to stop future research because of those trillions of cells in the body, take out 46 chromosomes, put it in, so that you could survive, so that someone who is a
Charles Krauthammer, Mr. Speaker, nailed it precisely. The Greenwood substitute would for the first time in history sanction the creation of human life with the demand, backed by new Federal criminal and civil sanctions, that the new life be destroyed after it is experimented upon and exploited. For the small inconvenience of registering your name and your business address, you would be liable for unplanned life in your own image or someone else’s. You would have the right to create embryo farms, headless human clones, or anything else science might one day allow to be created outside the womb; and in the end only failure to kill just so long as you eventually kill them. That, my colleagues, is the stated intent of the Greenwood substitute. And Mr. Greenwood’s substitute would not even stop the birth of a human clone, which it purports to do. Because his approach would encourage the creation of cloned human embryo stockpiles and cloned human embryo farms, it would make the hard part of human cloning completely legal and try to make the relatively easy part, implantation, illegal.

So once these cloned human embryos are stocked in a lab, Mr. Speaker, who, or what is going to stop somebody from implanting one of those cloned humans? The Greenwood substitute has no tracking provisions. Greenwood would open pandora’s box and verification would be a joke.

The bottom line is this, Mr. Speaker, the Greenwood substitute permits the cloning of human life to do anything you would like to for research purposes just as long as you kill that human life. Mr. Speaker, to implement this proposal, some Members have taken to the well that everybody is against human cloning. Oh really? Just because we say it’s so doesn’t make it necessarily so. The simple—and sad—fact of the matter is that Greenwood is pro-cloning. The Weldon bill, the unambiguously anti-cloning bill, and would prescribe certain criminal as well as civil penalties for those who commit that offense.

We are really at a crossroads, Mr. Speaker. This is a major ethical issue. And make no mistake about it I want to find cures to the devastating disease that afflicts people. I am cochairman of the Alzheimer’s Caucus. I am cochairman of the Autism Caucus. I chair the Defense Appropriations Committee. Just today gotten legislation passed to help Gulf War Vets. I believe desperately we have got to find cures. But creating human embryos for research purposes is unethical, it is wrong, and it ought to be made illegal.

I hope Members will support the Weldon bill and will vote “no” on the substitute when it is offered.

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to H.R. 2505, the Human Cloning Prohibition Act and in support of the Greenwood-Deutsch substitute.

I am absolutely opposed to reproductive human cloning. Reproductive human cloning is morally wrong and fundamentally opposed to the values held by our society. I am sure that every Member in this chamber today agrees, that reproductive human cloning should be banned. That conclusion is easy to come by. Mr. Speaker, however, this debate, unfortunately, is not so simple.

Today we are considering a complex issue, and I share the concerns raised by several other Members that the House is rushing to judgment. We have had too little time to debate and consider the merits and implications that Mr. WELDON’s bill and Mr. GREENWOOD’s substitute present. The Weldon bill and the Greenwood Substitute ban reproductive human cloning and both set criminal penalties for those who violate such a ban. But the similarities end there. Mr. WELDON’s bill goes too far, including banning therapeutic cloning for research or medical treatment, while the Greenwood substitute allows an exception regarding therapeutic cloning. The Weldon bill would ban all forms of cloning, and in essence stop all research into it, just as we are beginning to see the first fruits of biomedical research. By supporting the Greenwood alternative, we have the opportunity to ban reproductive cloning while allowing important research to continue.

As a member of the Science Committee and as a Representative from the Research Triangle Park region, I understand the importance of the research that our scientists are conducting. This research has the potential to save the lives of hundreds of thousands of North Carolinians, Americans, and people throughout the globe who suffer from debilitating and degenerative diseases. We are on the verge of a significant return on our biomedical research investment. Indeed, our scientists may one day solve the mysteries of disease as the result of work involving therapeutic cloning technology. We must not allow the opportunity to pass by us.

Mr. Speaker, let me be clear, I support banning reproductive human cloning, and I will continue to oppose any type of cloning that would attempt to intentionally create a human clone. However, I also support the important biomedical research that our nation’s scientists are conducting. If I cannot support a bill that denies those scientists, and the people whose lives they are working to improve, a chance to find a cure.

Mr. BUYER. Mr. Speaker, I rise to opposition to H.R. 2505, the Human Cloning Prohibition Act of 1999. The gentleman from Florida (Mr. D. EUTSCH) said that cloning does not result in the creation of a unique human being. That’s ludicrous. That is exactly what the Weldon bill speaks to. That unique human being would be created if left untouched and untouched would grow, given nourishment and nurturing, into a baby, a toddler into an adolescent into adulthood and right through the continuum of life. That is what we are talking about. Mr. WELDON’s bill doesn’t preclude other potentially legislative processes.

Mr. BUYER. Mr. Speaker, I rise in opposition to the substitute and in support of the gentleman from Florida’s Human Cloning Prohibition Act.

Members in opposition are using the substitute amendment and are trying to confuse the issue with medical research and stem cell research. The underlying bill bans cloning human beings. It is straightforward and narrowly drawn. It prohibits somatic cell nucleus transfer. The underlying bill does nothing to hinder medical research and in fact, it specifically permits technology to clone tissue, DNA, and non-embryonic cells in humans, and cloning of plants and animals.

I urge my colleagues not to confuse a straightforward ban on banning cloning of human beings, with medical research. H.R. 2505 would prohibit human cloned embryos from being used as human guinea pigs. Without this legislation, human life could be copied, manufactured in a laboratory, in a petri dish. Cloned embryos would be devoid of all sense of humanity, treated as objects. The mass production of human clones solely for the purpose of human experimentation defies all meaning.

The simple, most effective way to stop this process is to ban it. In the area of human embryonic cloning, the end does not justify the process is to ban it. In the area of human embryonic cloning, the end does not justify the means. The Greenwood substitute would not even stop the birth of a human clone, which it purports to do. Because his approach would encourage the creation of cloned human embryo stockpiles and cloned human embryo farms, it would make the hard part of human cloning completely legal and try to make the relatively easy part, implantation, illegal.

So once these cloned human embryos are stocked in a lab, Mr. Speaker, who, or what is going to stop somebody from implanting one of those cloned humans? The Greenwood substitute has no tracking provisions. Greenwood would open pandora’s box, and verification would be a joke.

The bottom line is this, Mr. Speaker, the Greenwood substitute permits the cloning of human life to do anything you would like to for research purposes just as long as you kill that human life. Mr. Speaker, to implement this proposal, some Members have taken to the well that everybody is against human cloning. Oh really? Just because we say it’s so doesn’t make it necessarily so. The simple—and sad—fact of the matter is that Greenwood is pro-cloning. The Weldon bill, the unequivocally anti-cloning bill, and would prescribe certain criminal as well as civil penalties for those who commit that offense.

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

Mr. BUYER. Mr. Speaker, I rise in opposition to the substitute and in support of the gentleman from Florida’s Human Cloning Prohibition Act.

Members in opposition are using the substitute amendment and are trying to confuse the issue with medical research and stem cell research. The underlying bill bans cloning human beings. It is straightforward and narrowly drawn. It prohibits somatic cell nucleus transfer. The underlying bill does nothing to hinder medical research and in fact, it specifically permits technology to clone tissue, DNA, and non-embryonic cells in humans, and cloning of plants and animals.

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So once these cloned human embryos are stocked in a lab, Mr. Speaker, who, or what is going to stop somebody from implanting one of those cloned humans? The Greenwood substitute has no tracking provisions. Greenwood would open pandora’s box, and verification would be a joke.
The door of opportunity to cure diseases, that have puzzled us since the beginning of medicine is now beginning to open. And while the full promise of biomedical research remains many years away from being realized, there is that opportunity, that hope, that we can find a cure for cancer, diabetes, heart disease, Parkinson’s disease, spinal cord injuries, and many other illnesses. Mr. Speaker, I oppose H.R. 2505 because it would stifle important research and decrease the potential for new life-saving medical treatments. The Greenwood substitute strikes a careful balance between banning the immoral and unsafe practice of reproductive human cloning, while at the same time promoting important biomedical research.

I urge my colleagues to oppose H.R. 2505 and support the Greenwood substitute.

Mr. GREENWOOD. We must not ban vital research and in support of the alternative bill offered by Mr. BLUMENAUER.

I do not think that there is a member of the House who does not shudder at the sheer awesome scope of this research. On the one hand, we fear a world where human beings are created in a lab for the sole purpose of harvesting their organs, characteristics and other items for the benefit of other human beings. On the other hand, we fear foregoing a cure for many of the horrible afflictions that face man like diabetes, cancer, spinal cord injuries and Parkinson’s Disease.

I do know that God has blessed us with the knowledge and the skill to do more than just ponder a cure for these afflictions. My concern is that with such a ban in place, as envisioned in this bill, there will be no opportunity to learn all that God might have us learn. All because we acted too quickly to ban research before there was a chance to truly ponder the ways to manage and control this research. For example, if the above research at some point allows us to create an embryo, a cell, a stem cell or any other viable alternative genetic material without the use of human genetic material will this provision prevent its use? Is that human cloning or creating life?

I truly believe that prior to an outright ban of this research, Congress needs to make further efforts to educate every Member of this body. The knowledge that has been provided to us through this research is tremendous. We should do everything we can to understand it and manage its use. We should not, however, ban its use without careful circumspection.

Mr. PAUL. Mr. Speaker, today we’re being asked to choose between two options dealing with the controversies surrounding cloning and stem cell research.

As an obstetrician gynecologist with 30 years of experience with strong pro-life convictions I find this debate regarding stem cell research and human cloning off-track, dangerous, and missing some very important points. This debate is one of the most profound ethical issues of all times. It has moral, religious, legal, and ethical overtones.

However, this debate is as much about process as it is the problem we are trying to solve. This dilemma demonstrates so clearly why difficult problems like this are made much more complex when we accept the notion that a powerful centralized state should provide the solution, while assuming it can be done precisely and without offending either side, which is a virtual impossibility.

Centralized governments’ solutions inevitably compound the problem we’re trying to solve. The solution is always found to be offensive to those on the losing side of the debate. It requires that the loser contribute through tax payments to implement the particular program and ignores the unintended consequences that arise. Mistakes are nationalized when we depend on Presidential orders to do the right thing. As with many other issues it has done the same but now unfortunately, most difficult problems are nationalized.

Decentralized decision making and privatized funding would have gone a long way in preventing the highly charged emotional debate going on today regarding cloning and stem cell research.

There is danger in a blanket national prohibition of some questionable research in an effort to protect what is perceived as legitimate research. Too often there are unintended consequences. National legalization of cloning and financing discriminates life and insults those who are forced to pay.

Even a national law prohibiting cloning legitimates a national approach that can later be used to undermine this original intent. This national approach rules out states from passing any meaningful legislation and regulation on these issues.

There are some medical questions not yet resolved and careless legislation may impede legitimate research and use of fetal tissue. For instance, should a spontaneously aborted fetus, non-viable, not be used for stem cell research or organ transplant? Should a live fetus from an ectopic pregnancy removed and generally discarded not be used in research? How is a spontaneous abortion of an embryo or fetus different from an embryo conceived in a dish?

Being pro-life and pro-research makes the question profound and I might say best not answered by political demagogues, executive orders or emotional hype.

How do problems like this get resolved in a free society where government power is strictly limited and kept local? Not easily, and not perfectly, but I am confident it would be much better than through centralized and arbitrary authority initiated by politicians responding to emotional arguments.

For a free society to function, the moral standards of the people are crucial. Personal morality, local laws, and medical ethics should prevail in dealing with a subject such as this. This law, the government, the bureaucrats, the politicians can’t make the people more moral in making these judgments.

Laws inevitably reflect the morality or immorality of the people. The Supreme Court did not usher in the 60s revolution that undermined the respect for all human life and liberty. Instead, the people’s attitude of the 60s led to the Supreme Court Roe vs. Wade ruling in 1973 and contributed to a steady erosion of personal liberty.

If a centralized government is incapable of doing the right thing, what happens when the people embrace immorality and offer no voluntary ethical approach to difficult questions such as cloning?

The government then takes over and predictably makes things much worse. The government cannot instill morality in the people. An apathetic and immoral society inspires
centralized, rigid answers while the many con-
sequences to come are ignored. Unfortunately,
one centralized government takes charge, the real victim becomes personal lib-
erty.

What can be done? The first step Congress should take is to stop all funding of research for cloning and other controversial issues. Ob-
viously all research in a free society should be done privately, thus preventing this type of problem. If this policy were to be followed, in-
stead of less funding being available for re-
search, there would actually be more.

Second, the President should issue no Ex-
cutive Order because under the Constitution he does not have authority either to pro-
hibit or stop any particular research nor does the Congress. And third, there should be no sacrifice of life. Local law officials are respon-
sible for protecting life or should not partici-
pate in its destruction.

We should change the ethical debate and hope that the medical leaders would volun-
tarily do the self-policing that is required in a moral society. Local laws, under the Constitu-
tion, could be written and the reasonable ones could then set the standard for the rest of the na-

This problem regarding cloning and stem cell research has been made much worse by the federal government involved, both by the pro and con forces in dealing with the federal government’s involvement in embryonic re-
search. The problem may be that a moral so-
ciety does not exist, rather than a lack of fed-
eral laws or federal police. We need no more federal intervention with political issues that for the most part were made worse by previous government mandates.

If the problem is that our society lacks moral standards and governments can’t impose moral standards, hardly will this effort to write more laws solve this perplexing and intriguing question regarding the cloning of a human being and stem cell research.

Neither option offered today regarding cloning provides a satisfactory solution. Unfor-
nately, the real issue is being ignored.

Mr. BENTSEN. Mr. Speaker, I rise today in support of H.R. 2172, the Cloning Prohibition Act of 2001 and H.R. 2505. I believe that the Cloning Prohibition Act of 2001 is the best approach to ensure that we will prohibit human cloning, while still maintain-
ing our commitment to valuable research that will prohibit human cloning, while still main-

The debate before us today, however, is completely different in my mind. Those who are for and against abortion, even for and against embryonic stem cell research, have joined together to say that we cannot clone humans. In the words of esteemed columnist Charles Krauthammer, the thought of cloning humans—whether for research or reproductive purposes—is ghoulish, dangerous, perverse, nightmarish. I do not think the language can be strong enough. Eugenics is an abominable concept that should never be used to create human life in order to destroy it. We do not have the right to create life in order to tamper with genes.

It does not take a fan of science-fiction to imagine the scenarios that would ensue from legalized cloning—headless humans used as organs, monozygotic twins for transplant and because they were viewed as an experiment not a person, gene selection to create a supposed inferior species to become slaves, societal val-
ues used to create a supposed superior spe-
cies. We do not have the right to play God. We may have the technology to clone hu-

Mr. HYDE. Mr. Speaker, I submit the fol-
lowing article for the RECORD.

[From the Washington Post, July 27, 2001] (By Charles Krauthammer)

A NIGHTMARE OF A BILL.

Hadhn’t we all agreed—we supporters of stem cell research—that it was morally okay to destroy a tiny human embryo in order to pos-
sibly curative stem cells because these em-
bryos from fertility clinics were going to be discarded anyway? Hadn’t we also agreed that human embryos should not be created solely for the purpose of being dismembered and then destroyed for the benefit of others?

Indeed, when Sen. Bill Frist made that brilliant presentation on the floor of the Senate supporting stem cell research, we included among his conditions a total ban on creating human embryos just to be stem cell farms. Why, then, are so many stem cell sup-
ports—Congress, industry, life-science sup-
possedly “anti-cloning bill” that would, in fact, legalize the creation of cloned human embryos solely for purposes of research and destruction?

Sound surreal? It is.

There are two bills in Congress regarding cloning. The Weldon bill bans the creation of cloned human embryos for any purpose, whether for growing tissues into spare parts for human children or for using them for research or for their parts and then destroying them.

The competing Greenwood “Cloning Prohi-
bition Act of 2001” prohibits only the cre-
ation of a cloned child. It protects and in-
deed codifies the creation of cloned human embryos for industrial and research pur-
poses.

Under Greenwood, points out the distin-
guished bioethicist Leon Kess, “embryo pro-
duction is explicitly licensed and treated like a drug manufacture.” It becomes an in-
dustry, complete with industrial secrecy pro-
tections. Greenwood, he says correctly, should really be called the “Human Embryo Cloning Registration and Industry Facilita-
tion and Protection Act.”

Greenwood is a nightmare and an aboma-
nation. First of all, once the industry of
cloning human embryos has begun and thousands are being created, grown, bought and sold, who is going to prevent them from being implanted in a woman and developed into a cloned child?

Even more perversely, when that inevitably occurs, what is the federal government going to do? Force that woman to abort the clone?

Greenwood sanctions, licenses, and protects the launching of the most ghoulish and dangerous new science: the creation of nascent cloned human life for the sole purpose of its exploitation and destruction.

What do we say to stem cell opponents? They warned about the slippery slope. They said: Once you start using discarded embryos, the next step is creating embryos for their own use. First I and I and others have argued: No, we can draw the line.

Why should anyone believe us? Even before the president has decided on federal support for stem cell research, we find stem cell supporters and their biotech industry allies trying to pass a bill that would cross that line—not in some slippery-slope future, but right now.

Apologists for Greenwood will say: Science will regulate itself. Human cloning will not be performed. Might as well give in and just regulate it, because a full ban will fail in any event.

Wrong. Very wrong. Why? Simple: You’re a brilliant young scientist graduating from medical school. You have a glowing future in biotechnology, where peer recognition, publications, honors, financial rewards, maybe even a Nobel Prize await you. Where are you going to spend your life? Working on an outlawed procedure? If cloning is outlawed, will you devote your own research that cannot see the light of day, that will leave you ostracized and working in shadow, that will render you liable to arrest, prosecution and disgrace?

True, some will make that choice. Every generation has its Kevorkian. But they will be very small in number. And like Kevorkian, they will not be very bright.

The movies have it wrong. The mad scientist is no genius. Dr. Frankensteins invariably produce lousy science. What is Kevorkian’s great contribution to science? A suicide machine that your average Hitler Youth could have turned out as a summer camp counselor.

Of course you cannot stop cloning completely. But make it illegal and you will have robbed it of its most important resource: its freedom. If we act like Weldon, we can retard this monstrosity by decades. Enough time to reign our moral equilibrium—and the recognition that the human embryo, cloned or not, is not to be created for the sole purpose of being probed and prodded, strip-mined for parts and then destroyed.

If Weldon is stopped, the game is up. If Congress cannot pass the Weldon ban on cloning, then stem cell research itself must not be supported either—because then the vaunted promises about not permitting the creation of human embryos solely for their exploitation and destruction will have been shown in advance to be a fraud.

Mr. BAKER. Mr. Speaker, I rise to express my support for H.R. 2505. “The Human Cloning Prohibition Act of 2001.” Let me begin my saying that I am unequivocally opposed to the cloning of human beings either for reproductive or for research. The moral and ethical issues posed by human cloning are profound and complex. I will raise in this debate and in your question for scientific discovery, I intend to support this legislation and will vote against the Greenwood amendment.

Let me be clear. Passage of H.R. 2505 will not stop medical research on the promising use of stem cells. This is an exciting area of research and I am confident this technology will produce results the significance of which we cannot fathom. Stem cell research will continue, but it does not have to continue at the expense of our human ethics or our religious morals.

There is not ever a time, in my opinion, where it is proper for medical science to wholly create or clone a human being. The ethical and moral implications of such an act are staggering. My colleagues understand that. So if we can agree on the human cloning issue, we must now address the fears some of my colleagues have expressed on the future of stem cell research.

The scientific objective in today’s debate over stem cell research is having the ability to produce massive quantities of quality transplantable, tissue-matched pluripotent cell that provide extended therapeutic benefits without triggering immune rejection in the recipient. It has come to my attention that efforts have been made to clone stem cells for stem cell research using placentas from live births. I have become aware of at least one company that has pioneered the recovery of non-adult human pluripotent and multipotent stem cell from human afterbirth, traditionally regarded as medical waste.

Importantly, the pluripotent stem cells discovered in postnatal placenatas were not heterogeneous to known to be present in human afterbirth, and can be collected in abundant quantities using a proprietary recovery method. These non-controversial cells are known as “placental” and “umbilical” stem cells, because they come from postnatal placentas, umbilical cords, and cord blood, from full-term births, and are classified separately and distinctively from those stem cells recovered from adults and embryos.

The strength of this option is that it meets both the policy and scientific objectives while transcending ethical or moral controversy. We can solve the dilemma by building bipartisan support and turning the argument from “What would you call all this support?” to “What I’m suggesting is a non-controversial, abundant source of high-quality stem cells that will significantly accelerate the pace at which stem cell therapies can be integrated into clinical use. They would offer the hope of renewable sources of replacement cells and tissues to treat a myriad of diseases, conditions and disabilities, including ALS (Lou Gehrig’s Disease), Parkinson’s and Alzheimer’s, spinal cord injury, stroke, burns, heart disease, diabetes, osteoarthritis, rheumatoid arthritis, liver diseases and cancer.

Clearly, we are making a move too soon, without facts, without an understanding of what the Human Cloning Prohibition Act does, and without an understanding of the science involved. I would urge my colleagues not to make a move too soon. Let’s debate this issue further and vote on a bill when the implications of the legislation is clear.

Mr. BAKER. Mr. Speaker, the practice of either embryo splitting or nuclear replacement technology, deliberately for the purposes of human reproductive cloning, raises serious ethical issues we, as policy makers, must address.

Having participated, as a member of the Judiciary Committee, in hearings on the ethics and practice of human cloning, I am pleased to support Congressman Weldon and STUPAK’s bill, H.R. 2505—the Human Cloning Prohibition Act of 2001. This bill provides for an absolute prohibition on human cloning. The bill bans all forms of adult human and embryonic cloning, while not restricting areas of scientific research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than human.

In fact, the National Bioethics Commission has quite clearly stated the creation of a human being by somatic cell nuclear transfer is both scientifically and ethically objectionable.

The ability to produce an exact genetic replica of a human being, alive of deceased, carries with it an incredible responsibility. Beyond the fact the scientific community has yet to confirm the safety and efficacy of the procedure, human cloning is human experimentation taken to the furthest extreme. In fact, the National Bioethics Commission has quite clearly stated the creation of a human being by somatic cell nuclear transfer is both scientifically and ethically objectionable.

This is why I have serious reservations with Representative GREENE’s bill, H.R. 2172. This bill would prohibit human cloning with nuclear transfer technology with the intent to initiate a pregnancy. Of critical importance, however, is the fact that would allow somatic cell nuclear transfer technology to clone molecules, DNA, cells, tissues; in the practice of fertility-enhancing drugs, or the use of other medical procedures to assist a woman in becoming or remaining pregnant; or any other
activity (including biomedical, microbiological, or agricultural research or practices) not expressly prohibited.

Representative GREENWOOD's bill purportedly advances the benefits of "therapeutic cloning"; that is, the cloning of embryos for the purpose of removing the functional biological benefit that is far from established. To create a cloned human embryo solely to harvest its cells is just as abhorrent as cloning a human embryo for implantation. To not provide an outright and ban on embryonic cloning would set a dangerous precedent. Once the Federal government permits such dubious and mischievous research practices, regardless of how strict the guidelines and regulations are drawn, human cloning will undoubtedly occur.

Mr. Speaker, I urge all House Members to join a vast majority of American citizens and members of the scientific community in support of H.R. 2505, the true Human Cloning Prohibition Act of 2001.

Mr. DE MINT. Mr. Speaker, it is July 31st, the year 2001. Once upon a time, the discussions about cloning human beings were about a hypothetical point in the future. America has not paid too much attention to the scientific, legal, and ethical issues surrounding cloning because it was always something so far off in the future that it seemed surreal.

Well, the future is upon us and today we discuss an issue of utmost importance in determining what sort of world we live in.

We all want to secure America's future—to live in a land of prosperity, good health, and great opportunity.

However, our future will very much be shaped by our present decisions and fundamental questions about human life and human identity.

I rise today, Mr. Speaker, in support of H.R. 2505—the Weldon/Stupak bill to enact a true ban on human cloning. I rise in opposition to the Greenwood/Deutsch bill which purports to be a ban, but will allow the industrial exploitation of human life.

Mr. Speaker, you and I and every other person on the face of this earth have unique features—things that make us not only human, but individuals.

Our fingerprints are like snowflakes—there is not, nor has there ever been, an exact replica of another human being.

Cloning is a whole new world. What is a clone? Who is close? What is the identity of a clone? Who is responsible for the clone? Why is cloning desirable? What is life? Should they become human organ farms, created specifically to try to save the life of another human? Would clones have different rights than natural human beings? Would they be a subservient class of human beings?

Supporters of the Greenwood Substitute might claim that this is far-fetched, that their language has no intention of allowing the creation of actual cloned living, breathing human beings.

As columnist Charles Krauthammer puts so eloquently, "... once the industry of cloning human embryos has begun and thousands are being created, grown, bought and sold, who is going to prevent them from being implanted in a woman and developed into a cloned child?"

Well, Mr. Speaker, I ask at what point do we say NO? At what point do we say that we refuse to walk down that slippery slope?

When do we have the strength to stand up for the wonder of life and human experience and say that we will not allow the creation of cloned human embryos for industrial exploitation?

Krauthammer calls the Greenwood bill "a nightmare and an abomination... the launching of the most ghoulish and dangerous enterprise in modern scientific history."

Mr. Speaker, I hope we will all be able to look back on this day—July 31, 2001—and recognize that it was a day in which we affirmed human life and rejected those wishing to exploit life in a most horrific way.

Mr. Speaker, I urge my colleagues to take those words to heart and reject the Greenwood substitute and vote in favor of the underlying bipartisan bill.

As we work together in this body to secure the future for America, let us march forward on our strongest ideals of hope, democracy, and freedom. Let us show the utmost respect for human life and this human experience which we all share.

Mr. LARGENT. Mr. Speaker, I rise in strong support of H.R. 2505, the Human Cloning Prohibition Act of 2001.

This bill has an amazingly wide range of support. Opponents of the bill have tried to portray it as a piece of pro-life legislation, and have made it hard for pro-choice members to support it. But anyone who has followed the series of cloning hearings has seen some of the most unusual alliances in recent political history. Six pro-choice activists and organizations who see the common sense in banning the ghoulish practice of cloning. Even they see that embryo cloning will, with virtual certainty, lead to the production of experimental human beings.

Scientists acknowledge the ethical questions cloning raises. As recently as the December 27, 2000 issue of the Journal of the American Medical Association, three bioethicists co-authored a major paper on human cloning that freely acknowledged that somatic cell nuclear transfer creates human embryos and noted that it raises complex ethical questions. Some have stated that life begins in the womb, not a petri dish or a refrigerator. I believe, however, that human life is created when an egg and a sperm meet. The miracle of life cannot be denied, whether it begins in a womb or a petri dish. Even scientists and bioethicists realize the moral and ethical implications that cloning brings about. Twisting this reality is disingenuous.

Do we really want Uncle Sam cloning human beings? Do we really want the federal government to play God in such an undeniably evil way? I certainly don't. The Greenwood substitute is a moral and practical disaster, however you look at it. I urge my colleagues to vote in favor of H.R. 2505 and against the Greenwood substitute and the motion to recommit.

Mr. HOSTETTLER. Mr. Speaker, I submit the following information on the subject of Cloning.

NATIONAL RIGHT TO LIFE COMMITTEE, INC.

SCIENTISTS SAY "THERAPEUTIC CLONING" CREATES A HUMAN EMBRYO

President Clinton's National Bioethics Advisory Commission, in its 1997 report Cloning Human Beings, explicitly stated: "The Commission began its discussions fully recognizing that any effort to transfer a somatic cell nucleus into an enucleated egg involves the creation of an embryo, with the apparent potential to be implanted in utero and developed to term."

The National Institutes of Health Human Embryo Research Panel also assumed in its September 27, 1994 Final Report, that cloning results in embryos. In listing research proposals that "should not be funded for the foreseeable future" because of "serious ethical concerns," the NIH panel included cloning. "Such research proposals include studies designed to transplant embryonic or adult nuclei into an enucleated egg, including nuclear cloning, in order to duplicate a genome or to increase the number of embryonic cells of the same genotype, with transfer."

A group of scientists, ethicists, and biotechnology executives advocating "therapeutic cloning" and use of human embryos for research—Arthur Caplan of the University of Pennsylvania, Lee Silver of Princeton University, Ronald Green of Dartmouth University, and Jose Cibelli of Advanced Cell Technology—confirmed in the December 27, 2000 cloning hearing of the Journal of the Medical Association that a human embryo is created and destroyed through "therapeutic cloning": "CNR (cell replacement through nuclear transfer, another term for "therapeutic cloning") requires the deliberate creation and disaggregation of a human embryo...

... because therapeutic cloning requires the creation and disaggregation of a human embryo..."

indistinguishable in biological terms from all other members of the species."

The President and CEO of the biotechnology firm that recently announced its intentions to clone human embryos for research purposes, Michael D. West, Ph.D. of Advanced Cell Technology, testified before a Senate Appropriations Subcommittee on December 2, 1998. In his procedure, body cells from a patient would be fused with an egg cell that had its nuclei (including the nuclear DNA) removed. This would theoretically allow the production of a blastocyst-staged embryo genetically identical to the patient.

Dr. Ian Wilmut of PPL Technologies, leader of the scientists that cloned Dolly the sheep, describes in the spring 1998 issue of Cambridge Quarterly of Healthcare Ethics how embryos are used in the process now referred to as "therapeutic cloning": "One potential use for this technique would be to take cells—skin cells, for example—from a human patient who had a genetic disease ... You take this and get them back to the beginning of their life by nuclear transfer into an oocyte to produce a new embryo. From that new embryo, you would be able to obtain relatively "pure" populations of differentiated cells, which would retain the ability to colonize the tissues of the patient."

As documented in the American Medical News, February 2, 1998, University of Colorado human embryologist Jonathan Van Blerkom expressed disbelief that some deny that human cloning produces an embryo, commenting: "If it's not an embryo, what is it?"

Mr. BARR of Georgia. Mr. Speaker, today the House of Representatives took an important step in banning the cloning of human embryos, 142 Congressional resolutions forward in Congress, I believe the National Right to Life Committee has made some very important points which we need to keep in mind: National Right To Life COMMITTEE, INC.


AMERICANS OPPOSE CLONING HUMAN EMBRYOS FOR RESEARCH

The biotechnology industry is pushing for a "de facto" ban, sponsored by James Greenwood. This bill actually permits, protects, and licenses the unlimited creation of cloned human embryos for experimentation, so long as those embryos are destroyed before being implanted in a mother's womb. It would more accurately be termed a "clone and kill" bill. In the past, even the defenders of harmful research on human embryos have rejected the idea of special creation of embryos for research.


"What the NIH must decide is whether to put a seal of approval on ... creating embryos when necessary through in vitro fertilization, conducting experiments on them and throwing them away when the experiments are finished. ... The price for this potential progress is to disregard in the case of embryos the basic ethical principal that a human's bodily integrity may be violated involuntarily, no matter how much good may result for others."—Editorial, "Life is precious, even in the lab," Chicago Tribune, November 30, 1994.

"... We should not be involved in the creation of embryos for research. I completely agree with the others on that score."—Rep. Nancy Pelosi (D-CA), 142 Congressional Record at H7343, July 11, 1996.

"... I do not believe that federal funds should be used to support the creation of human embryos for research purposes, and I have directed that NIH not allocate any re-

(2) a review of any technological developments that may require that technical changes be made to section 2 of this Act.

The General Accounting Office shall transmit to the Congress, within 4 years after the date of enactment of this Act, a report containing the findings and conclusions of its study, together with recommendations for any legislation or administrative actions which it considers appropriate.

Mr. SPEAKER pro tempore. Pursuant to House Resolution 214, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

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

This amendment would provide for a study by the General Accounting Office of this issue. That study would include a consideration of any current developments in medical technology, the need if any for somatic cell nuclear transfer, the public attitudes and prevailing ethical views, and potential legal implications. The developments in stem cell research are proceeding at a very rapid pace; and it is difficult for Congress, which moves very slowly, to take them into account. This amendment would keep Congress informed of the changes in technology and its potential for medical advance. It would advise us of any need for technical changes to the bill to keep its prohibition on cloning effective and narrowly drawn.

Furthermore, this is an area where public attitudes and ethical views are often confused and uncertain. The study will be helpful in summarizing and clarifying those issues.

Mr. Speaker, some of the issues that we have to deal with have been repeatedly raised in the questions that have been raised on the floor about what the bill actually does: the potential for embryonic versus adult cell research, and issues such as the impact of the bill which would be in effect in the United States on medical treatments which may be available everywhere else in the world except in the United States.

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

Mr. SCOTT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Speaker, I believe that this is an extremely constructive amendment. The gentleman from Virginia offered it during Judiciary Committee consideration and withdrew it because of jurisdictional concerns. I would hope that the House would adopt this amendment because I believe it would put additional information on the table to help further clarify this very contentious debate.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.
The SPEAKER pro tempore, Pursuant to House Resolution 214, the previous question is ordered on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GREENWOOD

Mr. GREENWOOD. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute printed in House Report 107-172 offered by Mr. GREENWOOD:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cloning Prohibition Act of 2001.”

SEC. 2. PROHIBITION AGAINST HUMAN CLONING.

(a) General Prohibition—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by adding at the end the following:

“CHAPTER X—HUMAN CLONING

PROHIBITION AGAINST HUMAN CLONING

Sec. 1001. (a) NUCLEAR TRANSFER TECHNOLOGY.

(1) IN GENERAL.—It shall be unlawful for any person—

(A) to use or attempt to use human somatic cell nuclear transfer technology, or the product of such technology, to initiate a pregnancy or with the intent to initiate a pregnancy; or

(B) to ship, mail, transport, or receive the product of such technology knowing that the product is intended to be used to initiate a pregnancy.

(2) DEFINITION.—For purposes of this section, the term ‘human somatic cell nuclear transfer technology’ means transferring the nuclear material of a human somatic cell into an ovum or zygote, from which the nuclear material has been removed or rendered inert.

(3) RULE OF CONSTRUCTION.—This section may not be construed as applying to any of the following:

(1) The use of somatic cell nuclear transfer technology to clone molecules, DNA, cells, or tissues.

(2) The use of mitochondrial, cytoplasmic, or gene therapy.

(3) The use of in vitro fertilization, the administration of fertility-enhancing drugs, or the use of other medical procedures (excluding those using human somatic cell nuclear transfer or the product thereof) to assist a woman in becoming or remaining pregnant.

(4) The use of somatic cell nuclear transfer technology to clone or otherwise create animals other than humans.

(5) Any other activity (including biomedical, microbiological, or agricultural research or practices) not expressly prohibited in subsection (b).

(6) REGISTRATION.—

(1) IN GENERAL.—Each individual who intends to perform human somatic cell nuclear transfer technology shall, prior to first performing such technology, register with the Secretary his or her name and place of business (except that, in the case of an individual who performs such technology before the date of the enactment of the Cloning Prohibition Act of 2001, the individual shall so register not later than 60 days after such date). The Secretary may by regulation require that the registration provide additional information regarding the identity and business location of the individual, and information on the training and experience of the individual regarding the performance of such technology.

(2) ATTESTATION.—A registration under paragraph (1) shall include a statement, signed by the individual submitting the registration, declaring that the individual is aware of the prohibitions described in subsection (a) and will not engage in any violation of such subsection.

(3) CONFIDENTIALITY.—Information provided in a registration under paragraph (1) shall not be disclosed to the public by the Secretary except to the extent that—

(A) the individual submitting the registration has in writing authorized the disclosure; or

(B) the disclosure does not identify such individual or any place of business of the individual.

(4) PREEMPTION OF STATE LAW.—This section supersedes any State or local law that—

(1) establishes prohibitions, requirements, or authorizations with respect to human somatic cell nuclear transfer technology that are different than, or in addition to, those established in subsection (a); or

(2) with respect to humans, prohibits or restricts research regarding or practices constituting—

(A) somatic cell nuclear transfer; or

(B) mitochondrial or cytoplasmic therapy; or

(C) the cloning of molecules, DNA, cells, tissues, or organs.

(5) FORFEITURE.—This section and section 301(bb) do not apply to any activity described in subsection (a) that occurs on or after the expiration of the 10-year period beginning on the day of the enactment of the Cloning Prohibition Act of 2001.

(b) PROHIBITED ACTS.—

(1) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301, as amended by adding at the end the following:

“(c) PROHIBITED ACTS.—

(1) General Prohibition—Section 301 of the Federal Food, Drug, and Cosmetic Act, as amended by adding at the end the following:

“(b) The violation of section 1001(a), or

(B) mitochondrial or cytoplasmic therapy, or

(C) the cloning of molecules, DNA, cells, tissues, or organs, except that this subsection does not apply to any State or local law that was in effect as of the day before the date of the enactment of the Cloning Prohibition Act of 2001.

(e) RIGHT OF ACTION.—This section may not be construed as establishing any private right of action.

(f) DEFINITION.—For purposes of this section, the term ‘person’ includes governmental entities.

(g) SUNSET.—This section and section 301(bb) do not apply to any activity described in subsection (a) that occurs on or after the expiration of the 10-year period beginning on the date of the enactment of the Cloning Prohibition Act of 2001.

(b) PROHIBITED ACTS.—

(1) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301, as amended by adding at the end the following:

“(b) The violation of section 1001(a), or

(B) the failure to register in accordance with section 1001(c).

(2) CRIMINAL PENALTY.—Section 303(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

“(7) Notwithstanding subsection (a), any person who violates section 301(bb) shall be subject to imprisonment not more than 10 years or fined not more than $1,000,000, or both.

(3) CIVIL PENALTY.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

“(b)(I) Any person who violates section 301(bb) shall be liable to the United States for a civil penalty in an amount not to exceed the greater of—

(A) $1,000,000; or

(B) an amount equal to the amount of any gross pecuniary gain derived from such violation multiplied by 2.

(2) Paragraphs (3) through (5) of subsection (g) apply with respect to a civil penalty under paragraph (1) of this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under paragraph (1) or (2) of subsection (g).

(d) PREEMPTION OF STATE LAW.

This section supersedes any State or local law that—

(1) establishes prohibitions, requirements, or authorizations with respect to human somatic cell nuclear transfer technology that are different than, or in addition to, those established in subsection (a); or

(2) with respect to humans, prohibits or restricts research regarding or practices constituting—

(A) somatic cell nuclear transfer; or

(B) mitochondrial or cytoplasmic therapy; or

(C) the cloning of molecules, DNA, cells, tissues, or organs.

(3) CONFIDENTIALITY.

For purposes of this section, the term ‘person’ includes governmental entities.

(6) SUNSET.

This section and section 303(b) do not apply to any activity described in subsection (a) that occurs on or after the expiration of the 10-year period beginning on the day of the enactment of the Cloning Prohibition Act of 2001.

Mr. WASHINGTON. Mr. Speaker, I am opposed to the gentleman’s amendment.

Mr. GREENWOOD. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GREENWOOD. Would it be appropriate for me or permissible under the rules for me to yield 15 minutes of my time to the gentleman from Florida (Mr. DEUTSCH)?

The SPEAKER pro tempore. By unanimous consent, the gentleman from Florida (Mr. DEUTSCH) be permitted to control 15 minutes.

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

There was no objection.

Mr. DEUTSCH. Mr. Speaker, if I could just inquire, how would we go in terms of order of speakers?

The SPEAKER pro tempore. The Chair would allow the proponent of the amendment to speak first.
Mr. DEUTSCH. And then to the opponent, and then it will revert back and forth?

The SPEAKER pro tempore. That is correct.

Mr. DEUTSCH. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I have been attempting to personalize this issue as much as I can. One of the things I would ask my colleagues to do is look at some of the lists of groups that are supporting the Greenwood-Deutsch amendment in opposition to the Weldon bill: the Parkinson’s Action Network, the Juvenile Diabetes Research Foundation, Alliance for Aging, American Infertility Association, American Liver Foundation, International Kidney Cancer Foundation.

I mention several of these organizations because as I have said, and I think what we all acknowledge, that the issue of using embryonic stem cell research is over. And why is it over? Because Members of this Chamber, we have heard from our friends, from our families, from our neighbors, from our constituents about real people who are suffering real diseases. That suffering is inexcusable. None of us want that to happen to anyone. Yet we know it exists and we feel pain when we talk to people. Many of us experience that pain ourselves. I put up these numbers again to note that the individuals added collectively together add up to tens of millions of Americans and to hundreds of millions of family Members.

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

We have had a good 2 hours of debate, and it has been encouraging to see the extent to which Members of Congress have been able to grapple with this very complicated issue.

Unfortunately, the Members who are speaking are the ones who have mastered. We will have a vote within the hour and unfortunately most Members will come here pretty confused about the issue.

Let me try to simplify the issue once again and ask that we try to avoid some of the ad hominem argument that I think is beginning, and the hostility, frankly, that is beginning to develop on the floor on this issue. This is not a question about who has values and who stands for human life and who does not. It is a very legitimate and important and historic debate about how it is that we are able to use the DNA that God put into our own bodies, use the brain that God gave us to think creatively, and to employ this research to save the lives of men, women and children of this country and throughout the world and to rescue them from terribly debilitating and life-shortening diseases.

We have an extraordinary opportunity to do this with the research technique that does not involve conception. It is an interesting question to look at, when is it that people over history have defined the onset of life. The Catholic Church used to say that it began with quickening, when a woman could feel the motion of the fetus in her womb, and that was when ensoulment occurred. When scientists discovered how fertilization worked, the Church changed its opinion and said life actually begins at conception, at fertilization, and for those who adhere to that position, they have my utmost respect. They have, I thought, no right to put their position into the statutes of the Federal Government, but they certainly should be respected for that belief that they have.

But now we have moved the goalposts again, and now somehow we are supposed to be required to, A, believe that ensoulment occurs when a somatic cell taken from someone’s skin divides in a petri dish, and for those who want to make that leap of faith, or, B, leap of faith is, belief, they are welcome to do that.

But to put into the statutes of the Federal Government a prohibition against using the state of the art research that is wonderfully brilliant, that researchers who are trying to employ in the laboratory for the very purpose of saving the lives of people, to put into law a Federal ban against that, I think, is immoral. I think it is wrong, and we should not do it.

Now, the Greenwood-Deutsch substitute is very simple. All we have been trying to do from the very beginning is prohibit reproductive cloning. That is all we do. That is all we do, is say thou shalt not create new babies using cloning, because it is not safe and it is not ethical.

I said months ago to the leadership of this House, if you want to do what we all agree on, we all want to stop that, then we need only a silver bullet and a rifle shot and stop that legislatively. We could do that.

I said then but if we get mired down into the stem cell debate, the result is predictable. The legislation will go nowhere, this bill when it passes the House today will not be taken up in the Senate. I cannot believe the Senate is going to get into this issue.

So what will we have done at the end of the day? We will have done nothing. We will not have banned reproductive cloning, because it is more interesting to get into this extraordinary metaphysical debate whether life does or does not begin when a skin cell divides in a petri dish.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I rise in opposition to the substitute that has been offered by my friend, the gentleman from Pennsylvania (Mr. GREENWOOD). This substitute is a big mistake for a number of reasons, and it should not be supported. Most notably, it would make the prohibition against human cloning virtually impossible to enforce. It would foster the creation of cloned human embryos through the Department of Health and Human Services, and trump States that wish to prohibit cloning.

As I have already stated, allowing the creation of cloned embryos by law would enable anyone to attempt to clone a human being. While most individuals do not have the scientific capacity to clone human embryos, once the opportunity is there, there is no mechanism for tracking them.

In fact, one would logically expect an organization authorized to clone human embryos pursuant to this substitute to be prepared to produce an abundance of cloned embryos for research. Meanwhile, those without the capabilities to clone embryos, could easily implant any of the legally cloned embryos, if they had the opportunity, and a child would develop.

Furthermore, those wanting to clone humans for reproductive purposes are very well funded and may have the capability to clone embryos. Would they be banned from registering with HHS under this amendment, or would they be able to create cloned embryos under the watchful eye of the Federal Government? If not, what would prevent any of these privately funded groups from creating a new organization with unknown intentions? If they did, would the Federal Government a prohibition against human cloning for reproductive purposes, who would be held accountable? The lead scientists or others, or would the impregnated mother?

The fact is, any legislative effort to prohibit cloning must allow enforcement to occur before a cloned embryo is implanted. Otherwise, it is too late, and that is the big deficiency in the Greenwood substitute.

The substitute attempts to draw a distinction between necessary scientific research and human cloning by authorizing HHS to administer a quasi-registry; quasi because the embryos are not in the custody of HHS, they are maintained by private individuals. However, let us be clear, the crux of this substitute is to invoke a debate on stem cell research, a political knuckle ball, and this debate on stem cell research is a red herring.

First, therapeutic cloning does not exist, not even for experimental tests on animals.

Second, the substitute would require authorized researchers to destroy unused embryos, the first Federal mandate of its kind and a step that is extremely controversial.

Third, the bill allows for the production of cloned embryos for stem cell research. Again, H.R. 2565 does not prohibit stem cell research. It does not prohibit stem cell research. Currently private organizations are able to conduct unlicensed research on embryonic stem cells. While this research is ethically and morally controversial, it has been heralded, because embryonic stem
cells multiply faster and live longer in petri dishes than adult stem cells.

Cloned embryo cells and normal embryonic cells provide the same cellular tissue for research purposes. However, Mr. Speaker, these embryonic stem cells have failed in many clinical trials because they multiply too rapidly, causing cysts and cancers. Adult stem cells are the other area of stem cell research, which is much less controversial and which has been successful in over 45 trials. In fact, adult stem cells have been used to treat multiple sclerosis, bone marrow disorders, leukemias, anemias, and cartilage defects and immuno-deficiency in children.

Adult stem cells have been extracted from bone marrow, blood, skeletal muscle, the gastro-intestinal tract, the placenta, and brain tissue, to form bone marrow, bone, cartilage, tendon, muscle, fat, liver, brain, nerve, blood, heart, skeletal muscle, smooth muscle, esophagus, stomach, small intestine, large intestine, and colon cells. H.R. 2505 would not interfere with this work, but it prohibits the production of cloned embryos. It is a cloning bill; it is not a stem cell research bill.

Furthermore, H.R. 2505 allows for cloning research on various molecules, DNA, cells from other human embryos, tissues, organs, plants, animals or animals other than humans. In fact, it allows for cloning research on RNA, ribonucleic acid, which has been used in genetic therapy.

Fourth, the substitute prohibits States from adopting laws that prohibit more strictly regulate cloning within their borders. It is a Federal preemption. This portion of the substitute raises even more ethical concerns which speak for themselves. Try telling my constituents they cannot ban human cloning, and I will tell you they disagree.

Finally, Mr. Speaker, the substitute contains a 5-year sunset provision. If this were to be enacted, Congress would have to go through this debate once again before the sunset occurs. The ethical and moral objections to human cloning will not change 10 years from now. However, the proponents of human cloning will continue to fight for their right to produce human clones in America; and authorizing a subsequent ban on human cloning could become even more controversial.

This is why Members on both sides of the aisle in opposition to the substitute, defeat it, and pass H.R. 2505.

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

Mr. GREENWOOD. Mr. Speaker, I yield 5 minutes to the distinguished and scholarly gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding time.

First, let me take everyone to take a deep breath and stop for a moment. The House of Representatives is debating a bill that prohibits human cloning. I agree that cloning human beings is ethically unacceptable. In fact, I think just about everyone will reach this conclusion, which leads me to question whether we actually need to legislate something that is so common sense.

Now, let me ask people to imagine the conditions under which Jonas Salk developed a vaccine to prevent polio. Presumably, Dr. Salk spent many hours in his research laboratory, growing tissue cultures, and implanting within those cultures foreign agents to stimulate an immune response against polio. How many of us then questioned the scientific techniques being used by Dr. Salk, and thousands of other researchers since then to discover new medicines and treatments for debilitating illnesses that plague our society? Can anyone actually say that the polio vaccine is bad because it was developed using tissue samples?

The problems with the discussions surrounding the human cloning bill ad

opposition of Weldon (Mr. WELDON) and the gentleman from Michigan (Mr. STUPAK) are two-fold. First, it cloaks a worthwhile and necessary debate in grossly overblown rhetoric; and, second, it is such a broad-brush effort that it would absolutely prohibit potentially life-saving therapies that may prevent and cure diseases such as Alzheimer's, cancer, Lou Gehrig's disease, cardiovascular damage, diabetes, and spinal cord injuries. As one group with Hunter's Syndrome (Mr. STUPAK) and the gentleman from California (Mr. HORN), I do not think the gentleman has read the bill and I do not think he has been listening to the debate.

This bill does not stop scientific research. This bill does not stop stem cell research. This bill stops research in destruction of cloned embryonic stem cells, no other stem cells whatsoever. I do not think Dr. Salk used cloned material when he developed the polio vaccine. Nobody even thought of cloning 45, 50 years ago when Dr. Salk was using his research.

Please, let us talk about what is in the bill and what is in the Greenwood substitute, rather than bringing up issues that are completely irrelevant to both.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. STUPAK), the coauthor of the bill.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding time.

I rise today in strong support of the Weldon-Stupak Human Cloning Prohibition Act of 2001, and I would like to thank the gentleman from Florida (Mr. WELDON) for his leadership on this issue.

We are in the midst of a tremendous new debate, a tremendous new policy direction, a tremendous new revolution. We cannot afford to treat the
issue of human embryo cloning lightly, nor can we treat it without serious debate and deliberation.

The need for action is clear. A cult has publicly announced its intention to begin human cloning for profit. Researchers have announced their intentions to clone embryos for research purposes and then discard what is not needed. Whatever your beliefs, pro-life, pro-choice, Democrat or Republican, the fact is embryos are the building blocks of human life and human life itself. What do we think of ourselves? What will our message be here today? What makes us up as human beings? What is the human spirit? What moves us? What separates us from animals?

That is what we are debating here today.

What message will the United States send? Will it be a cynical signal that human embryo cloning and destruction is okay, acceptable, even to be encouraged, all in the name of science? Or will it be a hard-hitting and urgent caution and care? If we allow this research to go forward unchecked, what will be next? Allowing parents to choose the color of the eyes or the hair of their children, or create super babies? We need to consider whether cloning and not just what the researchers tell us is good.

Opposition to the Weldon-Stupak bill has based its objections on arguments that we will stifle research, discourage free thinking and science back in the Dark Ages. How ridiculous. The Weldon-Stupak bill does nothing of the sort. It allows animal cloning; it allows tissue cloning; it allows current stem cell research being done on existing embryos; it allows DNA cloning. All of this is not seen as stifling research. The fact is, there is no research being done on cloned human embryos, so how can we stifle it?

Mr. Speaker, do we know why there is no research being done? Because scientists, the same ones who are hanging on our doors to allow this experiment with human embryos, do not know how to. They have experimented for years with cloned animal embryos with very limited success. These scientists, who were pushing so hard to be allowed a free pass for research on what constitutes the very essence of what it is to be a human, do not know what goes wrong with cloned animal embryos. The horror stories are too many to mention here of deformed mice and deformed sheep developing from cloned embryos.

A prominent researcher working for a bioresearch company has admitted scientists do not know how or what happens in cloned embryos allowing these deformed embryos. In fact, he calls the procedure when an egg reprograms DNA “magic.” Magic? That is hardly a comforting or a hard-hitting scientific term, but it is accurate. It is magic.

Opponents of our bill have said embryonic research is the Holy Grail of science and holds the key to untold medical wonders. I say to these opponents, show me your miracles. Show me the wondrous advances done on animal embryonic cloning. But these opponents cannot show me these advances because they do not exist.

Our ability to delve into the mysteries of life grows exponentially. All fields of scientific endeavor enhance our ability to go where we have never gone before.

The question is this: Simply because we can do something, does that mean we should do it? What is the better path to take? One of haste and a rush into the benefits that are, at best, years in the future, entrusting cloned human embryos to scientists who do not know what they are doing with cloned animal embryos; or one urging caution, urging a step back, urging deliberation?

The human race is not open for experimentation at any level, even at the molecular level. Has not the 20th century history shown us the folly of this belief? The Holy Grail? The magic? How about the human soul? Scientists and medical researchers cannot find it, they cannot medically explain it, but writers write about it; songwriters sing about it; we believe in it. From the depths of our souls, we know we should ban human cloning.

For the sake of our soul, reject the substitute and support the Weldon-Stupak bill.

Mr. DEUTSCH. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

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

Mr. WAXMAN. Mr. Speaker, I rise in support of the Greenwood substitute and in opposition to H.R. 2505.

This debate involves research that holds a great deal of promise for defeating disease and repairing damaged organs. It also involves a great deal of confusion.

In order to tilt the debate about genetic cell replication research, some opponents lump it with Dolly the sheep. No one supports reproductive cloning and no one benefits from such confusion, except those who hope to spur an overreaction. The Greenwood substitute would prohibit reproductive cloning without shutting down valuable research.

Some argue to prohibit genetic cell replication research because it might, in the wrong hands, be turned into reproductive cloning research. I cannot support this argument. All research can be misused. That is why we regulate research, investigate abuse of subjects, and prosecute scientific fraud and misconduct. If researchers give drug overdoses in clinical trials, the law requires that they be disbarred and punished. If someone were to traffic in organs, the law requires they be prosecuted, and if someone were to develop reproductive cloning under the Greenwood substitute, they would be prosecuted for a felony. The Greenwood ban on reproductive cloning will be every bit as effective as the Weldon ban on all research. If someone is deterred by one felony penalty, they will be deterred by the other.

Finally, let me point out that the Greenwood substitute cleans up two major drafting mistakes in the Weldon bill, mistakes that, in and of themselves, should be enough to make Members oppose the Weldon bill.

First, as the dissenting views in the committee report note, this bill criminalizes some forms of infertility treatments. These are not the science fiction phrases that people have been talking about today; this is a woman and a man who want to have a child using her egg and his sperm and some other genetic materials to make up for flaws in one or the other; and this bill would make this couple and their doctors felons. That is wrong. They do not want Dolly the sheep, they want a child of their own.

Second, the Weldon bill makes criminal all products that are derived from this research. This means that if an advance in research leads to a new protein, enzyme or chemical that is not the product of reproductive cloning and no one benefits from such a product, it cannot be brought into this country, even if it requires no creation of new fertilized eggs and is the cure for dreaded diseases. That is wrong. It is an overreaction and does not serve any useful end.

I urge my colleagues to support the Greenwood amendment. We should clearly define what is wrongdoing, prohibit it, and enforce that prohibition, but we should not shut down beneficial work, clinical trials, organ transplants, or genetic cell replication because of a risk of wrongdoing; and we should not ban some things by the accident of bad drafting.

Mr. Speaker, I rise in support of the Greenwood substitute and in opposition to H.R. 2505. This debate involves research that holds a great deal of promise for defeating disease and repairing damaged organs. It also involves a great deal of confusion.

Let me try to clear up that confusion by clarifying what we mean by “cloning research,” because the term means different things to different people. Some “cloning” research involves, for example, using a genetic material to generate one adult skin cell from another adult skin cell. I know of no serious opposition to such research.

Some “cloning” research starts with a human egg cell, inserts a donor’s complete genetic material into its core, and allows this cell to multiply to produce new cells, genetically identical to the donor’s cells. This is genetic cell replication. These cells can, in theory, be transplanted to be used for organ repair or tissue regeneration—without risk of allogenic reaction or rejection. H.R. 2505 would ban that—for no good reason.

Some “cloning” research is for reproduction. It starts with the human egg and donated genetic material, but it is intended to go further, in an effort to create what is essentially a human version of Dolly the sheep, a full-scale...
living replica of the donor of the genetic material. I know of no serious support for such research and the Greenwood amendment would ban that.

In order to tilt the debate about genetic cell replication research, some opponents lump it with Dolly the sheep. No one supports reproductive cloning, and no one benefits from such confusion except those who hope to spur an overreaction. The Greenwood amendment would prohibit reproductive cloning without shutting down valuable research.

Some also argue to prohibit genetic cell replication research because it might—in the wrong hands—be turned into reproductive cloning research. I cannot support this argument.

Such a prohibition is no more reasonable than to prohibit all clinical trials because researchers might give overdoses deliberately. It is as much overreaching as prohibiting all organ transplant studies because an unscrupulous person might buy or sell organs for profit.

All research can be misused. That’s why we regulate research, investigate abuse of subjects, and prosecute scientific fraud and misconduct.

If researchers give drug overdoses in clinical trials, the law requires that they be disbarred and punished. If someone were to traffic in organs, the law requires that they be prosecuted. And if someone were to develop reproductive cloning, under the Greenwood amendment, they could be prosecuted for a felony.

And the Greenwood ban will be every bit as effective as the Weldon ban on all research. If someone is deterred by one felony penalty, they will be deterred by the other.

Finally, let me point out that the Greenwood amendment cleans up two major drafting mistakes in the Weldon bill—mistakes that in and of themselves should be enough to make Members oppose the Weldon bill.

First, as the dissenting views in the Committee Report note, this bill criminalizes some forms of infertility treatments. These are not the science fiction clones that people have been talking about today; this is a woman and a man who want to have a child—using her egg and his sperm and some other genetic materials to make up for flaws in one or the other. And this bill would make this couple and their doctor felons. That’s wrong. They only want a healthy child of their own—but the Weldon bill would stop that.

Second, the Weldon bill makes criminal all products that are derived from this research. This means that if an advance in research elsewhere leads to a new protein or enzyme, or chemical, that protein or enzyme or chemical cannot be brought into the country—even if it requires no creation of new fertilized eggs and is the cure for dreaded diseases. That’s wrong. It is an over-reaction that does not serve any useful end.

I urge my colleagues to support the Greenwood amendment. We should clearly define what we believe is wrongdoing, prohibit it, and enforce that prohibition. The Greenwood amendment does that.

But we should not shut down beneficial work—clinical trials, organ transplants, or genetic cell replication—because of a risk of wrongdoing should not ban some things by the accident of bad drafting.

The Congress should not prohibit potentially life-saving research on genetic cell replication because it accords a cell—a special cell, but only a cell—the same rights and protections as a person. No one supports creating a cloned human being, but we should allow research on how cells work to continue.

Mr. GREENWOOD. Mr. Speaker, I yield my time to the gentleman from Wisconsin (Mr. SENSENBERN). The gentleman from Wisconsin (Mr. STUPAK) asked for an example of how this research is working. Dr. Okarma, who testified at our hearings, spoke of how they have taken mice who had damaged hearts, they used somatic cell nuclear transfer to take the cells of the mice, turn them into pluripotent stem cells, and then into heart cells, and then they injected those heart cells into the heart of the mouse. What happened? Those cells behaved like heart cells. They pumped blood and kept the mouse alive.

All we are asking for here today is to give the people of the world, the people of this country, the same chance that the mouse had.

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

Mr. CUNNINGHAM. Mr. Speaker, John Porter, the former chairman of Labor-HHS, asked me to do a terrible thing once. He asked me to chair a committee with children with exotic diseases. I had to shut down the committee it hurt so much. One little girl said, Congressman, you are the only person that can save my life, and that little child, there are thousands of these children.

I am 100 percent pro-life, 11 years, but I support stem cell research of discarded cells. The concern that all of us have is, if we go along with the gentleman from Pennsylvania (Mr. GREENWOOD), the same thing will happen that happened in England. They started with stem cell research, then they expanded it to nuclear transfer of the somatic cells. Then they went to human cloning, and even a subspecies so that they can use body parts.

Where does it stop? The only way that we can control this research through the Federal Government is to make sure that these ethical and moral values are adhered to. We have to stop it here.

Support the Weldon bill, oppose the Greenwood bill.

Mr. DEUTSCH. Mr. Speaker, I yield 2 minutes 15 seconds to the gentleman from North Carolina (Mr. Price).

Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.

Mr. PRICE of North Carolina. Mr. Speaker, the Human Cloning Prohibition Act is a bill we should not be debating with such brevity and haste. Cloning is manifestly not the same issue as stem cell research, much less abortion, and 2-minute snippets fail to do justice to the complex issues involved.

I am tempted to vote against both the bill and the substitute on the grounds that neither has been sufficiently refined or adequately debated. But that could be interpreted as a failure to take seriously the ethical issues that cloning raises and the need to block the path to reproductive cloning. That is the last thing we should want to do, for as Leon Kass and Daniel Callahan have argued in a recent article, reproductive cloning would threaten individuality and confuse identity, confounding our very definition of personhood, and it would represent a giant step toward turning procreation into manufacture.

I support the Greenwood substitute as the best of the available alternatives. We are not certain of the promise of somatic cell nuclear transfer, or therapeutic cloning, research for the treatment or cure of diseases such as Alzheimer’s, diabetes, Parkinson’s or stroke. But we simply must take the enormous potential for human benefit seriously.

In moving to head off morally unacceptable reproductive cloning, we must take great care to research for treatments which have great potential for good and could run afoul of the ban included in H.R. 2505.

Critics such as Kass and Callahan argue persuasively that the ban on reproductive cloning contained in the Greenwood substitute would be difficult to enforce. But would the ban of nuclear transfer contained in H.R. 2505 be more easily enforced? As the dissenting views of the Committee on the Judiciary report argue.

If a ban on the surgical procedure of implanting embryos into the uterus is enforceable, a ban on a procedure that takes place in a petri dish in the privacy of a scientific laboratory is even more so.

Mr. Speaker, these are very difficult matters. We should not suppose that our votes here today, whatever the result, will resolve them. We must do the best we can, drawing the moral lines that must be drawn, while weighing conscientiously the possible benefits of new advances of research for the entire human family.

I believe the Greenwood substitute is the best among imperfect alternatives, and I urge its adoption.
sheep, even though now she is 5 years old.

Even President Clinton’s Bioethics Advisory Commission was clear. The commission began its discussion fully recognizing that any effort in humans to transfer a somatic cell nucleus into an enucleated egg, in other words, cloning, involves the creation of an embryo. Eighty-eight percent of the American people want cloning banned, not merely because they believe it is bad science, but because they think it is morally wrong.

Let us stop playing games with words. Reject the Greenwood amendment. Support Weldon-Stupak.

Mr. Speaker, I include for the RECORD a letter from the National Right to Life Committee, Inc., and a copy of a letter written by Mr. Douglas Johnson.

FEDERAL PANELS AND RESEARCHERS AGREE:

Human Cloning Creates Human Embryos

Dr. Lee M. Silver, professor of molecular biology and evolutionary biology at Princeton University, argues in his 1997 book, Remarkable Eden: Cloning and Beyond in a Brave New World, "Yet there is nothing synthetic about the cells used in cloning... The newly created embryo... would then be killed in order to harvest their pre-embryos for..."

"Embryo" is merely a technical term for a human being at the earliest stages of development. Until now, even the most rabid defenders of abortion have not objected to the term “embryo” as being “inflammatory.” But apparently ACT’s experts have concluded that before the corporation actually begins to mass-produce human embryos in order to kill them, it would be prudent to erect a shield of biobabble euphemisms. The “These are not embryos,” the chair of the ACT’s ethics advisory board, Dartmouth University religion professor Ronald Green, told the AP. “They are not the result of fertilization and..."

More details on the ACT linguistic-engineering project were provided in an essay by Weiss in the July 15 Washington Post. He disclosed that one member of the ethics panel, Harvard professor Ann Kieffing, favors dubbing the cloned embryo as an “ovasome,” which would be a mixing of “ovum” and “body.” But Michael West currently likes “nuclear transfer-derived blastocyst.”

"Green revealed his own favorite in the New York Times for July 13. Dr. Ian Wilmut of PPL Technologies, leader of the team that cloned Dolly the sheep, describes in the Spring 1998 issue of Cambridge Genetics that "ACT” group has debated at length whether there needs to be a new term developed for the embryo-like entity created by cloning... Some believe that the cell is not produced by fertilization and is not going to be allowed to develop into a fetus, it would be useful to call the cells something less inflammatory than an embryo..."

As Weiss reported it, “Before starting, the company created an independent ethics board with nationally recognized scientists and ethicists. . . . The group has debated at length whether there needs to be a new term developed for the embryo-like entity created by cloning... Some believe that the cell is not produced by fertilization and is not going to be allowed to develop into a fetus, it would be useful to call the cells something less inflammatory than an embryo..."
In my mind’s eye, I imagine Green at ACT corporate headquarters, somewhere in the marketing department, stroking his beard and peering through a one-way window into a room scientifically labeled the focus group of non-ethicist citizens have been assembled to test-market “ovasome,” “activated egg,” “nuclear transfer-derived blastocyst,” and other freshly minted euphemisms.

But setting that image aside, Green’s statement to the AP has me seriously confused. He said that anticipated cloned entities are “not embryos” because (1) “they are not the result of fertilization,” and (2) “there is no intent to implant these in women.”

Let’s consider the “intent” criteria first. Green seems to suggest that a living and developing embryonic being, who is genetically a member of the species homo sapiens, can somehow be transformed into something else on the basis of the “intent” of those who conceived him or her. This seems more akin to magical thinking than to science.

If “intent” is what determines the clone’s intrinsic nature, then what if a human clone is created who actually does have “intent” to implant him or her in a womb? In that case, would Green consider that particular clone to be a “embryo” from the beginning? No, ACT scientists hypothetically could create two cloned individuals at the same time, with intent to destroy one and intent to implant the other, but only the later would be a “human embryo” in Green’s eyes.

Or—since “intent” may be uncertain, or could change—does the magical transformation of “embryo” occur if and when the embryonic entity actually is implanted in a womb?

It seems, however, that Green may not regard Green to be a human embryo even after implantation in a womb, because the in-utero clone—although he or she would appear to the layman to be an unborn human child—would still bear the burden of not being “the result of fertilization.” Perhaps Green would prefer to refer to such an unborn-baby-like entity as an “extrapolated activated egg.”

But what if that clone is actually carried to term? What if it were to be a human embryo even after implantation in a womb, because the in-utero clone—although he or she would appear to the layman to be an unborn human child—would still bear the burden of not being “the result of fertilization.” Perhaps Green would prefer to refer to such an unborn-baby-like entity as an “extrapolated activated egg.”

Here is a quote from the gentlewoman from Connecticut. Mrs. Johnson: “Lifting this ban would not allow the creation of human embryos solely for research purposes.”

I have other quotes. Yet, that is what we should be having a national debate on whether we should now create human embryos for research purposes.

We have had a lot of discussion about whether or not these embryos are alive, whether they have a soul. The biological fact is, and I say this as a scientist and as a physician, that they are indistinguishable from a human embryo that has been created by sexual fertilization. Indeed, if we look at all the prominent researchers in this area, they say that it has the full potential to develop into a human being.

I think, and rightly so, the majority of Americans, and we have seen the numbers, they have been put up here for everyone to see, on display charts, that about 86 percent of Americans say, We do not want to take that step. It is one thing to talk about stem cell research using embryos that are slated for destruction. It is a whole separate issue to say, we are going to now sanction an infant that creates a human being.

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

Ms. ESCHOO. Mr. Speaker, I thank the gentleman for yielding time to me. I yield 2 minutes to the gentleman from Florida (Mr. Weldon) and the gentleman from Pennsylvania (Mr. Greenwood) for the work they have done on this amendment, which I rise in support of.

Let me say why. Mr. Speaker. For years, U.S. physicians, researchers, and scientists have searched for cures to the diseases that have afflicted so many of our families and our friends, and friends of our friends. These physicians and these scientists, these physicians and these researchers in my view are the real, true American heroes of our era.

As we stand on the brink of finding the cures to diseases that have plagued so many, so many millions of Americans, unfortunately, the Congress today in my view is on the brink of prohibiting this critical research.

As we debate this bill, scientists in my congressional district in the heart of Silicon Valley are using one method of research, therapeutic cloning, to make critical breakthroughs that could lead to cures for Alzheimer’s, Parkinson’s, even for spinal cord injury. Without therapeutic cloning, there is no way to move stem cell therapies from the lab to the doctor’s office.

My friends on the other side of this issue keep talking about embryos, embryos, embryos. Well, if one is embryocentric, this is not the bill. Neither is the Stupak-Weldon approach about that. The only reason they used the word “embryos” is to try to do an
overly to the debate. This is not about embryos and embryos coming out of stem cells. There is not any such thing. The Weldon-Stupak bill goes in another direction. It actually places an outright ban on this critical work, and it makes the research that could cure some of the most intractable diseases even illegal.

Are we going to take these great American heroes, and in fact, Dr. O’Connor from my district, and throw him in jail? I think not. I think that is going too far. It is unconscionable for us not to continue to be the meek and the humble. It makes the research that could cure some of the diseases even illegal.

So I think we need to support the Greenwood-Deutsch approach and throw out the other. It is a march to folly.

Mr. GREENWOOD. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HORN). Mr. HORN. Mr. Speaker, I thank the gentleman for yielding time to me.

The chairman of the Subcommittee on Oversight of the Association of American Medical Colleges, more than 100 fine medical schools. They back the Deutsch-Greenwood bill for the bipartisan effort that it has made.

Let me just cite a few things: “As such, we want to urge Mr. GREENWOOD to reject the approach embodied” in the other form here, and “we agree with the American public that the cloning of human beings should not proceed.”

According to the National Institutes of Health, somatic cell nuclear transfer technology could provide an invaluable approach on which to study how cells become specialized.

I cited some of those earlier, with Alzheimer’s, Parkinson’s disease, brain and spinal cord. But there are other types of specialized cells that could be created to create skin grafts for burn victims, bone marrow, stem cells to treat leukemia and other blood diseases, cells to treat many of the diseases such as multiple sclerosis and Lou Gehrig’s disease, Alzheimer’s, Parkinson’s, and to repair spinal cord injury; muscle cell precursors, to treat muscular dystrophy and heart disease.

Mr. Speaker, the president, Jordan J. Cohen, of the Association of American Medical Colleges, says, “We will never see the fulfillment of any of these promising areas if we choose to take the perilous path of banning outright the use of somatic cell nuclear transfer technology through legislation.”

Mr. Speaker, I include for the RECORD the letter from Dr. Cohen.

The letter referred to is as follows: Hon. Jim Greenwood, House of Representatives, Rayburn House Office Building, Washington, DC.

Dear Representative Greenwood: The current opportunities in medical research are unparalleled in our nation’s history. To help ensure the fulfillment of these opportunities, the Association of American Medical Colleges urges Congress to oppose legislation that would prohibit the use of somatic cell nuclear transfer. Such a blanket prohibition would have grave implications for future advances in medical research and humane healing.

As such, we urge you to reject the approach embodied in H.R. 2505, the “Human Cloning Prohibition Act of 2001.” H.R. 2505 would have a chilling effect on vital areas of medical research. It would mean the end of numerous promising public benefit. Instead, we urge you to adopt the approach taken in H.R. 2908, the “Cloning Prohibition Act of 2001,” introduced by Representatives Greenwood (R-Pa.) and Peter Deutsch (D-Fla.). This bill would permit potentially life-saving research to continue, but prohibit the use of somatic cell nuclear transfer in the treatment of currently intractable human diseases. These uses of somatic cell nuclear transfer technology are not human beings.

According to the National Institutes of Health, somatic cell nuclear transfer technology could provide an invaluable approach on which to study how cells become specialized, which in turn could provide new understanding of the mechanisms that lead to the development of the abnormal cells responsible for cancers and certain birth defects. Improved understanding of cell specialization may also provide answers to how cells age or are regulated—leading to new insights into the treatment of Alzheimer’s and Parkinson’s diseases, or other incapacitating degenerative disease of the brain and spinal cord. The technology might also help us understand how to activate certain genes to permit the creation of customized cells for transplantation or grafting. Such cells would not ould therefore be transplanted into that donor without fear of immune rejection, the major biological barrier to organ and tissue transplantation at this time.

Other types of specialized cells could be created to create skin grafts for burn victims; bone marrow, stem cells to treat leukemia; and other neuroprotective stem cells to treat neurodegenerative diseases such as multiple sclerosis, amyotrophic lateral sclerosis (Lou Gehrig’s disease), Alzheimer’s and Parkinson’s disease, and to repair spinal cord injuries; muscle cell precursors to treat muscular dystrophy and heart disease; and cartilage-forming cells to reconstruct joints damaged by injury or arthritis. Somatic cell nuclear transfer technology could also be used potentially to accomplish remarkable increases in the efficiency and efficacy of generating the creation of pure populations of genetically “corrected” cells that could then be delivered back into the patient, again with no risk of immune rejection. Moreover, this technology could well lead to the operationalization of gene therapy as a practicable and effective therapeutic modality—a goal with which we are supportive.

We will never see the fulfillment of any of these promising areas if we choose to take the perilous path of banning outright the use of somatic cell nuclear transfer technology through legislation. Thus, the AAMC respectfully urges the Congress to reject H.R. 2505 and adopt H.R. 2908. We thank you for your consideration of this vital issue.

Sincerely, Jordan J. Cohen, M.D.
Mr. Speaker, human cloning, if it is not already here, it is certainly on the fast track. It is not a matter of if, it is a matter of when. It seems to me we have to make sure that just because science possesses the capability to create cloned human beings that it not be permitted to carry out such plans, especially when we know being cloned humans would be used for the purpose of exploitation, abuse, and destructive experimentation.

Once created human life, Mr. Speaker, can survive a few seconds, a few minutes, a few days, a few weeks, a few months, a few years, or perhaps many years to old age. We need to understand the profound truth that life is a continuum.

Earlier in the debate, the gentleman from Pennsylvania (Mr. GREENWOOD) stated that research scientists would simply “stop the process,” so the newly created human life couldn’t mature. Think about those words—stop the process. What does that mean, stop the process? It’s a euphemistic way of saying stop the life process—kill it.

Mr. Speaker, finally I remember the debate we had with some of our colleagues who routinely vote against the wellbeing of unborn children assured us that they would never support creating human embryos for experimentation. One colleague, the gentlewoman from California (Ms. PELOSI), said “We should not be involved in the creation of embryos for research. I completely agree with my colleagues on that score.”

Well, not anymore. Now the ever expendable human embryo is to be cloned and abused for the benefit of mankind. And that vigorous opposition to embryo research by colleagues like Mrs. PELOSI exists no more.

In like manner, members who say they oppose human cloning and then vote for Greenwood are either kidding themselves—or us—or both.

Reject Greenwood.

The SPEAKER pro tempore (Mr. QUINN). The Chair would inform the gentleman from Pennsylvania (Mr. GREENWOOD) that he has 4 minutes remaining, the gentleman from Wisconsin (Mr. SENSENBERN) has 10 minutes remaining, and the gentleman from Florida (Mr. DEUTSCH) has 6 3/4 minutes remaining.

Mr. DEUTSCH. Mr. Speaker, I yield 5 seconds just to respond, both bills absolutely, positively stop human cloning, period.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

I agonized over this, researched it, and know the heartfelt feelings on both sides of the issue. I am unequivocally against human cloning, but I am for a continuation of the research. And I rise in support of the Greenwood-Deutsch amendment because I am convinced that is the only way that research can continue, many years to old age. We are on the verge of lifesaving treatments and cures that affect our children and our parents, and to stifle this research now would be an injustice to so many suffering with juvenile and adult diabetes, Alzheimer’s, Parkinson’s, and other debilitating diseases that claim our loved ones every day.

Some people will say this is not about research; that there is a moral and ethical imperative to protect the sanctity of life, and I respect that. But the sanctity of life is helped, I think, by allowing cutting edge research to move forward that will free diabetic children of their hourly ritual of finger pricks, glucose testing, and insulin shots. Or that will paralyzed or suffering from spinal cord injuries to walk and resume their normal lives; and that will allow our seniors to fulfill their golden years without suffering the effects of Alzheimer’s.

So I will cast my vote for Greenwood-Deutsch, which does ban cloning, and urge my colleagues to do so as well.

Mr. SENSENBERN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to the Greenwood substitute and for the Weldon bill.

The Committee on Commerce held several hearings on cloning, including one in the Subcommittee on Health, which I chair. There is no doubt, as has already been stated so many times, that this is a difficult issue, and it involves many new and complex concepts. However, we should all be clear about the controversies related to human cloning. While this debate claims to be about therapeutic cloning, which is used to refer to cloned human cells not intended to result in a pregnancy, there is a fine line between creation and implantation.

The Committee on Commerce heard testimony from the Geron Corporation. They claim to be interested in therapeutic cloning and not implementing implanting those embryos into a surrogate mother. I think we all agree it would be a disaster to allow the implantation of cloned human embryos. Yet, if we allow therapeutic cloning, how can we truly prevent illegal implantation?

Several years ago, the world marveled at the creation of Dolly, the cloned sheep. What most people did not realize was that it took some 270 cloning attempts before there was a successful live birth. Many of the other attempts resulted in early and grotesque deaths. Imagine repeating that scenario with human life. I am confident that none of us want that. Human cloning rises to the most essential question of who we are and what we might become if we open this Pandora’s box.

Finally, I would like to applaud President Bush more for his strong support of this important base legislation. The administration strongly supports a ban on human cloning. The statement of the administration position reads, and I quote, “The administration unequivocally is opposed to the cloning of human beings either for reproductive or research purposes. The moral and ethical issues posed by human cloning are profound and cannot be ignored in the quest for scientific discovery.”

I commend my colleagues, the gentleman from Florida and the gentleman from Michigan; and I hope my colleagues will join me in supporting H.R. 250 and opposing the substitute.

Mr. DEUTSCH. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I thank the gentleman for his work on this measure. In fact, I thank all four primary sponsors of the measures that are before us today for their concern and for their effective ban on cloning of human beings.

The central issue, it seems to me, that is before us this afternoon was brought home to me by a prayer for healing that I heard in a service a couple of weeks ago. It goes like this: “May the source of strength who blessed the ones before us help us find the courage to make our lives a blessing, and let us say amen.”

It struck me that giving human beings the potential of using one’s own DNA, one’s own life itself to derive the cure for one’s own malady, without fear of rejection, without risk of a fruitless national search for a match, is the deepest benefit and most profound blessing conceivable. We should not waste this deepest of gifts.

Help us find the courage to make our lives, our life itself, a blessing.

Mr. SENSENBERN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, during the Nuremberg war crime trials, the Nuremberg Code was drafted as a set of standards for judging physicians and scientists who had conducted biomedical experiments on concentration camp prisoners. I bring this to my colleagues’ attention because part of the thinking, I think, is applicable to our debate today.

The code states that any experiment should yield results that are “unprocurable by other methods or means of study.” Because stem cells can be obtained from other tissues and fluids of adult subjects without harm, perhaps it is unnecessary to perform cell extraction from embryos that would result in their death. This would be an argument, I think, that would support the Weldon bill; and so I relegate because the gentleman from Pennsylvania (Mr. GREENWOOD) is making a very good and strong case, I oppose his amendment.
Almost exactly a year later, the Times ran a front-page story describing the results of those experiments on Parkinson's patients. Not only was there no positive effect, but about 15 percent of the patients had nightmarish side effects. The unfortunate patients "writhe and twist, jerk their heads, fling their arms about." In the words of one scientist, "Their fingers go up and down, their wrists flex and distend." And the scientists couldn't "turn it off."

Mr. DEUTSCH. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to possibly restate what has been stated throughout this debate.

Those of us who believe in the Green-wood-Deutsch substitute are not proposing or are not proponents of human cloning. What we are proponents of are the Bush administration's NIH report entitled "Life in June of 2001," that acknowledges the importance of therapeutic cloning.

None of us want to ensure that human beings come out of the laboratory. In fact, I am very delighted to note that language in the legislation that I applaud is in the Green-wood-Deutsch legislation, specifically says that it is unlawful to use or attempt to use human somatic cell nuclear transfer technology or the product of such technology to initiate a pregnancy to create a human being. But what we can do is save lives.

The people that have come into my office, those suffering from Parkinson's disease, Alzheimer's, neurological paralyzation, diabetes, stroke, Lou Gehrig's disease, and cancer, and all those who are desirous of having babies with in vitro fertilization, the Weldon bill questions whether that science can continue. I believe it is important to support the substitute, and I would ask my colleague Mr. WATTS to support it.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oklahoma (Mr. WATTS), the chairman of the House Republican conference.

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time.

Mr. Speaker, there is no greater group of people who would benefit from human cloning more than Members of the House of Representatives. What a Congresswoman or Congresswoman would not give to have a clone sit in a committee hearing while the Member meets with a visiting family from back home in the District, or the clone could do a fund-raiser while the Congressman leads a town hall meeting back home. But doing what is right does not always mean doing what is easy.

Mr. Speaker, we ought to ban all forms of human cloning, and that is why I support the Weldon-Stupak bill and oppose the pro-therapeutic-George-Greenwood substitute amendment. This House should not be giving the green light to mad scientists to tinker with the gift of life. Life is precious, life is sacred, life is not ours to arbitrarily decide who is to live and who is to die.

The "brave new world" should not be born in America. Cloning is an insult to humanity. It is science gone crazy, like a bad B-movie from the 1950's. And as human cloning is, it would lead to even worse atrocities, such as eugenics.

Congress needs to pass a complete ban on human cloning, including what some people call therapeutic cloning. Creating life with the intent to then destroy it, is not good. We are going down a dangerous road of human manipulation.

Mr. Speaker, I urge Members of the House to vote against the substitute amendment and for the Weldon-Stupak bill. Dolly the sheep should learn to fly before this Congress allows human cloning.

Mr. DEUTSCH. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the Green-wood-Deutsch amendment that bans the cloning of humans. I am concerned that the Weldon bill could negatively impact future research and bring current research that offers great promise to a halt.

I cannot support an all-out ban on this important technology. The Weldon bill would not allow therapeutic cloning to go forward. A ban on all cloning would have a major impact on research using human pluripotent stem cells, and stem cell research really holds the greatest promise for cures for some of our most devastating diseases.

The possibilities of therapeutic cloning should not be barred in the United States. This research is being conducted overseas in Great Britain and other places. Do we want to become a society where our scientists have to move abroad to work? This important bill allows important groundbreaking, lifesaving research to go forward. We should support it. It is in the tradition of our country to support research and not send our scientists abroad to conduct it.

Mr. Speaker, The Washington Post agrees, and I will place in the RECORD an editorial of today against the Weldon amendment and in support of the Greenwood-Deutsch amendment.

[From the Washington Post, July 31, 2001]

In the rush that precedes August recess, the House of Representatives has found time to schedule a vote today on a bill to ban human cloning. Hardly anyone dissenting from the proposition that cloning a human being is a bad idea; large ethical questions about human identity aside, the state of cloning technology in animals at present ensures that all but 3 percent to 5 percent are born with fatal or horrendously disabling defects. But the bill to ban all human cloning, proposed by Rep. David Weldon (R-Fla.), goes much further, attempting to ban any cloning yet reached. It levies heavy criminal penalties not only on the actual cloning of a human
baby, termed “reproductive” cloning, but also on any scientific or medical use of the underlying technique—which many support as holding valuable potential for the treatment of disease.

The bill’s prohibitions go well beyond those under debate for the separate though related research involving human embryonic stem cells. The weldon bill would cut off all federal funding from research some find morally troubling; rather, the weldon bill would criminalize the field of cloning entirely. Such a ban would have ripple effects across the cutting edge of medical research. A complete cloning ban could block many possible clinical applications of stem cell research, and could harm the usefulness of adult stem cell research many conservatives claim to favor. (Without the ability to “re-program” an adult stem cell, which can be done by the cloning technique, adult stem cells’ use may remain limited.) The bill bans the import from abroad of any materials “derived from the cellular cloning technique” that could block not only tissues but even medicines derived from such research in other countries.

A competing bill likely to be offered as an amendment to the weldon bill would create a complex system for regulating so-called “therapeutic” cloning, registering and licensing experimenters to make sure that none could create a cloned embryo into the womb. A House committee split closely on the question of whether to ban therapeutic along with reproductive cloning, with Republican supporters of the weldon bill voting down amendments that would have carved out some room for stem cell therapies.

The prospect of human cloning is a cause for real concern, but it is not an imminent danger. There is still time and good cause for discussion over whether some limited and therapeutic use of cloned embryos is justified. The weldon bill is a blunt instrument that rules out such possibilities. prematurely, and in doing so, goes too far. Congress should wait.

Mr. SENSENBRENNER. Mr. Speaker, I have only one speaker remaining, and since I have the right to close, I will reserve the balance of my time.

Mr. DEUTSCH. Mr. Speaker, I only have one speaker remaining. I would inquire of the gentleman from Pennsylvania how many speakers he has remaining.

Mr. GREENWOOD. Mr. Speaker, I have 4 minutes which I will use in my closing.

Mr. DEUTSCH. Mr. Speaker, I yield 2-¾ minutes to the gentlewoman from California (Ms. Pelosi).

Ms. PELOSI. Mr. Speaker, I rise in support of the Greenwood-Deutsch substitute and commend them for bringing this alternative to the floor.

During the debate on stem cell research 5 years ago, I made it clear that opponents of cell research were mistaken to claim that it requires the creation of embryos were mistaken, and I agreed with them that Federal funds should not be used for that purpose. Today we debating a much broader ban on therapeutic cloning.

The truth is much different. We have learned a great deal about the promise of stem cell research and gene therapy over the past 5 years, and I am opposed to any ban on therapeutic cloning. I just wanted to make the record clear because some quotes were taken out of context about where some of us who had participated in that debate were on this subject.

It is true that embryonic stem cell research requires cloning without therapeutic cloning. However, the ability of patients to benefit from stem cell research would be negatively impacted if such a ban were enacted.

Once we learn how to make embryonic stem cells differentiate, for example, into brain tissue for people with Alzheimer’s or Parkinson’s disease, we must be sure that the body will not reject these stem cells when they are implanted.

We are empowering the body to clone itself, to heal itself. It is a very real concern because transplanted organs or tissues are rejected when the body identifies them as foreign. We all know that.

In a report on stem cell research released by the National Institutes of Health last month, the NIH describes therapeutic cloning’s potential to create stem cell tissue with an immunological profile that exactly matches the patient. The customized therapy would dramatically reduce the risk of rejection.

I am opposed to cloning of humans. How many of us have said that today over and over again? Many of my colleagues have already mentioned the chilling possibilities created by the idea of designer children with genetically engineered traits. That is ridiculous. That is not what this debate is about.

Both the Weldon-Stupak bill and the Greenwood-Deutsch substitute agree on this point. The cloning of humans is not the issue at hand. Therapeutic cloning does not and cannot create a child.

Mr. Speaker, the National Institutes of Health and Science hold the biblical power of a cure for us. Where we see scientific opportunity and based on high ethical standards, I believe we have a moral responsibility to have the science proceed, again under the highest ethical standards.

I urge my colleagues to support the Greenwood-Deutsch substitute because it prohibits human cloning, but maintains the opportunity for patients to benefit from research that could lead to cures for Parkinson’s disease, cancer, spinal cord injuries and diabetes. I urge my colleagues to support the substitute.

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

Mr. Speaker, the use of Representat-ives has debated this issue for nearly 3 hours today. It has been a good debate. Again, as has been said, it is impressive how many Members have become knowledgeable about this subject. It is time to summarize that debate. Let us think about where it is we agree and where it is we fundamentally disagree.

We all agree that we want to ban re-

ductive cloning, that it is not safe, it is not ethical to bring a child into this world as a replica of someone else. A child deserves to be the unique prod-

uct of a mother and father and should not be created by cloning. We agree. It is unanimous.

We all agree that stem cell research holds promise. The gentleman from Florida (Mr. WELDON) did not bring a bill to the floor to ban embryonic stem cell research. He did not do it on purpose, because it would not fly with the American people. The American people understand that stem cell research holds enormous potential. I do not think we have heard disagreement about that on the floor today.

The question seems to be, and it has been reiterated repeatedly, is it ethical and should it be legal to create in a petri dish an embryo, or in a petri dish to allow the process of human cell divisi-

on to begin?

Interestingly enough, that is not part of this bill either. The Weldon bill does not say one cannot create a embryo, that it should be illegal. Why is that? The gentleman from the American would never stand for that because it would be the end of in vitro fertilization.

We are not here to say we will never create an embryo. People have said it, but they did not mean it because nobody has brought to the floor a bill to ban in vitro fertilization. There are too many Members of this body who have benefited from it.

So we say it is okay to create em-

bryos because there are couples in this country and around the world who have not been blessed with a child born of their relationship in the normal way. So they are able to avail themselves of this wonderful technology where we can create their child for them, in vitro in a petri dish, implanted in the woman and out comes a beautiful child. So many families in this country are now blessed by beautiful children who are now brought into the world in this way. I started in and what a magnificent thing for mankind to do.

Children get sick and when those same children find themselves stalked with a disease that kills them with pain that wracks their bodies, that tortures their parents with the predict-

ability that they will watch their chil-

dren slowly suffer and die. These same children whose lives have begun in petri dishes, who were created by in vitro fertilization, get sick. Now the question is, would we stop the research in petri dishes in labora-

atories that would save their lives, these same children, that would end their suffering, that would bring miracle cures to them and all families with the continued miracle of their own children? That is what the gentle-

man from Florida (Mr. WELDON) and his supporters would have us do today.

Because the American people would not against stem cell research, I think a majority of Members of this House are not opposed to stem cell research. They have told me that. I have
told to pretty strong pro-lifers who say, I am going to vote, if I have to, for stem cell research. What they do not understand is that stem cell research, whether it is done with embryonic stem cells or adult stem cells, needs somatic nuclear cell transfer research to make it work.

What do Members think is done with a stem cell from an embryo? It needs to be made into the kind of cell that cures these children, and somatic nuclear transfer technology is needed to do that, and if Members kill this substitute, they kill that hope. Please do not do that.

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

Mr. Speaker, after 3 hours of debate, I am glad that the gentleman from Pennsylvania (Mr. GREENWOOD) has finally cleared up one of the principal items we have been debating, the gentleman from Florida (Mr. WELDON) did not bring a bill to the floor to ban stem cell research. He is right. The Weldon bill does not ban stem cell research. It does not ban it on adult stem cells, it does not ban it on embryonic stem cells, it bans it on cloned stem cells.

This bill is a cloning bill. The substitute amendment is not. It will allow the creation of cloned embryos to be regulated and sold, and once a cloned embryo is implanted into the uterus of a woman and develops into a child, there really is not anything anybody can do about it. So the Weldon substitute has a loophole a mile wide to allow the creation of cloned human beings because they cannot keep track of the cloned embryos that the Weldon bill attempts to regulate. That is the fatal flaw of the Greenwood substitute.

We heard from colleagues 5 years ago when we were debating a Labor-Health and Human Services bill. I have those quotes in front of me. The gentlewoman from Connecticut (Mrs. JOHNSON) said, ‘‘No embryos will be created for research purposes.’’

And the gentlewoman from Connecticut (Mrs. JOHNSON) said, ‘‘Lifting this ban would not allow for the creation of human embryos solely for research purposes.’’

They were right 5 years ago. We should not be using cloned human embryos for research purposes. I ask Members to vote with them the way they voted 5 years ago and to adhere to that position, because if we do allow cloned embryos to be used for research purposes, some of them will eventually become human beings.

Mr. Speaker, the way to stop the slippery slope, going down this road into the ethical and moral abyss, is to reject the loophole-filled Greenwood substitute and pass the Weldon bill.

Mr. CONYERS. Mr. Speaker, finally we have a reasonable approach to prohibiting human cloning without prohibiting the ability to conduct valuable medical research. Although H.R. 2505 bans reproductive cloning, it goes too far by banning necessary therapeutic research which could grant new hope to patients who have been told there is no cure for their disease. It all agrees that reproductive cloning, cloning to produce a pregnancy, should be prohibited. But, in prohibiting reproductive cloning, we must not exclude valuable research cloning that could lead to significant medical advances.

The Greenwood substitute Amendment narrows the prohibition and focuses on actions which would result in a cloned child by limiting the prohibition to cloning to initiate or the intent to initiate a pregnancy. This would ensure that the cloning of humans is prohibited, while the use of cloning for medical purposes is preserved. The substitute also protects state laws on human cloning that have been enacted prior to the passage of this legislation.

The Greenwood/Deutsch Substitute includes a registration provision for performing a human somatic cell nuclear transfer, so that the Secretary of Health and Human Services is able to monitor the use of the technology and enforce the prohibition against reproductive cloning.

In addition, this substitute would contain a sunset provision as recommended by the National Bioethics Advisory Commission. According to their report, this provision is essential because it guarantees that Congress will return to this issue and reconsider it in light of new scientific advancements.

Finally, the Greenwood/Deutsch substitute includes a study by the Institute of Medicine to review, evaluate, and assess the current state of knowledge regarding therapeutic cloning. Join me in supporting this logical approach to cloning technology. This substitute takes a narrower approach by simply prohibiting the use or attempted use of DNA transfer technology with intent to initiate a pregnancy. Adopting the Greenwood/Deutsch alternative preserves the scientific use of the embryonic stem cells and at the same time prevents the unsafe practices.

Mr. STARK. Mr. Speaker, I rise in support of the Greenwood-Deutsch substitute, and against the underlying bill.

Mr. Speaker, the way to stop the slippery slope, going down this road into the ethical and moral abyss, is to reject the loophole-filled Greenwood substitute and pass the Weldon bill.

Mr. Speaker, finally we have a reasonable approach to prohibiting human cloning without prohibiting the ability to conduct valuable medical research. Although H.R. 2505 bans reproductive cloning, it goes too far by banning necessary therapeutic research which could grant new hope to patients who have been told there is no cure for their disease. It all agrees that reproductive cloning, cloning to produce a pregnancy, should be prohibited. But, in prohibiting reproductive cloning, we must not exclude valuable research cloning that could lead to significant medical advances.

The Greenwood substitute Amendment narrows the prohibition and focuses on actions which would result in a cloned child by limiting the prohibition to cloning to initiate or the intent to initiate a pregnancy. This would ensure that the cloning of humans is prohibited, while the use of cloning for medical purposes is preserved. The substitute also protects state laws on human cloning that have been enacted prior to the passage of this legislation.

The Greenwood/Deutsch Substitute includes a registration provision for performing a human somatic cell nuclear transfer, so that the Secretary of Health and Human Services is able to monitor the use of the technology and enforce the prohibition against reproductive cloning.

In addition, this substitute would contain a sunset provision as recommended by the National Bioethics Advisory Commission. According to their report, this provision is essential because it guarantees that Congress will return to this issue and reconsider it in light of new scientific advancements.

Finally, the Greenwood/Deutsch substitute includes a study by the Institute of Medicine to review, evaluate, and assess the current state of knowledge regarding therapeutic cloning. Join me in supporting this logical approach to cloning technology. This substitute takes a narrower approach by simply prohibiting the use or attempted use of DNA transfer technology with intent to initiate a pregnancy. Adopting the Greenwood/Deutsch alternative preserves the scientific use of the embryonic stem cells and at the same time prevents the unsafe practices.

Mr. STARK. Mr. Speaker, I rise in support of the Greenwood-Deutsch substitute, and against the underlying bill.

Mr. Speaker, the way to stop the slippery slope, going down this road into the ethical and moral abyss, is to reject the loophole-filled Greenwood substitute and pass the Weldon bill.

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Mr. STARK. Mr. Speaker, I rise in support of the Greenwood-Deutsch substitute, and against the underlying bill.
Mr. SKEEN and Mr. ABERCROMBIE changed their vote from "yea" to "nay." Messrs. FORD, REYES, THOMAS, and ROSS changed their vote from "nay" to "yea." So the amendment in the nature of a substitu- 
ete was rejected. The result of the vote was announced as above recorded. The SPEAKER pro tempore (Mr. QUINN). The question is on engrossment and third reading of the bill. The bill was ordered to be engrossed and read a third time, and was read the third time. MOTION TO RECOMMIT OFFERED BY MS. LOFGREN. Ms. LOFGREN, Mr. Speaker, I offer a motion to recommit. The SPEAKER pro tempore. Ms. LOFGREN. Mr. Speaker, I yield the bill, H.R. 2565, to the Committee on the Judiciary with instructions to report the same back to the House with- 
to the following amendment: Page 4, after line 10, insert the following subsection: "(e) EXEMPTION FOR MEDICAL TREAT- 
MENTS.—Nothing in this section shall prohibit the use of human somatic cell nuclear transfer in connection with the development or application of treatments designed to ad- 
repair Parkinson’s disease, Alzheimer’s disease, diabetes, heart disease, spinal cord injury, multiple sclerosis, severe burns, or other diseases, disorders, or conditions, provided that the product of such use is not utilized to initiate a pregnancy and is in- 
tended to be utilized to initiate a pregnancy. Nothing in this subsection shall exempt any product from any applicable regulatory ap- 

gulation. The SPEAKER pro tempore. Pursu- 
ant to the rule, the gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes in support of her motion.
He goes on to ask that we amend the bill, and that is what this motion to recommit would do. It would allow for an exemption from the bill for medical treatments.

The NIH has been soliciting a lot of late, and today they produced a primer on stem cells in the report of May committee. They point out on page 4 of their primer that the transplant of healthy heart muscle could provide new hope for patients with chronic heart disease whose hearts can no longer pump adequately. The hope is to develop heart muscles from human pluripotent stem cells.

The problem is, while this research shows extraordinary promise, there is much to be done before we can realize these innovations. First, we must do basic research, says the NIH, to understand the cellular events that lead to cell specialization in humans. But, second, before we can use these cells for transplantation, we must overcome the well-known problem of immune rejection, which means pluripotent stem cells would be genetically no different than the recipient. Future research needs to focus on this, and the use of somatic cell nuclear transfer is the way to overcome this tissue incompatibility.

Some have talked about their religious beliefs today, and that is fine. We all have religious beliefs. But I ask Members to look at this chart. We have a cell that is fused, they become totipotent cells, a blastocyst, and then a handful of cells, each different. No organs, no nerves, a handful of cells that is put in a petri dish and becomes cultured to pluripotent stem cells.

Mr. SENSENBRENNER. Mr. Speaker, this bill is a cloning amendment. The scientific research is already permitted by H.R. 2505, which is the only amendment that is put in a petri dish and becomes cultured to pluripotent stem cells.

Mr. Speaker, H.R. 2505, by banning human cloning at any stage of development, provides the most effective protection from the dangers of abuse inherent in this rapidly developing field. By preventing the cloning of human embryos, there is no possibility of cloning a human being.

The bill specifically states that nothing shall restrict areas of scientific research not specifically prohibited by this bill, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants or animals, other than humans.

Mr. Speaker, this bill is a cloning bill; it is not a stem cell research bill. The scientific research is already preserved by H.R. 2505, which is the only real proposal before us that will prevent human cloning.

Oppose the motion to recommit; pass the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question. The previous question was ordered.

The Speaker pro tempore announced that the noes appeared to have it.

Mr. Speaker, I move the previous question. The previous question was ordered.

Mr. Speaker, the motion to recommit allows for the production of cloned embryos for the development of treatments designed to address a number of diseases. We just voted this down. This is a reworded Greenwood substitute amendment.

The motion to recommit would allow the practice of creating human embryos solely for the purpose of destroying them for experimentation. This approach to prohibit human cloning would be ineffective and unenforceable.

Once cloned embryos were produced and available in laboratories, it would be virtually impossible to control what is done with them. Stockpiles of cloned embryos would be produced, bought and sold without anyone knowing about it. Implantation of cloned embryos into a woman's uterus, a relatively easy procedure, would take place out of sight. At that point, governmental attempts to enforce a reproductive cloning ban would prove impossible to police or regulate.

Creating cloned human children necessarily begins by producing cloned human embryos. If we want to prevent the latter, we should prevent the former.

The gentlewoman from California (Ms. Lofgren) says that cloned embryos are necessary to prevent rejection during transplantation for diseases, that is not what the testimony before the Committee on the Judiciary says. Dr. Leon Kass, professor of bioethics at the University of Chicago, said that the clone is not an exact copy of the nucleus donor, and that its antigens, therefore, would provoke an immune reaction when transplanted and there still would be the problem of immunological rejection that cloning is said to be indispensable for solving. So the very argument in her amendment was refuted by Professor Kass's testimony.

Mr. Speaker, H.R. 2505, by banning human cloning at any stage of development, provides the most effective protection from the dangers of abuse inherent in this rapidly developing field. By preventing the cloning of human embryos, there is no possibility of cloning a human being.

The bill specifically states that nothing shall restrict areas of scientific research not specifically prohibited by this bill, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants or animals, other than humans.

Mr. Speaker, this bill is a cloning bill; it is not a stem cell research bill. The scientific research is already preserved by H.R. 2505, which is the only real proposal before us that will prevent human cloning.

Oppose the motion to recommit; pass the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question. The previous question was ordered.
By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. GEHPARDT) for today on account of personal business.

Mrs. JONES of Ohio (at the request of Mr. GEHPARDT) for today on account of official business.
EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

3193. A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation, “To authorize the Secretary of Agriculture to prescribe, adjust, and collect fees to cover the costs incurred by the Secretary for activities related to the review and maintenance of licenses and registrations under the Animal Welfare Act”; to the Committee on Agriculture.

3194. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Diazinon, Parathion, O, O-Lysophosphatidylthanolamine (LPE); Temporary Exemption From the Requirement of a Tolerance [OPP-301142; FRL-67678-6] (RIN: 2070-AF86) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3195. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the agency’s final rule—Lyphosphatidylthanolamine (LPE); Temporary Exemption From the Requirement of a Tolerance [OPP-301145; FRL-67678-6] (RIN: 2070-AF87) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3196. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John M. McDuﬃe, United States Army, and the appointment of the retired general on the retied list; to the Committee on Armed Services.

3197. A letter from the Deputy Secretary, Department of Defense, transmitting a report on the Reserve Forces Policy Board for FY 2000; to the Committee on Armed Services.

3198. A letter from the Secretary of the Navy, Department of Defense, transmitting notification of the decision to convert to contractor performance by the private sector the Administrative/Management Support function at Naval Air Systems Command, Naval Air Warfare Center Aircraft Division (NAWCAD) at Lakehurst, Ocean County; New Jersey; to the Committee on Armed Services.

3199. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting a report on the progress made in providing International Development Association grant assistance to Heavily Indebted Countries; to the Committee on Financial Services.

3200. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Finding of Attainment for PM-10; Oakridge, Oregon, PM-10 Nonattainment Area [Docket OR-01-006A; FRL-70138-6] received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3201. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Finding of Attainment for PM-10; Lakewood, NJ, PM-10 Nonattainment Area [Docket OR-01-006A; FRL-70138-5] received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3202. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the agency’s final rule—Preliminary Assessment Information Reporting; Addition of Certain Chemicals [OPPTS-82056; FRL-67683-6] (RIN: 2070–AB08) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3203. A letter from the Director, Ofﬁce of Congressional Affairs, Nuclear Regulatory Commission, transmitting the agency’s final rule—Handbook on Nuclear Material Event Reporting in the Agreement States—received July 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3204. A letter from the Director, Defense Security Cooperation Agency, transmitting notice of the Submission of Letter of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 01–09), pursuant to 22 U.S.C. 2776b(b); to the Committee on International Relations.

3205. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army’s Proposed Letters(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 01–09), pursuant to 22 U.S.C. 2776b(b); to the Committee on International Relations.

3206. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notice of the President’s proposed lease of defense articles to the Government of Australia (Transmittal No. 09–01), pursuant to 22 U.S.C. 2789(a); to the Committee on International Relations.

3207. A letter from the Employee Benefits Manager, AgFirst, transmitting the annual reports of Federal Pension Plans Required by Public Law 95–956 for the plan year January 1, 2000, through December 31, 2000, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

3208. A letter from the Vice Chairman, Board of Directors, Amtrak, transmitting the agency’s annual report of the Board of Directors for the period ending March 31, 2001, pursuant to 5 U.S.C. app. (Ins. Gen. Act) section 5(b); to the Committee on Government Reform.

3209. A letter from the Ofﬁce of Headquaters and Executive Personnel Services, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3210. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3211. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3212. A letter from the Auditor, District of Columbia, transmitting a report required by the “Certification Review of the Sufficiency of the Washington Convention Center Authority’s Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2002”; to the Committee on Government Reform.

3213. A letter from the Clerk of the House, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2000; pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.


3215. A letter from the Acting Director, Retirement and Insurance Service, Office of Personnel Management, transmitting the Presidential Notice of Proposed Legislative Program and any special orders of 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 extra-

nous material:)

Mr. Hayworth, for 5 minutes, August 1.

Mr. Smith of Michigan, for 5 minutes, today.

Mr. Jones of North Carolina, for 5 minutes, today.

Mr. Boehlert, for 5 minutes, today.

Mr. Duncan, for 5 minutes, today.

ADJOURNMENT

Mr. Hastings of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o’clock and 23 minutes a.m.), consistent with the fourth clause in section 5 of article I of the Constitution, and therefore notwithstanding section 132 of the Legislative Reorganization Act of 1946, as amended, the House stands adjourned until 10 a.m. on August 1, 2001.

H4946

CONGRESSIONAL RECORD — HOUSE

July 31, 2001
3220. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone [Docket No. 000519147-0147-01; I.D. 00160018; received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3221. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Sea Turtle Conservation; [Docket No. 010607150-1150-01; I.D. 0912000F (RIN: 0648-AN78) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3222. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Sea Turtle Conservation; Restrictions Applicable to Fishing Activities [Docket No. 010608558-1058-01; I.D. 0912000I (RIN: 0648-AP14) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3223. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Sea Turtle Conservation; Restrictions Applicable to Fishing Activities [Docket No. 010601518-1158-01; I.D. 0616010D (RIN: 0648-AP49) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3224. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Sea Turtle Conservation; Restrictions to Fishing Activities [Docket No. 010601818-1118-01; I.D. 0616010H (RIN: 0648-AN38) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3225. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Sea Turtle Conservation; Restrictions to Fishing Activities [Docket No. 000511318-0138-01; I.D. 0511080 (RIN: 0648-A019) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3226. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Sea Turtle Conservation; Restrictions to Fishing Activities [Docket No. 000511318-0138-01; I.D. 0511080 (RIN: 0648-A019) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3227. A letter from the Chief, Division of Endangered Species, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Sea Turtle Conservation; Shrimp Trawling Requirements [Docket No. 000022243-0224-01; I.D. 082100ID (RIN: 0648-A040) received July 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3228. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 737-700 and -800 Series Airplanes [Docket No. 2000-NM-405 AD; Amendment 39-12327; AD 2001-13-23 (RIN: 2120-AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3229. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes AD; Amendment 39-12293; AD 2001-12-21 (RIN: 2120-AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3230. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Airbus Model A320, B2 and B4 Series Airplanes [Docket No. 2001-NM-214-AD; Amendment 39-12326; AD 2001-14-17 (RIN: 2120-AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3231. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-30 Series Airplanes, Model MD-10-33 Series Airplanes [Docket No. 2000-NM-269-AD; Amendment 39-12319; AD 2001-14-08 (RIN: 2120-AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3232. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-30 Series Airplanes Modified by Supplemental Type Certificate SR006856BE [Docket No. 2000-NM-231-AD; Amendment 39-12313; AD 2001-13-06 (RIN: 2120-AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3233. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Bombardier Model DHC-8-200 and -300 Series Airplanes [Docket No. 2000-NM-303 AD; Amendment 39-12303; AD 2001-13-21 (RIN: 2120-AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3234. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 767-200, -300, and -400 Series Airplanes [Docket No. 2001-NM-188-AD; Amendment 39-12315; AD 2001-14-06 (RIN: 2120-AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3235. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 777-200, -300, and -400 Series Airplanes [Docket No. 2001-NM-228-AD; Amendment 39-12311; AD 2001-14-06 (RIN: 2120-AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3236. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 737-600, -700, -800, -900 Series Airplanes [Docket No. 2001-NM-328-AD; Amendment 39-12317; AD 2000-06-13 RIN (RIN: 2120-AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3237. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 747-400 and -600 Series Airplanes [Docket No. 2000-NM-235-AD; Amendment 39-12326; AD 2001-14-15 (RIN: 2120-AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3238. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 747SP [Docket No. 2000-NM-235-AD; Amendment 39-12326; AD 2001-14-15 (RIN: 2120-AA64) received July 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3239. A letter from the General Counsel, Department of Defense, transmitting the Department’s enclosed legislation relating to income and transportation taxes on military and civilian personnel; to the Committee on Ways and Means.


3241. 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:

3242. Committee of the Whole House on the State of the Union.

H4947
Mr. BOEHLEHT: Committee on Science.  
H.R. 2649. A bill to authorize appropriations for environmental research and development, scientific and energy research, development, and demonstration and commercial application of energy technology programs, projects, and activities of the Department of Energy and of the Office of Air and Radiation, the Nuclear Regulatory Commission, and for other purposes; with an amendment (Rept. 107–177). Referred to the Committee of the Whole House on the State of the Union.  
[Filed on Aug. 1 (legislative day, July 31), 2001]

Mr. HASTINGS of Washington: Committee on Rules.  
H.R. 2681. A bill to amend the Davis-Bacon Act to provide that a contractor under that Act who repeats violations of the Act shall have its contract with the United States canceled and to require the disclosure under freedom of information provisions of Federal law of certain payroll information under contracts subject to the Davis-Bacon Act; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.  

By Mr. COOKSEY:  
H.R. 2682. A bill to provide for the designation of certain closed military installations as ports of entry; to the Committee on Armed Services, and in addition to the Committee of Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.  

By Mrs. CUBIN (for herself, Mr. BAIRD, Mr. BRADY, Mr. DAVIS of Texas, Mr. HILLARY, and Mr. CLEMENT):  
H.R. 2683. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes; to the Committee on Ways and Means.  

By Mr. CULBERTSON:  
H.R. 2684. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care; to the Committee on the Judiciary.  

By Mr. GILCHREST:  
H.R. 2685. A bill to amend title 10, United States Code, to revise the computation of military disability retirement pay computation for certain members of the uniformed services injured while a cadet or midshipman at a service academy; to the Committee on Armed Services.  

By Mr. HILLIARD:  
H.R. 2686. A bill to prohibit States from carrying out certain law enforcement activities which have the effect of intimidating individuals from voting; to the Committee on the Judiciary.  

By Mr. HILLIARD:  
H.R. 2687. A bill to prohibit States from denying any individual the right to register and vote for an election for Federal office, or the right to vote in an election for Federal office, on the grounds that the individual has been convicted of a Federal crime, and to amend title 5, United States Code, to establish election day as a legal public holiday by moving the legal public holiday known as Veterans Day to election day in such years; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.  

By Mr. LAMPSON (for himself, Mr. SHIMKUS, Mr. CAPUANO, Mr. FROST, Mrs. MINK of Hawaii, Mr. STARK, Mr. GREEN of Texas, Mr. GRUCCI, Mr. UNDERWOOD, Mr. SANDLIN, Mr. KANJORSKI, Mr. OSE, Mr. GREENWOOD, Mr. McGovern, Mr. SMITH of New Jersey, Ms. HART, Mr. WELDON of Pennsylvania, Mr. GREEN of Wisconsin, Mr. GORDON, Mr. KING, Mr. BOSE, Mr. DELAURIO, Mr. CHABOT, Mr. HOFERFI, Mrs. NAPOLITANO, Mr. PALLONE, Mr. KIND, Mr. WYNN, Mr. TRAFICANT, Mrs. THOMAS, Mr. COURT, Mr. SIMMENT, Mr. POMEROY, Mrs. MEEK of Florida, Mr. BALDACCI, Mr. MANZULLO, Ms. ROYBAL-ALLARD, Mr. MASCARA, Ms. WOOLSEY, Mr. ROTHMAN, Mr. BERMAN, Mr. WEINER, Mr. LEWIS of Georgia, Ms. SLAUGHTER, Ms. BERKLEY, Mr. MCLNTYRE, Mr. CHRISTYS, Mr. MORAN of Virginia, Mr. RUSH, Mr. CARSON of Oklahoma, Mr. PETERSON of Minnesota, Mr. JOHN, Mr. TIERNEY, Mr. BRADY of Pennsylvania, Mr. RODRIGUEZ, Ms. LEW, Mrs. JONES of Ohio, Mr. DEFAZIO, Mr. OLIVER, Ms. BALDWIN, Mr. RABALL, Mr. BARNETT, Mr. LANGRIVN, Mr. BERRY, Ms. PASCRELL, Mr. MALONEY of Connecticut, Mr. BENSON, Mr. FAIR of California, Mr. ORTEZ, Mr. SHERMAN, Ms. PELOSI, Mr. PELOM, Ms. HOOLY of Oregon, Ms. SANCHEZ, Ms. HINOJOSA, Mr. GONZALEZ, Mr. SMITH of Michigan, Mr. THOMPSON of California, Mr. JOHNSON of New York, Mr. DOUGLIT, Ms. EDDIE BENNIE JOHNSON of Texas, Mr. LEVIN, Mr. SAWYER, Mr. HOLT, Mr. RACA, Ms. SCHAROWSKY, Ms. ESHOO, Ms. MILLENDER-MCDONALD, Ms. CAPPS, Mr. MOORE, Mr. CROWLEY, Mr. BROWN of Ohio, Mr. BLAJOJEVICH, Mr. FORD, Mr. BARCIA, and Mr. RAIND):  
H.R. 2688. A bill to amend title 28, United States Code, to give district courts of the States jurisdiction over competing State custody determinations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.  

By Mr. MANZULLO (for himself, Mr. BLAJOJEVICH, Mr. EVANS, and Mr. KUX):  
H.R. 2689. A bill to amend chapter 142 of title 10, United States Code, to increase the value of the allowance that the Secretary of the Army may furnish to certain procurement technical assistance programs which operate on a Statewide basis; to the Committee on Armed Services.  

By Mr. RADANOVICH (for himself and Ms. MCCOLLUM):  
H.R. 2690. A bill to amend the Immig Veterans’ Naturalization Act of 2000 to extend the deadlines for application of fees; to the Committee on the Judiciary.  

By Mr. SABO (for himself, Mr. BONOR, Mr. DEFAZIO, Mr. DELAHUNT, Mr. KUCINICH, Ms. MILLER, Mr. SCHEWETS, Mr. STARK, Mr. VISCOLOI, and Mr. WYNN):  
H.R. 2691. A bill to amend the Internal Revenue Code of 1862 to deny employers a deduction for payments of excessive compensation; to the Committee on Ways and Means.  

By Mr. SHU (for himself, Mr. FRANK, Mr. FOLY, Mrs. TAUSCH, Mr. ABRECHFREDIE, Mr. ACEVADO-VILA, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREW, Mr. BAIRD, Mr. BALDACCI, Ms. BALDWIN, Mr. BARNETT, Mr. BECKER, Ms. BERKLEY, Mr. BERMAN, Mrs. BOUDREUET, Mr. BLAJOJEVICH, Mr. BLOUGER, Mr. BONOR, Mr. BOISKI, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. SCHOFIELD, Mr. SHEWETS, Mr. STARK, and Mr. WYNN):  
H.R. 2692. A bill to amend the Internal Revenue Code of 1862 to deny employers a deduction for payments of excessive compensation; to the Committee on Ways and Means.

Congressional Record
— House
July 31, 2001

PUBLIC BILLS AND RESOLUTIONS  
Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:  

[Omitted from the Record of July 30, 2001]  

By Mr. SMITH of Texas (for himself, Mr. SCOTT, Mr. BALDACCI, Mr. BUYER, Ms. CARSON of Indiana, Mr. FROST, Mr. LIITTNER, Mr. MORELLA, Mr. NEY, Ms. NORTON, Mr. PLATTS, Mr. PUTNAM, Mr. SHOWS, Mr. SIMMONS, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SOUTER, Mr. WAMP, and Mr. WATT of North Carolina):  
H. Con. Res. 204. Concurrent resolution expressing the sense of Congress regarding the establishment of the Environmental Protection century; to the Committee on Education and the Workforce.  
[Submitted July 23, 2001]  

By Mr. TOM DAVIS of Virginia (for himself and Mr. MORAN of Virginia):  
H. R. 2678. A bill to amend title 5, United States Codes, to establish an exchange program between the Federal Government and the states for Federal employees to gain expertise in information technology management, and for other purposes; to the Committee on Government Reform.  

By Mr. ANDREWS:  
H.R. 2679. A bill to condition the minimum-wage-exempt status of organized camps under the Fair Labor Standards Act of 1938 upon compliance with certain safety and health standards, and for other purposes; to the Committee on Education and the Workforce.
H.R. 1460: Mr. BOUCHER, Mr. NORWOOD, Mrs. EMERSON, Mr. NEY, Mr. PETRI, Mr. PETERSON of Pennsylvania, Mr. OXLEY, Mr. SHUSTER, Mr. LEWIS of Kentucky, and Mr. CRANE.

H.R. 1456: Mr. CALVERT.

H.R. 1509: Mr. DUTCH and Mr. BLOUMENAUER.

H.R. 1556: Mrs. SIMMONS, Mr. HOEFEL, Mr. MASCARA, and Mr. DIAZ-BALART.

H.R. 1589: Mr. CUNNINGHAM.

H.R. 1602: Mr. MCKEON, Mrs. JO ANN DAVIS of Virginia, Mr. FOXE, Mr. GOODLATTE, and Mr. BOSWELL of South Carolina.

H.R. 1609: Mr. FARR of California, Mrs. CLAYTON, Mrs. EMBRISON, Mr. PHelps, Mrs. JO Ann DAVIS of Virginia, Mr. HOFFEL, and Mr. MASCARA.

H.R. 1614: Mr. HINCHY, Mr. MCGOVERN, Mr. CANNON, Mr. EDWARDS, Mr. HOUGHTON, and Mr. GUEUCCI.

H.R. 1645: Mr. WALSH and Mr. CANNON.

H.R. 1700: Mr. OLIVER, Mr. MARKKY, and Mr. MEERIAN.

H.R. 1773: Mr. MCEKS of New York and Mr. MCGOVERN.

H.R. 1784: Mrs. CAPPS and Mr. Filner.

H.R. 1798: Mrs. KELLY, Mr. OTTER, and Mr. SMITH of New Jersey.

H.R. 1819: Mr. WAMP.

H.R. 1836: Mr. FORBES.

H.R. 1873: Mr. UDALL of Colorado.

H.R. 1948: Ms. SCHACKOWSKY.

H.R. 1978: Mr. BROWN of Ohio and Mr. DAVIS of Illinois.

H.R. 1992: Mr. MKEIN of South Carolina and Mr. MASCARA.

H.R. 2001: Mr. PASTOR.

H.R. 2064: Mr. PATSON of Florida and Mr. BLAGOJEVICH.

H.R. 2066: Mr. BRULRUT.

H.R. 2071: Mr. SIMMONS.

H.R. 2086: Mr. CANTOR.

H.R. 2125: Mr. THREY, Mr. SOUER, and Mr. SCHRICK.

H.R. 2134: Mr. BLAGOJEVICH.

H.R. 2142: Mr. MCGOVERN, Mr. DOOLEY of California, Mr. KIRK, Mr. FRANK, and Mr. LANTOS.

H.R. 2157: Mr. SEKIN.

H.R. 2220: Mr. BACA, Mr. ACKERMAN, Mr. CARSON of Oklahoma, Mr. HARMAN, Mr. KILDEE, Mr. MCGOVERN, Mr. REYES, and Mr. OWENS.

H.R. 2243: Mr. KUCINICH.

H.R. 2277: Mr. BLOUMENAUER.

H.R. 2308: Mr. MATHESON.

H.R. 2310: Mr. FOLEY.

H.R. 2316: Ms. WELDON of Florida, Mrs. WALTHER, Mr. OXLEY, Mr. SANCHEZ, Mr. RAPLIN, and Mr. SCHaffer.

H.R. 2317: Mr. JONES of North Carolina, and Mr. FOSSella.

H.R. 2317: Mrs. MALONEY of New York and Mrs. DAVIS of California.

H.R. 2322: Mr. BERRETT.

H.R. 2332: Mr. CLEMENT.

H.R. 2340: Mr. PASTOR.

H.R. 2348: Mr. RANGOL, Mr.OPLE, Mr. HALL of Ohio, Mr. ORTIZ, Ms. SANCHEZ, Mrs. NAPOLITANO, Mr. REYES, Mr. MCGOVERN, Mr. CARSON of Indiana, Mr. OWENS, and Mr. MARKKy.

H.R. 2349: Ms. ESHOO and Ms. HOOLEY of Oregon.

H.R. 2355: Mr. ISAKSON.

H.R. 2357: Mr. BARR of Georgia, Mr. BLUNT, Mr. HAYES, Mr. BARTLETT of Maryland, Mr. KEHNS, Mr. PICKERING, Mr. WATTS of Oklahoma, Mr. BROWN of South Carolina, Mr. BRADY of Texas, Mr. VITTEK, Mr. WHITEFIELD, Mr. LARGENT, Mr. WATKINS, Mr. BUR of North Carolina, Mr. TRAFICANT, Mr. BILLI-KAS, and Mr. RIPLEY.

H.R. 2366: Mr. SCHAPPFER.

H.R. 2368: Mr. CLAY.

H.R. 2373: Mr. ERBI, Mr. LAMPSOM, Mr. EMER, Mr. KANGN, Mr. WYN, Mr. ACKERMAN, Mrs. CAPPS, Mrs. SERRANO, Mr. GUTHERZ, and Mr. NLADER.

Memorial resolution recognizing the important relationship between the United States and Mexico; to the Committee on International Relations.

By Mr. J. G. RUGERT (for himself and Mr. Brown of Ohio):

H. Con. Res. 206. Concurrent resolution recognizing the important relationship between the United States and Mexico; to the Committee on International Relations.

H. Con. Res. 207. Concurrent resolution recognizing the important contributions of the Youth For Human Rights. Walker Payton initiative and encouraging participation in this nationwide effort to educate young people about organ and tissue donation; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII.

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. MATHEW.

H.R. 134: Mr. GUTHRIE.

H.R. 157: Mrs. MINGH of Hawaiian, Mr. LUCAS of Oklahoma, Mr. GOS, Mr. SHOWS, and Mr. MASCARA.

H.R. 247: Ms. DELAVO.

H.R. 326: Ms. HARMAN.

H.R. 400: Mr. CRENSHAW.

H.R. 85: Mr. MATHEW.

H.R. 130: Mr. GUTHERZ.

H.R. 170: Mrs. MINGH of Hawaiian, Mr. WICKER, Mr. GOS, Mr. SHOWS, and Mr. MASCARA.

H.R. 747: Mr. HENRY.

H.R. 745: Mr. SCHACKOWSKY.

H.R. 40: Mr. GRANGER.

H.R. 64: Mr. UPSON, Ms. JOHNSON of Connecticut, Mr. CALVER, and Mr. HOUCHTON.

H.R. 64: Mr. NADLER and Mr. HINCHY.

H.R. 737: Mr. EMPTY.

H.R. 778: Mr. MURDOCK, Mr. DOYLE, and Mr. BORSKI.

H.R. 78: Mr. SCOTT and Mr. LARSEN of Washington.

H.R. 817: Mr. WHITFIELD.

H.R. 938: Mr. PAYNE, Mr. LEACH, and Mr. COKNESSY.

H.R. 967: Mr. WATT of North Carolina and Mr. HINCHARY.

H.R. 1035: Mr. CARSON of Oklahoma and Ms. MILLINER-MCDONALD.

H.R. 1073: Mr. BOWSELL.

H.R. 1086: Mr. TRANFICANT.

H.R. 1090: Mrs. PELOSI, Ms. SLUSSHER, and Mr. SCHACKOWSKY, Mr. CALVER, and Mr. HOUCHTON.

H.R. 1120: Mr. UDALL.

H.R. 1170: Mr. SERRANO, Mr. BARCI, and Mr. MOORE.

H.R. 1178: Mr. MATHEW.

H.R. 1196: Mr. GILLMOR, Mr. LIPINSKI, Mr. HOEFEL, Mr. LARSEN of Washington, Mr. CALVER, and Mr. LARSEN.

H.R. 1201: Mr. MCGOVERN and Mr. BERMAN.

H.R. 1252: Mr. ENGEL.

H.R. 1296: Mr. LARGENT.

H.R. 1305: Mr. SHINN.

H.R. 1353: Mr. MINGH of Kansas, Mr. SNYDER, Mr. HOBISON, Mrs. NAPOLITANO, Mr. COMBET, Mr. KANJERS, and Mr. MASCARA.
H.R. 2400: Mr. TOWNS.
H.R. 2401: Mr. TOWNS.
H.R. 2402: Mr. TOWN.
H.R. 2410: Mr. SCHaffer.
H.R. 2411: Mr. FLOREN.
H.R. 2460: Mr. MATHESON, Mr. EHLERS, Ms. HART, Mrs. BIGGERT, Mr. COSTELO, Mr. BACA, Ms. WOOLSEY, and Mr. UDALL of Colorado.
H.R. 2484: Mr. FOSSELLA and Mr. OWENS.
H.R. 2486: Ms. HART.
H.R. 2662: Mr. FLAKE.
H.R. 2669: Mr. ADERHOFT, Mr. LAHOD, Mr. LEACH, Mr. McINTRYE, Mr. PETERSON of Minnesota, Mr. PHELPS, and Mr. SHOWS.
H.R. 2705: Mr. FOSSELLA.
H.J. Res. 6: Mr. SOUDER.
H.J. Res. 15: Ms. ROYBAL-ALLARD.
H.J. Res. 42: Mr. SMITH of Washington, Mr. SUEKOW, Mr. HORN, Mr. ANDREWS, Mrs. MALONEY of New York, Ms. HARMAN, Mr. HONDA, Mr. CARSON of Oklahoma, Mrs. CAPITO, and Mr. PICKERING.
H. Con. Res. 58: Mr. HILLIARD.
H. Con. Res. 60: Ms. WOOLSEY.
H. Con. Res. 97: Mr. KENNEDY of Rhode Island.
H. Con. Res. 185: Ms. LEE, Mr. HYDE, Mr. SMITH of New Jersey, and Mr. HONDA.
H. Con. Res. 186: Ms. SCHAOKOWSY and Mr. GREGG of Illinois.
H. Res. 65: Mr. FOLEY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4 OFFERED BY: MS. KAPUR

AMENDMENT NO. 6: Page 96, after line 17, insert the following new section, and make the necessary conforming changes in the table of contents: SEC. 804. REENERGIZING RURAL AMERICA.

(a) AMENDMENTS.—Parts B and C of title I of the Energy Policy and Conservation Act (42 U.S.C. 6221-6224), and the items in the table of contents of that Act relating thereto, are amended—

(1) by striking "Strategic Petroleum Reserve Fund" each place it appears and inserting "Strategic Fuels Reserve";

(2) by striking "petroleum products" each place it appears other than section 160(h) and inserting "strategic fuels";

(3) by striking "petroleum product" each place it appears and inserting "strategic fuel";

(4) by striking "petroleum products" each place it appears and inserting "strategic fuels";

(5) by striking "petroleum product" each place it appears and inserting "strategic fuel";

(6) by striking "SDF Petroleum Account" each place it appears and inserting "SDF Fuels Account";

(7) in section 152, by adding at the end the following new paragraph:

"(12) The term 'strategic fuels' means petroleum products, ethanol, and biodiesel fuel. Such fuels may be obtained in exchange for, or purchased with funds realized from the sale of, crude oil from the Reserve.

(2) The Secretary shall carry out paragraph (1) in a manner that avoids, to the extent possible, disruption of the strategic fuels markets.

(b) in section 164(g), by striking "crude oil" each place it appears and inserting "strategic fuels";

(10) in section 165(5), by striking "petroleum" and inserting "strategic fuel";

(11) in section 165(6) by striking "oil" and inserting "fuels";

(c) EXPENDITURES FROM LOAN FUNDS.

(3) RESTRICTIONS.

(i) Fuel cells.

(ii) Combined heat and power systems.

(iii) Advanced internal combustion engine generators.

(iv) Advanced natural gas turbines.

(v) Energy storage devices.

(vii) Distributed generation research and development for local communities, including interconnection standards and equipment, and dispatch and control services that preserve appropriate local control authority to protect distribution system safety, reliability, and new and backup power quality.

(f) PURCHASE OF EXISTING ELECTRICITY GENERATION AND TRANSMISSION SYSTEMS.

(g) Construction of new electricity generation and transmission facilities.

(h) EDUCATION AND PUBLIC INFORMATION PROGRAMS.

(i) RESTRICTIONS.

(1) no loan may be made under this section to any entity that is financially distressed, delinquent on any Federal, or, in current bankruptcy proceedings.

(2) No loan shall be made under this section unless the Secretary determines that

(A) there is reasonable assurance of repayment of the loan; and

(B) the amount of the loan, together with other funds provided by or available to the recipient, is adequate to assure completion of the facility or facilities for which the loan is made.

(3) LOAN REPAYMENTS.

(A) IN GENERAL.—Before making a loan under this section, the Secretary shall determine the period of time within which a State must repay such loan.

(B) LIMITATION.—Except as provided in subparagraph (C), the Secretary shall in no case allow repayment of such loan—

(i) to begin later than the date that is 30 years after the date on which the loan is made; and

(ii) to be completed later than the date that is 10 years after the date on which the loan is made.

(C) Moratorium.—The Secretary may grant a temporary moratorium on the repayment of a loan provided under this section if, in the determination of the Secretary, continued repayment of such loan would cause a financial hardship on the State that received the loan.

(2) INTEREST.—The Secretary may impose or collect interest on a loan provided under this section in excess of one percent above the current U.S. Treasury rate for obligations of similar maturity.

(3) CREDIT TO LOAN FUND.—Repayment of amounts loaned under this section shall be credited to the Community Power Investment Revolving Loan Fund and shall be available for the purposes for which the fund is established.

(4) FINANCE CHARGES.—The Secretary may assess finance charges of 5 percent on loans under this section that are repaid within 5 to 10 years, 3 percent on such loans that are repaid within 3 to 5 years, and one percent for loans repaid within 3 years.

(D) ADMINISTRATION EXPENSES.—The Secretary may deduct from the proceeds of the Community Power Investment Revolving Loan Fund any amount necessary to pay administrative expenses.
(e) Authorization of Appropriations.—There are authorized to be appropriated to the Community Power Investment Revolving Loan Fund $5,000,000,000 for each of the fiscal years 2002 through 2007.

H.R. 4
OFFERED BY: MR. STEARNS
AMENDMENT NO. 9: Page 34, after line 7, insert the following new section and make the necessary changes in the table of contents:

SEC. 129. DEPARTMENT OF DEFENSE FUEL EFFICIENCY.

(a) Findings.—Congress finds the following:

(1) The federal government is the largest single energy user in the United States.

(2) The Department of Defense is the largest energy user among all federal agencies.

(3) The Department of Defense consumed 595 trillion btu of petroleum in Fiscal Year 1999 while all other federal agencies, combined, consumed 56 btu of petroleum.

(4) The total cost of petroleum to the Department of Defense amounted to $3.6 billion in Fiscal Year 2000.

(b) Sense of Congress.—It is the sense of Congress that the Department of Defense should work to implement fuel efficiency reforms as recommended by the Defense Science Board report which allow for investment decisions based on the true cost of delivered fuel, strengthening the linkage between warfighting capability and fuel logistics requirements, provide high-level leadership encouraging fuel efficiency, target fuel efficiency improvements through Science and Technology investment, and include fuel efficiency in requirements and acquisition processes.
The Senate met at 9:30 a.m. and was called to order by the Honorable Debbie Stabenow, a Senator from the State of Michigan.

Pledge of Allegiance

The Honorable Debbie Stabenow led the Pledge of Allegiance, as follows:

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

Appointment of Acting President Pro Tempore

The President of the Senate appointed the Honorable Debbie Stabenow, a Senator from the State of Michigan, to perform the duties of the Chair.

Recognition of the Acting Majority Leader

The Acting President pro tempore, Ms. Stabenow thereupon assumed the chair as Acting President pro tempore.

Schedule

Mr. REID. Madam President, today the Senate will resume consideration of the Agriculture supplemental authorizations bill. Senator LUGAR, under a previous order entered, will be recognized to offer the House-passed act as an amendment or, in fact, whatever he desires to offer. Rollcall votes will occur on amendments throughout the day. The Senate will be in recess today, as is normal on a Tuesday, from 12:30 to 2:15 for our weekly party conferences.

The majority leader, Senator DASCHLE, has asked me to announce that he wishes to complete this bill this week, also the Transportation Appropriations Act, the VA-HUD appropriations, and the export administration bill.

Resumption of Consideration of the Agriculture Supplemental Appropriations Bill

Mr. REID. Madam President, today the Senate will resume consideration of the Agriculture supplemental authorizations bill. Senator LUGAR, under a previous order entered, will be recognized to offer the House-passed act as an amendment or, in fact, whatever he desires to offer. Rollcall votes will occur on amendments throughout the day. The Senate will be in recess today, as is normal on a Tuesday, from 12:30 to 2:15 for our weekly party conferences.

The majority leader, Senator DASCHLE, has asked me to announce that he wishes to complete this bill this week, also the Transportation Appropriations Act, the VA-HUD appropriations, and the export administration bill.

Emergency Agricultural Assistance Act of 2001

The Acting President pro tempore, Mr. LUGAR, is recognized to offer an amendment.
Mr. LUGAR. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

Mr. LUGAR. I ask unanimous consent that the amendment not be read in full.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment by mime.

The senior assistant bill clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 1190.

The amendment is as follows:

(Purpose: To provide a substitute amendment)

Strike everything after the enacting clause and insert the following:

SECTION 1. MARKET LOSS ASSISTANCE.

(a) Assistance Authorized.—The Secretary shall use $16,940,000 of funds of the Commodity Credit Corporation to provide supplemental assistance to producers of wool and producers of mohair, for the 2000 marketing year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

(b) Assistance to Specialty Crops.—The Secretary shall use $34,700,000 of funds of the Commodity Credit Corporation to provide supplemental assistance under section 206(e) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 7 U.S.C. 1701 note) to producers and handlers of the 2000 crop of cottonseed that previously received assistance under such section.

SEC. 2. SUPPLEMENTAL OILSEEDS PAYMENT.

The Secretary shall use $255,510,000 of funds of the Commodity Credit Corporation to make a supplemental payment under section 202 of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 7 U.S.C. 1701 note) to producers of the 2000 crop of oilseeds that previously received a payment under such section.

SEC. 3. SUPPLEMENTAL PEANUT PAYMENT.

The Secretary shall use $329,210,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(a) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 7 U.S.C. 1701 note) to producers of peanuts for the 2000 crop year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payment under this section.

SEC. 4. SUPPLEMENTAL TOBACCO PAYMENT.

(a) General Provision.—The Secretary shall use $329,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 7 U.S.C. 1701 note) to eligible persons (as defined in such section) that previously received a payment under such section.

(b) Special Rule for Georgia.—The Secretary may make payments under this section to eligible persons in Georgia only if the State—

(1) incurred a loss as the result of—

(A) the business failure of any cotton buyer doing business in Georgia; or

(B) the failure or refusal of any cotton buyer to pay the contracted price that had been agreed upon by the ginner and the cotton buyer; and

(2) acted by Public Law 106-387 (as enacted by Public Law 106-387 (as enacted by Public Law 106-387; 114 Stat. 1549A-42), is amended to read as follows:

(b) Cotton Payments to State.—The Secretary of Agriculture shall make the payment to the State of Georgia under subsection (a) only if the State—

(1) contributes $5,000,000 to the indemnity fund and agrees to expend all amounts in the indemnity fund by not later than January 1, 2001 (or as soon as administratively practical thereafter), to compensate cotton producers for the provision of compensation to cotton producers as provided in such subsection; and

(2) requires the recipient of a payment from the indemnity fund to repay the State, for each cotton gin in the State, the amount of any duplicate payment the recipient otherwise receives for such loss of cotton, or the loss of proceeds from the sale of cotton, up to the amount of the payment from the indemnity fund; and

(3) agrees to deposit in the indemnity fund the proceeds of any bond collected by the State for the benefit of recipients of payments from the indemnity fund, to the extent of such payments.

(c) Additional Disbursements from the Indemnity Fund.—The State of Georgia shall use funds remaining in the indemnity fund, after the provision of compensation to cotton producers in Georgia under subsection (a) (including cotton producers who file a continuing claim, as defined and provided in such section) and (d) of such section is amended to read as follows:

(3) to the extent of such payments; and

(d) Specialty Crop Defined.—In this section, the term ‘specialty crop’ means any agricultural crop, except wheat, feed grains, dry beans, rice, cotton, rice, and tobacco.
I have sought recognition this morning at the early part of the debate because I sense that we may be successful, and I have some premonition of disaster if we are not, as I read in the press, in all of the communications that come to us about the future course of the particular debate might go. I will not try to be a prophet. My own optimistic spirit is that the debate will go in a constructive way, and that is the purpose of this amendment, not to offer the amendment this morning, though I offered it in committee. It did have a limit of $5.5 billion. I thought it was reasonably well constructed as a compromise of various interests within the committee.

Instead, the amendment I have sent to the desk—and I ask for its immediate consideration—is the identical language of legislation that came from the House of Representatives. It is a bill already adopted by our friends in the House Agriculture Committee and the House of Representatives as a whole. It is passed. At some point, probably very quickly, we will have to come to grips—this week, for example—with what we will do if we pass legislation different from that which the House has passed.

The conventional wisdom is, of course, we would have a conference between Members of the House and Senate. We would try to reconcile our differences. We would try to come to the two bodies at some time during this week. Presumably because of the emergency, priority would be given to this conference report. Hopefully, both Houses would pass what we do and send it to the President.

The President has left no doubt what he will do if in fact this comes to him in some form with a pricetag higher than $5.5 billion, all to be spent in this fiscal year. We had, first of all, at the time of our committee debates, a letter from Mitch Daniels, Director of the Office of Management and Budget. Mr. Daniels said he would not recommend that the President sign a bill of more than $5.5 billion in this fiscal year. That was fairly mild in comparison to the letter read on the floor by the distinguished Senator from Pennsylvania yesterday, which was received by many Members and which, after a lot of conversation, including the President of the United States, was vividly in much of it—the letter came to us and said the senior advisers of the President would advise him to veto the bill if it has more than $5.5 billion and extends beyond this year. They gave reasons for that, and these are debatable. And I am sure we will hear debate about them.

Mr. President, there is no doubt in my mind, nor should there be in the minds of other Senators or of the farmers in this country or of anybody listening to this debate, what is going to occur in the event we finally come to a conference and we have a result other than something less or $5.5 billion.
That being the case, I have suggested to the Senate, and in fact taken the action of offering it as an amendment, that if we are serious about coming to a conclusion on this farm bill, we had best at this point adopt the House language. It is not my language. It is not pride of authorship. It is not my way or no way. I have already had a try at it and lost 12-9 in the Ag Committee on what I thought was a pretty good suggestion. That is another day.

We now are in the last week of presumably our final week. The distinguished majority leader has said we are going to stay at this, not just this week and this weekend but until we pass a bill. I have no doubt we will pass a bill. The point I am making is, it had better be one the President will sign or at the end of the trail we will not have legislation. We will have an issue. Members may say: The President was wrong; he should not have demanded. T. STEHOLM, the distinguished ranking member from Texas; JOHN BOEHNER from Ohio; and other distinguished Members will affirm that he was absolutely right.

The net effect, however, for farmers listening to all of that, as we sort out the relative praise and blame, will be that they get no money. That is what the debate with and will probably repeat several times because it is a very critical element.

If the House bill which I have offered today as an amendment did not have a lot of merit, I would not have taken the step this morning to suggest to my colleagues they adopt something that was without the merit at least that I believe it has.

I want to offer, as introduction to the discussion of this House bill and my amendment, a letter that was received yesterday by TRENT LOTT, our Republican leader. It was written by three distinguished Members of the House of Representatives. Namely, T. STEHOLM, the distinguished ranking member of the Agriculture Committee from Texas; JOHN BOEHNER from Ohio; and CAL DOOLEY from California. They essentially were authors and major advocates of the legislation that finally emerged. They say:

It is our understanding the Senate will begin floor consideration this week on the Fiscal Year 2001 Agricultural Supplemental Assistance bill. We are writing to urge the Senate to stay within $5.5 billion provided for FY2001 in the budget and to approve this measure immediately in order to provide the assistance to farmers and ranchers this fiscal year. After much debate in the House Agriculture Committee, we determined that spending more than $5.5 billion would limit our flexibility as we write the 2002 Farm Bill. We believe that if we spend more than the money allowed for fiscal year 2001, we will be borrowing against American agriculture’s best chance for a comprehensive safety net.

Last week the House Agriculture Committee passed a landmark farm bill that will provide a safety net for our farmers, fund conservation at an unprecedented level, and renew our commitment to needy families. But supplemental assistance legislation beyond $5.5 billion will imperil these critical needs.

We urge you to remain within the $5.5 billion so that we can provide long-term solutions for America’s farmers and ranchers. Thank you in advance for your consideration of this request.

It is signed by the three distinguished Members.

We likewise, Madam President, heard from a good number of our colleagues on the floor yesterday that they appreciate the point of the House. They disagree with House Members will disagree with a number of our approaches—in part because all are compromises between interests that have a lot of merit.

For example, in the amendment I offered in committee, the AMTA payment was somewhat over $5 billion. In the amendment we are looking at today, the House legislation, the AMTA payment is somewhat better than $4.6 billion—about $400 million less. Legislation offered by the distinguished chairman of our committee, Senator HARKIN, offers about $400 million more in the end.

If we take an example, for the corn farmer—and I admitted yesterday I am one—this is bad news. Moving from $5 billion to $4.6 billion in the AMTA payment, even to $5 billion is difficult, and $4.6 billion is very difficult; likewise, wheat farmers, cotton farmers, rice farmers, what goes on here? In the old days, the only crops we were talking about were the program crops as I outlined yesterday that started in the 1990s. That is the way it has been all these years.

Now suddenly, in a $5.5 billion bill only $4.6-plus billion is devoted to us. After all, we farm the majority of the acreage and, in terms of crops, the majority of the value.

Livestock producers would say: Welcome. We were never in on the deal to begin with. Program crops meant crops. They did not mean hogs and cattle and sheep. In fact, we will take a look at this situation. We are already in some anxiety as, say, cattlemen and people who produce pork, as we heard in our committee last week.

What do these programs do to feed costs? Is there an input problem for us already in what agriculture committees have been doing cumulatively? We thought there might be, and that would be bad news if one were getting no AMTA payment or consideration. In fact, we are seeing potential costs increase in the programs to help various people.

My only point is within American agriculture there are many diverse, even competing, views among those who produce livestock; feed livestock, and those who produce the feed. If there was one integrated operation, perhaps it all works out, but as we have heard, many farmers in America do one or another or various things. So they are all going to look at this bill and say: What is in this for us?

The amendment I have offered will be a disappointment in that respect because it is a compromise. It suggests that in order to accommodate a number of interests, and some say even in the House bill not nearly enough, there is some division of what might be coming in a more whole form in the AMTA payment.

I wanted this point explicitly because on the side of the aisle I have heard Senators say they want the bigger AMTA payment. I am not so worried about specialty crops or about poultry or livestock. As a matter of fact, I am worried about cotton farmers, rice farmers, wheat farmers. I am not worried about cotton farmers. I understand that. As a matter of fact, this is a part of the business of legislation, trying to find and meld these competing interests.

In any event, we have that predicament at the outset, which I admit. As I said at the beginning, I offered the amendment because I see this potentially as a way in which we will have a bill. I fear if we do not have a solution along those lines we will not have a bill.

Let me go explicitly into the amendment that has been offered this morning. As was suggested by our distinguished Members of the House, whose letter I read, by Congressmen STEHOLM, BOEHNER, and Mr. LOTT, the House passed H.R. 2213, which provided for $5.5 billion in broad-based market loss assistance to the Nation’s farmers and ranchers. The assistance must be provided to farmers by September 30 this year, the last day of fiscal year 2001.

This market loss assistance is above and beyond $21.7 billion in payments in fiscal year 2001 that the Congressional Budget Office now estimates is already being provided to farmers in this fiscal year under current law commodities support and crop insurance programs. Excluding the new farm assistance we are now considering, the Agriculture Department projects United States net cash farm income for 2001 at $52.3 billion, down $3 billion from last year’s $55.3 billion.

As I mentioned in the debate yesterday, herein lies the reason at least the Budget Committees of the Senate and the House allocated the $5.5 billion for this year. They saw a gap. As I recall, they estimated the gap then, in January and February, at $3 billion or $4 billion. With updated figures, we now see an estimate that there is about a $3 billion gap between the $52.3 billion in net cash farm income this year and what was expected for this year.

Farm income last year was supported by nearly $23 billion in direct payments to farmers, which at that time was an all-time high. If we enact H.R. 2213, the amendment I have offered, in a timely fashion, net cash farm income for this year, based on the current USDA projection, would rise to $57.8 billion, $2.5 billion above last year’s level. We will have made up the $3 billion gap and exceeded that by $2.5 billion with a $5.5 billion expenditure.

H.R. 2213 provides for $4.622 billion in supplemental market loss payments.
These are payments to producers enrolled in the 1996 farm bill’s Agriculture Market Transition Act, the AMTA acronym. These farmers have contracts, and the bill says the payments come to them throughout the entire life of the contract. That is the AMTA payment, $4.622 billion.

The second provision is $424 million in market loss payments to producers of soybeans and other oilseeds. My first question on this provision was: How will the $424 million go to the same producers who received the money last year?

It was not easy to make the payments last year, and this called for an enormous amount of research and guidance. The whole process, but the results of all of that activity are that there is now a list. The expedition to get this money to the States was a great effort. Now, the States will have to work out who gets the money within their States, but for the purposes of this act the money is dispensed by the Federal Government to the States before September 30. Therefore, technically, it is out of the Treasury before the fiscal year ends and fits within the $5.5 billion in that way.

The next provision is $54 million in assistance to producers of specialty crops such as fruits and vegetables. Here we do not have lists of who received the money last year, and therefore the provision in the House bill is there would be grants to the States. Now, the States will have to work out who gets the money within their States, but for the purposes of this act the money is dispensed by the Federal Government to the States before September 30. Therefore, technically, it is out of the Treasury before the fiscal year ends and fits within the $5.5 billion in that way.

The next provision is $159 million in assistance to producers of specialty crops such as fruits and vegetables. Here we do not have lists of who received the money last year, and therefore the provision in the House bill is there would be grants to the States. Now, the States will have to work out who gets the money within their States, but for the purposes of this act the money is dispensed by the Federal Government to the States before September 30. Therefore, technically, it is out of the Treasury before the fiscal year ends and fits within the $5.5 billion in that way.

The next provision is $54 million in market loss assistance for cotton seed; the same for $17 million in market loss assistance for wool and mohair producers; the final provision in the House bill is $10 million in emergency food assistance support.

Yes, the money will go for commodities for the school lunch programs and other important and nutrition programs. Those moneys will be spent before September 30. These are the provisions of the House legislation. That is the total list of provisions.

H.R. 2213 utilizes the full $5.5 billion in fiscal year 2001 provided in this year’s budget resolution for farm market loss assistance. It does not touch the $7.35 billion in fiscal year 2002 funds that the budget resolution also provides either for supplemental farm assistance for the 2002 crops or to help pay for a new multiyear farm bill. That very statement is, of course, the source of some debate. There are Members who say: Why not reach into the $7.35 billion? After all, it is there. The Budget Committee is not there. Perhaps the Speaker of the House, in mentioning it, implied that the agricultural crisis goes on next year. As a matter of fact, one can suggest the Budget Committee, in talking about over $70 billion payments over 10 years, implies the crisis goes on forever, or at least for 10 years almost at the same level of crisis, maybe with a a few ups and downs, $10 billion payment one year, $5 billion the next, and so forth.

If we adopt that thinking, it makes almost no difference when the money is spent because the crisis goes on and people think if you can’t pick it up in this bill, you might try the Agriculture appropriations bill and find an emergency there to provide additional funds.

Sponsored by Congressmen STENHOLM and BOEHNER, whom I mentioned before, the House bill finally represents a bipartisan compromise. It was not easy to come by. Stenholm-Boehner-Dooley, and others in both parties within the House Agriculture Committee. Many people, as I read the debate, asked, What about us? They mentioned various considerations: if we were sending money to farmers, they wanted their fair share, including the brokering of all of that, with payments that could be made physically by the end of this year.

It was not an easy task. Nevertheless, they mastered it in the House. It came out of committee over a month ago. Their bill passed the House by voice vote. Perhaps the House Members, by the time they listened to all of this debate, figured the Agriculture Committee people suffered enough; that they had undergone the agonies and did not want a repetition.

It is remarkable that this body takes a very different view. It appears we are going to have an extensive debate that farmers will say: Why can’t we have the $54 million? I mention these programs because I think we ought to be about this in a very serious way. The EQIP program that I cited is extraordinarily important. It is at least a way in which our livestock producers can stay alive while meeting the requirements of the EPA or other environmental considerations that impinge very markedly on their operations. As we consider the farm bill in the Senate as a whole, I would be an advocate of doing a great deal more. I have saluted our chairman, Senator HARKIN, for his championship of conservation programs. Both the chairman and I, as we speak, are missing a hearing on conservation programs. We regret that, because these are people who are in the field, championing things that we believe in very strongly.

There is an argument, which you will hear in due course as the farm bill is being dealt with, that I don’t overadvocate me; try to get on with a result because September 30 is coming quickly. Now, granted, such voices will be heard coming from agricultural America to this body.

As I indicated at the outset, and the reason I offer this amendment, this amendment offers, I believe, the opportunity to get a result before the Senate today, which I have sought to amend, represents a very different approach that came out of the Senate Agriculture Committee. The approach is that $1.976 billion in fiscal year 2002 would not be spent in addition to the $5.5 billion in the current fiscal year. A significant portion, therefore, of the fiscal year 2002 budget authority is used to fund this farm bill provision as opposed to the emergency that may arise next year or the farm bill which presumably will come out of our committee and set some charter philosophy for the future. The House already passed such a bill. We may or may not agree with it. In any event, they have a pretty full picture of the budget today.

The bill offered by the distinguished chairman of our committee, Senator HARKIN, for example, provides $200 million for the wetlands reserve program, WRP; $250 million for the environment quality incentive programs, EQIP; $40 million for the farm protection program; $7 million for the wildlife habitat incentive program; $43 million for a variety of agricultural credit and rural development programs; and $3 million for agricultural research. The outcome of these programs would be spread over a number of years, well beyond fiscal year 2002.

I mention these programs because I support these programs. I have been a major advocate for agricultural research, not only of the formula grants to our great universities but cutting-edge research where anyone can compete to try to go out after the most pervasive hunger problems on Earth, or go after production problems, genetic problems, the whole raft of things that are very important for humanity. I think we ought to be about this in a very serious way. The EQIP program that I cited is extraordinarily important. It is at least a way in which our livestock producers can stay alive while meeting the requirements of the EPA or other environmental considerations that impinge very markedly on their operations. As we consider the farm bill in the Senate as a whole, I would be an advocate of doing a great deal more. I have saluted our chairman, Senator HARKIN, for his championship of conservation programs. Both the chairman and I, as we speak, are missing a hearing on conservation programs. We regret that, because these are people who are in the field, championing things that we believe in very strongly.
program that helps livestock people and may be less for support of certain crops. Those are the tradeoffs, again, and the difficulties within the whole agricultural family that we finally have to face. But it would be very difficult to argue, in the sense that we are trying to arrange for farmers to pay the county banker and get the money to them by September 30, that those broad-gauged, important programs of research and conservation for America belong in this particular emergency supplemental bill.

Our distinguished Senators will offer: “They certainly do. And why not?” And: “If we believe in them, why not do more of them?” And: “Why not now?”

Earlier in the debate I pointed out one reason, as a practical matter, is that President Bush has said he will veto the bill if it is more than $5.5 billion. One way, perhaps, for the distinguished Senator from Iowa to remedy that is to downsize everything in his package to about five-sevenths of where he is, get it under $5.5 billion. But that, of course, then gets into an argument between the people who want more AMTA payments, crop payments, as well as those who want to take care of conservation and various other aspects all in this same emergency bill which is not a full-scale farm bill by any means.

As a result, we have that dilemma, and I hope we are on the side of saying we try to do the conservation, the research, the EQIP, and the farm bill as opposed to the suggestion in this day’s discussion.

Let me just comment further that, with the program improvements we made in the Agricultural Risk Protection Act of 2000—-that was the very important debate on crop insurance partipation in crop insurance has risen sharply, as we hoped it would. Without repeating even a portion of that important debate, the point of last year’s discussion about this time was that crop insurance can offer a comprehensive safety net.

For example, take once again a personal, anecdotal experience with my corn and soybean crops. This year I have about 200 acres each on the Lugar farm in Marion County in Indiana. We have taken advantage of the legislation we talked about last year and we purchased crop insurance, revenue protection, and direct payments. Very simply, this means that our agent takes a look at the last 5 years of records of production and that gives a pretty good baseline of what could be anticipated from those fields and, simply, we are guaranteed about 85 percent of revenue based upon the average crop prices for those 5 years. At the present time, the average for the last 5 years is higher than the current price. It may rise and meet that average.

So, as a corn farmer, for example, I know I am going to get 85 percent of a higher price than in fact is the market now, at least on the average production I have had. So I do not have the problem of the bad weather one year, or so forth, affecting that abnormally. The net effect of that, as a corn farmer, before I even planted the crop this year, I knew that x number of dollars were at the end of the trail—-as a matter of fact, I knew the number of those dollars that I could expect in a reasonably good year. That is a safety net that is very substantial any way you look at it.

Many farmers may say: I have never heard of such a program. That is a part of our problem, the educational component, trying to understand what crop insurance and marketing strategies, and so forth, are all about. For example, once I have guaranteed income from that cornfield, I could be alert for spikes in the market that come along and make forward sales of corn when prices were up. I am not beholden to sit there and hope the Lords come along and make forward sales of that cornfield, I could be alert for spikes in the market that come along and make forward sales of corn when prices were up. I am not beholden to sit there and hope the Lords come along and make forward sales of that cornfield, I could either borrow from next year theoretically for example, or the loan deficiency payments that flow whether or not even completely.

In addition, as to what we do today, we will be hearing soon from the Agriculture Subcommittee of the Appropriations Committee, that subcommittee takes a look at miscellaneous disasters of all sorts throughout the United States. I cannot remember an Agriculture appropriations bill that did not take into consideration weather disasters. But sometimes there are other disasters. In other words, it provides still an additional safety net for events that seem extraordinary and beyond anything we have considered or that could have been helped with crop insurance. Of our AMTA payments that flow whether or not you even have a crop.

Overall, the bill of the distinguished Senator from Iowa, the underlying bill in this debate, provides $6.75 billion in supplemental farm assistance for 2001 for crops and $750 million in other spending over 2 fiscal years. It leaves, now, $5.35 billion for the supplemental farm assistance of next year and very likely, in my judgment, will create a funding shortfall for that farm assistance. Senators can argue maybe no assistance will be required so why not try it this year. But that is a value judgment.

The President, the White House, and others, have come to the conclusion that this year is this year and we ought to look at next year on its merits because any way you look at it, $2 billion borrowed from next year theoretically could be spent for anything in America. There is no reason to spend that $2 billion on emergencies. For example, without getting into a debate that is deeper than I want to get today, by next year people could say: In fact we take very seriously the problem of prescription drugs for the elderly under Medicare. We take very seriously Social Security reform. How are you folks going to pay for that?

We might say: Well, the $2 billion will never be missed. It was simply a part of a debate we had awhile back. But every $1 billion is going to be missed when we come to those fundamental issues.

Agriculture is a part of this general amount of $1 trillion that the President said that he is going to spend the money that makes our steady income and the spending in the Union Address. As he outlined his assurance to the American people that we have to be thoughtful about Medicare, about Social Security, about education, and about health generally, he highlighted there is still this contingency of about $1 trillion from which we make the reforms in Medicare, from which the supplementary legislation for prescription drugs for the elderly come, Social Security reform, and agriculture.

There are a number of people in both the House and the Senate committees who say we had better get busy because when this general debate gets going, if we have not pinned down the agriculture money on all four corners for the next 10 years, Katy bar the door. People are likely to take a look at priorities.

I understand that. This $2 billion reaching across the line is not an egregious step. An argument can argue the Budget Committee provided this liberal interpretation. But $2 billion is $2 billion, and it is an expenditure. The Senate must determine priorities; the House has. They have said $5.5 billion, and the President said that is the only figure he is going to sign.

We may, once again, get into that kind of argument in behalf of farmers. We are strong advocates for farmers. But farmers, by and large, will say: Pass the bill and cut the checks because we have an appointment with the banker. You can have your argument when you come back.

It is a good argument for farmers as well as for other Americans. The President’s advisers in advising the President to veto this bill made a number of statements with regard to the need for it at this time. This is an important part of the debate. Members, in fact, yesterday got into this in a big way. The most common way of getting into the debate was: Senator from Iowa, the Chair and say, I have been to this county seat or that county seat or on my friend’s farm. Anybody who does not
understand the profound suffering and difficulty has just not been there and doesn’t have eyes to see. All over America people are in grave trouble. Each one of us from a farm State, as a matter of fact, could cite hundreds of instances who are having severe difficulty. There is no doubt about that. I simply state that as a basic premise for the debate.

If there were any doubt about it, we would not be debating $5.5 billion of emergency payments on top of over $20 billion of support that Congress has already voted. That is a lot of money, but I understand that a vast majority of Senators are in favor of legislation that would be helpful in this respect. We are not talking about a situation in which the needs have not been perceived, but at the same time in reality sometimes people can overstate this. That is always dangerous to do.

I have found in meetings with farmers around my State that, by and large, most people do not want to have a cheerful meeting. There are not a lot of good-news apostles coming forward and pointing out how well they are doing. In fact, that is totally out of the question.

I made a mistake at a meeting a while back in pointing out that on my farm we had made money for the last 45 years without exception. You don’t do that, I found out. No one wants to hear people talking about a matter of fact, it just isn’t true for most people. And they would say that for some it has never been true for the 45 years. They lost money for all of the 45 years, or at least essentially that is the case. I hear that.

On the other hand, let me say that essentially there has been some modest improvement in agricultural America. For example, world markets that are extremely important to the growth of the U.S. agricultural trade grew to $94.1 billion, almost $2 billion more than the same period last year. Year-to-date exports are $32.4 billion, $1.8 billion higher than they were during the same time period of last year. Export levels in 2001—the year we are in—are still well below the record highs of 1998. Primarily in response to these problems that I have cited in Asia, and production increases by competing exporters that sometimes are becoming much better at the task, nevertheless, sales appear to be increasing significantly.

During the first half of fiscal year 2001, the surplus in U.S. agricultural trade grew to $94.1 billion, almost $2 billion more than the same period last year. Year-to-date exports are $32.4 billion, $1.8 billion higher than they were during the same time period of last year. Assets in the U.S. sector show some promise of increase this year. That is amazing on a year-to-year basis.

Farm cash receipts could be a record high for 2001, driven primarily by a nearly 7-percent increase in livestock sales while crop sales could increase by as much as 1 percent. That scenario depends on $15.7 billion in direct payments from the Federal Government.

Those are some of the changes to this situation could say that is still not the real market. The sales are up because the Federal Government already has put up $15.7 billion, and we are about to put up at least $5.5 billion more. But, nevertheless, it is up rather than down.

As I pointed out earlier, if we had the $5.5 billion in my amendment, we are clearly going to have a net cash income situation that is at least $2.5 billion stronger than last year.

The farm sector equity growth continues. During the first half of fiscal year 2001, it was $6 billion. This is $5 billion more than the year before. Farm operators and lenders learned during the crisis of the 1980s that ill-advised borrowing cannot substitute for adequate cash flow and profits. In addition, farmers have kept the sector sound.

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We say: We will try to give you some low-cost loans. And the Presiding Officer, from his background in finance, will immediately recognize that these policies have some contradictions. On the one hand, we are doing our very best to make the balance sheets not worth, the balance sheets. I pointed, with pride, to the fact that we have some strength here. But it is not strength to everybody. The competing sectors, once again, are fairly obvious once you get to the fissures in our farm policy.

Nothing we do today will remedy that problem specifically. We are talking about an emergency. We are plugging in the net income, but it is all a part of this picture of well over $20 billion of Federal payments and who gets them, how are they capitalized, how does that work out in balance sheets, and for which farmers.

These are important issues. The chairman of our committee has had to try to resolve that within the committee. I salute him. As chairman for the 6 previous years, I had that responsibility. It is not easy, as you take a look around the table just in the Ag Committee, quite apart from the Senate and the House. Therefore, I am even more modest arguments in favor of the amendment I offer today. It is clearly not meant with the wisdom of Solomon. It is a pragmatic approach to how we might get action on the Agriculture bill. Let me be clear, and I hope to have a monumental argument for many hours and perhaps a veto at the end of the trail.

Let me just simply say that clearly the bill the Senator from Iowa has offered is different from the House bill—significantly different—and no less a group than the White House people have pointed out the difference and indicated the action they would take if that difference was not resolved.

So, that essentially, Members will gather as much of this to their hands and a part of the picture of agriculture in America that I have suggested and come to a conclusion that the amendment I have offered in a way—hopeful, with as much equity as possible on both sides of the aisle, and for farmers all over America—resolves our problem.

It would be unseemly to try to point out all the other scenarios that could happen if my amendment is not adopted. But let me just describe very clearly a part of the task ahead of us if we do not adopt the House language.

Whatever we adopt has to have a conference. I have cited that the bill the Senate Agriculture Committee passed the other day, maybe inadvertently, appears to touch at least three different House committees that have jurisdiction over some of this material. Maybe all of them will be happily cooperative these final days, but I am not certain that is the case.

As I take a look at the chairmanships, the ranking members, and the general views of some of these committees—and they are not all Ag Committee people—they have other views. Maybe the distinguished Senator will excise various items and try to get these folks out of the picture. That would happen if my amendment is not adopted. I have suggested he might downsize all of his items by five-sevenths and get it under $5.5 billion. Maybe that is a pragmatic solution to that. As he does so, of course, he will run into the same problem I have. He will run into problems with AMTA payments, and say: By golly, I am not going to vote for that bill unless the AMTA payment is at least as it was last year and the year before. I can’t go home and see my cotton farmers and my corn farmers with anything less. Whether we have any money or not, I am going to fight to the very last hour to get that dollar, if I can.

Or you run into the so-called specialty crops people. Strawberry farmers have been very much keen in this business before. Why not? Apple growers will say: We have a special problem this year. Without some payments, it is curtains for us.

It goes down through the line. So the chairmen will have to try to figure out how they happen if my amendment is not adopted. I have pointed out the difference and in my judgment, the difference was not resolved.

It is about $5.5 billion. It is—without any doubt, the direction of the wishes of members of the Ag Committee thrown together, listed ad seriatim. When you add up the total, it happens to come to $7.4 billion-plus. You can say: Why not? But I am suggesting the “why not,” I think it is fairly clear it does not come close to our friends in the House. It does not come close to the requirements of the President to sign the bill. Although it may satisfy Members who say we have to, we can’t, the very best we could, that will not satisfy American farmers who, in the end result, do not get the money.

Let me just add, if there is anybody in this body with a perverse belief that we should be doing nothing here—in other words, in his or her heart of hearts who says, why are we having another farm debate; Is there no end of expenditure that is required?—if such a Member exists who perversely says, these folks, out of their own overlawyering and overadvocacy, will kill each other off, the net result at the end of the day will be zero expenditure, and that is a good result because that leaves $5.5 billion for something else in life that is more important—there could be a problem.

I suppose my suggestion would be, if there is not a constructive majority on my amendment, those folks will be interspersed with those purporting to be friends of farmers and suggesting more and more. The two extremes will finally get their wish, which is no bill. I am not one of them. In a straightforward way, we have offered a pragmatic solution—not my own bill, not one that I find has extraordinary merit, but one that I believe has enough merit to be the basis for a good conclusion of a lot of difficulty in farmland and a lot of difficulty we have as legislators. It is something to bring us all the interests of America into this particular situation.

At the appropriate time, I am hopeful Members will vote in favor of the amendment. I have been advised that there may be due concern to the President. Some have suggested that would offer at least a clue of the strength of how we are doing. I hope that will not come too soon, before Members really have considered what our options are, because I predict, in the event my amendment is tabled and no longer really is a viable possibility, almost all of the possibilities that follow are fairly grim.

If, for example, other amendments should be adopted that are more than $5.5 billion, or the basic underlying bill, which is about 7.4, the odds of that becoming legislation are zero. Members need to know that at the outset. There has never been a more explicit set of messages from the White House before we vote. One could say, well, let’s taunt the President; let’s sort of see really what he wants to do. That is not a very good exercise, given 3 days of recess and the need for these checks by September 30.

Amash, if my amendment fails, this I suppose offers open season for anybody who has an agricultural problem in America. If this is going to be a failing exercise, why not bring up a whole raft of disputes, try them on for size, sort of test the body, and see what sort of support there is out there as a preliminary for the farm bill. This really offers spring training for arguments that might be out there in due course. We might try out other experiments that have been suggested, as Members truly believe we ought to discuss the trade problems and work out priorities with Social Security or Medicare and how we do those things.

Given the rules of the Senate, you could say: Why not? Is anybody going to say it is nongermane? Does anybody really want to bring the thing to a conclusion?

I simply do want to bring it to a conclusion. I am hopeful that after both parties, both sides of the aisle, have considered the options, they will adopt my amendment, and we will swiftly join hands with the House and the President and give assurance to American farmers, which, as I understand, was the beginning of our enterprise.
I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to address the amendment offered by the Senator from Indiana, the distinguished ranking member of the Senate Agriculture Committee, someone for whom I have enormous respect and listen carefully when the Senator from Indiana speaks on a subject. He has always the very best of intentions, and he has a clear view. In this circumstance, I regret to say I have a different view.

As I look at the history over the last 3 years of the assistance bills we have passed in the Senate for agriculture in these situations, this is a very modest bill. In fact, it is significantly less than we have passed in each of the last 3 years.

The amendment offered by the Senator from Indiana is precisely what passes is the hard reality exactly the legislation that comes to us from that body. The chairman of the House Agriculture Committee, the Republican chairman, has, in his written views on this bill, pointed out that this bill would provide $1 billion less than what we have passed in the last 3 years—$1 billion less than what has been passed each of the last 3 years to assist farmers at a time of economic hardship. And as the Republican chairman of the House Agriculture Committee pointed out, this is at a time when farmers face the lowest real prices since the Great Depression.

The hard reality here is that prices for everything farmers buy have gone up, up, and away, especially energy prices, and yet the prices they receive are at a 70-year low in real terms. That is the situation we confront today. That is the reality of what farmers face today. The decision we have to make is, are we going to respond in a serious way, or are we going to fail to respond?

I have very much that we will just look at the record. This chart depicts it very well. The green line is the prices farmers paid for inputs. The red line is the prices farmers received from 1991 through 2000. Look at the circumstance we have faced. The prices farmers have paid for inputs have gone up, up, and up. The prices farmers have received have declined precipitously.

That is the situation our farmers are facing. We can either choose to respond to this situation or we can fail. I hope we will respond. I hope we respond quickly because the Congressional Budget Office has told us very clearly: If we fail to respond this week, the money in this bill will be scored as having been passed in the year 2002. In effect, we would lose $5.5 billion available to help farmers.

There has been a lot of suggestion that things have been improving lately. I don’t know exactly what they are talking about in terms of improvements. We have searched the markets to try to find where these improvements are occurring.

There has been modest improvement in livestock. We do not see improvement in the program crops or the non-program crops, the things that are really covered by this bill.

Let me go back to what the chairman of the congressional committee in the House of Representatives said about this very amendment, this precise legislation, that is before us now. This is the Republican chairman of the House Agriculture Committee. He said: H.R. 2213 as reported by the Agriculture Committee is inadequate in at least two respects:

First, the assistance level is not sufficient to address the needs of farmers and ranchers in the 2001 crop-year. Second, the bill’s scope is too narrow, leaving many needs completely unaddressed.

This is the Republican chairman of the Agriculture Committee in the House of Representatives talking about the very legislation being offered by the ranking member of the Agriculture Committee in the Senate today.

This is, again from the House Agriculture chairman, at a time when real net cash income on the farm is at its lowest level since the Great Depression and the prices of agricultural products is expected to set a record high. H.R. 2213, that has precisely the same provisions as are being offered by the Senator from Indiana, cuts supplemental help to farmers by $1 billion from last year to this year. H.R. 2213 will cut wheat, corn, grain sorghum, barley, oats, upland cotton, rice, soybean, and other oilseed farmers since the cuts will come at their expense.

I say to my colleagues, if they are representing wheat farmers, if they are representing corn farmers, grain sorghum, barley, oats, rice, soybean, and other oilseed farmers, to vote for the amendment of the Senator from Indiana is to cut assistance to their producers at a time they are suffering from this circumstance.

The prices they pay are increasing each and every year. The prices they receive are plunging.

The House Agriculture Committee chairman went on to say, H.R. 2213, the bill that was reported by the House committee, the identical language which has been offered here, also fails to address the needs of dairy farmers, sugar beet and sugar cane farmers, all the crops mentioned, barley and oats, as well as farmers who are denied marketing loan assistance either because they do not have an AMTA contract or because they lost beneficial interest in their crops.

The House Agriculture Committee chairman went on to say, earlier this year, 20 farm groups pegged the need in farm country for the 2001 crop-year at $9 billion. We do not have $9 billion available to us. We have, under the budget resolution, $5.5 billion available to us, and the conference report from the Agriculture Committee provides, $5.5 billion this year, $1.9 billion out of what is available to us next year in 2002.

What the amendment from the Senator from Indiana would provide is $5.5 billion this year, period. It is not enough. It represents, according to the Republican chairman of the Agriculture Committee in the House, a billion dollar cut from what we did last year. That is not what we should do.

The House Agriculture Committee chairman went on in his report to say, those who championed this legislation, as reported in the committee, argued in part a cut in help to farmers this year. It is necessary to save money for a rewrite of the farm bill, but the fly in the ointment is many farmers are deeply worried about whether they can make it through this year, let alone next year.

That is what we are down to in farm country across America. We are down to a question of survival. In my State, I have never seen such a loss of hope as has occurred in the agricultural sector, and it is the biggest industry in my State. I think one would have to pay everything they buy, all of the inputs they use, every input going up—up, up, up—and if this chart extended to 2001, it would be more dramatic—we would see the prices going up even further.

On the other hand, if we looked at the prices for everything one sold going almost straight down, they would be hopeless, too.

This chart does not show just the last 6 months. This is a pattern of prices is since 1996. These are not KENT CONRAD’s numbers. These are the numbers from the U.S. Department of Agriculture.

The pattern of the prices which farmers receive is virtually straight down, and the prices they pay have been going up, up, up.

I do not know what could be more clear. We have an obligation to help. We have an obligation to move this legislation. We have a requirement to move this legislation this week, not just through this Chamber but through the whole process. It has to be conferenced with the House, and the conference report has to be voted on before we go on break or we are going to lose $5.5 billion. The money will be gone because the Congressional Budget Office has told us very clearly if this bill is not passed before we leave on break, they will score this legislation, even though it is being passed in fiscal year 2001. If they say the money cannot get out to farmers before the end of the fiscal year.

It is all at stake in this debate we are having, and I urge my colleagues to think very carefully about what they do in these coming votes.

I will close the way I started, by referring to the report of the chairman from the House Agriculture Committee, who said very clearly the identical legislation, which is contained in the amendment from the Senator from Indiana, is inadequate. This is the Republican chairman of the House Agriculture Committee, and he calls the
amendment being offered inadequate in at least two respects: First, the assistance level is not sufficient to address the needs of farmers and ranchers in the 2001 crop-year.

Second, the bill’s scope is too narrow, leaving many needs completely unaddressed.

Finally, he said, clearly this legislation, precisely what we are going to be voting on in the Senate, cuts supplemental help to farmers by $1 billion from last year to this year. We are cutting at the time we see a desperate situation in farm country all across America. It does not make sense. It is not what we should do. We ought to reject the amendment by the Senator from Indiana.

I thank the Chair, and I suggest we move forward.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Chair, and I suggest the amendment be stricken of the Budget Committee for pointing out the letter we received from the Office of Management and Budget, which is not signed, but it is from the Office of Management and Budget and says: “The President’s senior advisers would recommend the Senate have before us based upon improvements in agricultural markets. Stronger livestock and crop prices means that the need for additional Federal assistance continues to diminish.”

I grant that livestock prices are a little bit higher. Are crop prices better than last year? Yes, but last year was a 15-year low. So it has come up a little bit. We are still at a 10- or 12-year low in crop prices. Simply because they were a little bit better than last year’s disastrously low prices does not mean we don’t have a need for additional farmer assistance. We do need it desperately.

It seems to me if that is the advice, the Budget Committee is giving, he is getting bad advice. I hope the President—he is the President; he does make the final decision—will look at the low crop prices we have all over America, and not only low crop prices, that is just looking at one thing. Crop prices may be marginally better than last year, but the input costs have skyrocketed.

We all know what has happened to fuel prices and fertilizer prices. They have skyrocketed. So the gap between what we are receiving and what they are paying out continues to widen, as indicated in the chart of the distinguished Senator from North Dakota.

The President’s advisers do not really know what is happening in farm country.

The Senator from North Dakota read from the report of the Agriculture Committee. I reemphasize that the chairman of the House Agriculture Committee, a Republican, Larry Combest from Texas, along with 17 members of the House Agriculture Committee, said their bill was inadequate for two reasons: One, it is not sufficient to address the needs of farmers and ranchers; second, the scope is too narrow, leaving many needs completely unaddressed.

He points out that earlier this year 20 farm groups pegged the need for the 2001 crop-year at $9 billion. The farmers represent, according to Larry Combest’s letter, 17 members of the Agriculture Committee. The farmers they represent had every reason to believe the help this year would be at least comparable to the help Congress provided last year. Producers who graze or produce wheat, cotton, and oats, as well as producers who are denied marketing loan assistance—either because they do not have an AMTA crop or they lost beneficial interest in their crops—need help, too.

As this process moves forward, the letter continues, we will work to build a more sturdy bridge over this year’s financial straits, straits that may otherwise threaten to separate many farmers from the promise of the next farm bill.

If we are going to do is adopt the farm bill the House passed, there is no bridge. They are saying they hope the Senate might do something else so we can work on building that bridge.

A letter dated March 13, 2001, to the Honorable Pete Domenici, chairman of the Committee on the Budget, is signed by 21 Members of the Senate on both sides of the aisle: Senators Cochran, Hutchinson, Breaux, Landrieu, Bond, Gobert, Kassebaum, Sessions, Helms, McConnell, Craig, Cleland, Inhofe, Thurmond, Fitzgerald, Miller, Frist, Thomas, Hutchinson, and Hagel.

It says:

Specifically, since conditions are not appreciably improved for 2001, we support making market loss assistance available so that the total amount of assistance available through the 2001 Market Transition Act and the Market Loss Assistance payments will be the same as was available for the 2000 crop. We understand it is unusual to ask that funds to be made available in the current fiscal year be used to bridge the budget resolution covering the next fiscal year, but the financial stress in U.S. agriculture is extraordinary.

According to the USDA and other prominent agriculture economists, the U.S. agricultural economy continues to face persistent low prices and depressed farm income. According to USDA, “Incomes in petroleum prices and interest rates along with higher prices for other inputs, including for increased input costs such as fertilizer and feed, in the last 3 years, farmers have experienced rapidly increasing input costs including fuel, fertilizer and interest rates. According to USDA, “increases in petroleum prices and interest rates along with higher prices for other inputs, including for increased input costs such as fertilizer and feed, in the last 3 years, farmers have experienced rapidly increasing input costs including fuel, fertilizer and interest rates.”

Further reading from the letter:

With projections that farm income will not improve in the near future, we believe it is vitally important to provide at least as much total economic assistance for 2001 and 2002 as was available for the 2000 crop.

Further, the letter says:

In addition to sluggish demand and chronically low prices and incomes farmers and ranchers are experiencing rapidly increasing input costs including fuel, fertilizer and interest rates.

Further reading from the letter:

With projections that farm income will not improve in the near future, we believe it is vitally important to provide at least as much total economic assistance for 2001 and 2002 as was available for the 2000 crop.

Congress has begun to evaluate replacement farm policy. In order to provide effective, predictable financial support which also allows farmers and ranchers to compete efficiently, Congress is required to allow the Agriculture Committee to ultimately develop a comprehensive package covering major commodities in addition to livestock and specialty crops, export promotion, trade and conservation initiatives. When the legislation is enacted, it is essential that Congress provide emergency economic assistanceary to alleviate the current financial crisis. We realize these recommendations add significantly to projected outlays for farm programs. Our farmers and ranchers clearly need receiving their income from the market. However, while they strive to further reduce costs and expand markets, federal assistance will be necessary until conditions improve.

We appreciate your consideration of our views.

Sincerely,

Thad Cochran, John Breaux, Kit Bond, Blanche Lincoln, Jim Bunning, Mitch
Mr. HARKIN. The bill reported from the Agriculture Committee meets every thing in this letter, signed by all these Senators, sent to Senator DOMENICI. We have met the need. We have provided for the same market loss assistance payment this year as provided last year.

The House bill that Senator LUGAR has introduced as an amendment provides 85 percent of what was provided last year; the Agriculture Committee bill provides 100 percent. I hope Senators who sent this letter earlier to Senator DOMENICI recognize we met these needs; we provided 100 percent, exactly what they asked for, the same as available for the 2000 crop.

As Senator CONRAD pointed out, the gap in the letter, in rapidly increasing input costs, fuel, fertilizer, and high interest rates, still means farmers have a big gap out there between prices they are receiving and what they are paying out.

Ms. STABENOW. Will the Senator yield?

Mr. HARKIN. I am delighted to yield to my colleague from Michigan, a valuable member of the Agriculture Committee.

Ms. STABENOW. I take a moment to thank the chairman for his leadership in putting forward a bill that is balanced and that meets the criteria laid out, the needs expressed by Members on both sides of the aisle. I thank the Senator for putting together a package addressing those crops that are not considered program crops but are in severe financial situations.

One example in the great State of Michigan, among many, are our apple growers who have needed assistance and received assistance—late but did receive assistance—last year. I am deeply concerned when we hear as much as 30 percent of the apple growers in this country will not make it past this season. If we are to look at their needs for, not the fiscal year, but as a crop year, and the needs of the farmers, it means the version that came from the Senate committee needs to be the version adopted.

I ask my esteemed chairman, it is my understanding this amendment before the Senate, there is not a specific loss payment for apple growers; is that correct? I could address other specialty needs in dairy, sugar, and a whole range of needs in the great State of Michigan. I am sure that this does not, as the Senate Agriculture Committee bill does, put forward dollars specifically for our apple growers? It is my understanding this amendment adopted by the House of Representatives would not address the serious needs of America’s apple growers.

Mr. HARKIN. I respond to my colleague from Michigan, she is absolutely right, there is nothing in the House bill providing any help for the tremendous loss, 30-some percent loss, that apple producers have experienced in this country. We are talking about apple producers from Oregon, from Washington, Michigan, Utah, Maine, Massachusetts, Pennsylvania, who all experienced tremendous losses.

Under the AMTA payment system, they don’t get money, but they are farmers. They are farmers.

Many are family farmers and they need help. I say to my friend from Michigan, what LARRY COMBEST and the 17 others who signed the “additional views” on the House bill said was that the bill was too narrow in scope. There are a lot of other farmers in this country who are hurting, who need some help.

So, yes, I say to my friend from Michigan, we provided $150 million in there to help our apple growers. That is a small amount compared to the $7.5 billion that is the total pointyline. But it is very meaningful. It will go to those apple producers, and it will save them and keep a lot of them in business for next year, I say to my friend from Michigan.

I especially want to thank the Senator from Michigan for bringing this to our attention. To be frank, I don’t have a lot of apple growers in Iowa. We have a few, but not to the extent of many other States. It was through the intercession and the great work done by the Senator from Iowa that this brought to our attention, the terrible plight of our apple farmers all over America. I thank her for sticking up for our family farmers.

I just have a couple of other things. The Lugar amendment, the House bill, strikes out all the money we have for conservation. It strikes all the conservation money out. Earlier this year—June 14 of this year—130 Members of the House, including many members of the House Agriculture Committee, wrote a letter to Chairman COMBEST and Ranking Member STENHOLM. They said:

We believe conservation must be the centerpiece of the next farm bill.

They talk about the farm bill, but, they said:

We should not leave farmers waiting while a new farm bill is debated. We urge you to work with the House Appropriations Committee to increase FY 2002 annual and supplemental funding for voluntary incentive-based programs. In particular, we urge you to use 30 percent of emergency funds to help farmers impacted by drought, flooding and rising energy costs, through conservation programs. Currently, demand for the Environmental Quality Incentives Program exceeds $150 million. Demand for the Farmland Protection Program exceeds $150 million, demand for the Wetlands Reserve Program exceeds $350 million, and demand for the Wildlife Habitat Incentives Program exceeds $150 million.

That is signed by 130 Members of the House.

I have to be honest; we didn’t meet 30 percent of the emergency funds but we did put in about 7 percent, if I am not mistaken—a little over 7 percent. The Lugar amendment gives zero for conservation—zero.

Again, these are family farmers. Many of these farmers do not get the payments they need because they are farmers nonetheless and they need help. Certainly we need to promote conservation because a lot of these farms simply will lie dormant if we do not provide this assistance in this bill. There are two other things I want to point out. I have a letter I received today from some Members of the House—two Members. The House bill passed by 1 vote. The House Agriculture Committee put forward the Lugar amendment. What Senator LUGAR is putting out there is the House Agriculture Committee bill. It passed by 1 vote. I have a letter from two members of that committee who voted on the prevailing side. Listen to what they said:

DEAR CHAIRMAN HARKIN: Although we supported H.R. 2213—the Crop-Year 2001 Agricultural Economic Assistance Act—as it passed the House of Representatives, we have applauded the comprehensive approach you have taken in the aid package passed by the Senate Agriculture Committee to address the many diverse needs of agricultural and rural communities.

By including additional funding for conservation programs, nutrition, rural development and research, many farmers in rural communities who do not benefit from the traditional commodity programs will receive assistance this year. In particular, the $542 million you included for conservation programs will help reduce the $2 billion backlog of applications from farmers and ranchers who are waiting for USDA assistance to protect farm and ranchland threatened by sprawling development and critical wetlands and riparian areas for wildlife habitat, water quality, and floodplains.

Signed by Representative RON KIND and Representative WAYNE GILCHRIST.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:


Hon. TOM HARKIN, Chairman, Senate Committee on Agriculture, Washington, DC.

DEAR CHAIRMAN HARKIN: Although we supported H.R. 2213—the Crop-Year 2001 Agriculture Economic Assistance Act—as it passed the House of Representatives, we applaud the comprehensive approach you have taken in the aid package passed by the Senate Agriculture Committee to address the many diverse needs of agricultural and rural communities. We look forward to working with you to reconcile the competing measures in order to ensure that we meet the diverse needs of both our family farmers and the overall environment.

By including additional funding for conservation programs, nutrition, rural development and research, many farmers and rural communities who do not benefit from the traditional commodity programs will receive assistance this year. In particular, the $542 million you included for conservation programs will help reduce the $2 billion backlog of applications from farmers and ranchers who are waiting for USDA assistance to protect farm and ranchland threatened by...
sprawling development and critical wetlands and riparian areas for wildlife habitat, water quality, and floodplains.

Earlier this year, 140 House members called on the Senate Agriculture Committee to “not leave farmers waiting while a new farm bill is debated” and instead allocate 30 percent of emergency funding to conservation programs this year. Your conservation package will maintain critical conservation programs before the farm bill is reauthorized. Without this additional funding, the Wetlands Reserve Program, Farmland Protection Program, and Wildlife Habitat Incentives Program would cease to operate. It is our hope that the conference will view conservation programs favorably during conference proceedings.

We believe this short-term aid package should reflect the needs of all farmers in this commodity and set the tone for the next farm bill by taking a balanced approach to allocating farm spending among many disparate needs.

Sincerely,  
RON KOND,  
WAYNE GILCHREST,  
Members of Congress.

Mr. HARKIN. Then I have a letter also today saying:

DEAR SENATOR HARKIN: I am writing to you today to express my support for the comprehensive approach you have taken in drafting the critical economic assistance package. In providing important funds for nutrition and conservation, the agriculture economic assistance package recognizes that the jurisdiction of the Agriculture Committee goes beyond the critically important task of providing economic support for producers of commodities. I urge you to ensure that the bill reported out of the Senate retain these vitally important resources and look toward to working with you to ensure that any bill sent to the President is sufficiently well-funded. I believe the conference would not last more than a couple of hours, and we could have this bill back here, I would say no later than late Wednesday, maybe Thursday, for final passage, and we could send it to the President.

I believe his senior advisers notwithstanding the House in the Senate as to needed. I also ask unanimous consent to print a news release in the RECORD that was put out by the American Farm Bureau Federation dated June 21. It says: “The House Agriculture Committee’s decision to provide only $5.5 billion in a farm relief package ‘is disheartening and will not provide sufficient assistance needed by many farm and ranch families,’ said American Farm Bureau Federation President Bob Stallman. We believe the needs exceed $7 billion.” This is according to Mr. Stallman, president of the American Farm Bureau Federation.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:


Hon. Tom Harken,  
Chairman, Committee on Agriculture, Nutrition, and Forestry, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HARKEN: I am writing to you today to express my support for the comprehensive approach you have taken in drafting the Senate agriculture economic assistance bill. In providing important funds for nutrition and conservation, the agriculture economic assistance package recognizes that the jurisdiction of the Agriculture Committee goes beyond the critically important task of providing economic support for producers of commodities.

In providing funds for important nutrition programs such as the Senior Farmers Market and the Emergency Food Assistance Program, the Committee acknowledges its responsibility that American children live free from the specter of hunger. Additionally, by providing important resources for farmland conservation and environmental incentive payments, the Committee recognizes the important fact that the degradation of our natural resources and the decay of vitally important water quality and farmland resources that affect our rural communities and thus are deserving of our immediate attention.

I urge you to ensure that the bill reported out of the Senate retain these vitally important resources and look toward to working with you to ensure that any bill sent to the President is sufficiently well-funded. I believe the conference would not last more than a couple of hours, and we could have this bill back here, I would say no later than late Wednesday, maybe Thursday, for final passage, and we could send it to the President.

I believe his senior advisers notwithstanding the House in the Senate as to needed. I also ask unanimous consent to print a news release in the RECORD that was put out by the American Farm Bureau Federation dated June 21. It says: “The House Agriculture Committee’s decision to provide only $5.5 billion in a farm relief package ‘is disheartening and will not provide sufficient assistance needed by many farm and ranch families,’ said American Farm Bureau Federation President Bob Stallman. We believe the needs exceed $7 billion.” This is according to Mr. Stallman, president of the American Farm Bureau Federation.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC, June 21, 2001. The House Agriculture Committee’s decision to provide only $5.5 billion in a farm relief package ‘is disheartening and will not provide sufficient assistance needed by many farm and ranch families,’ said American Farm Bureau Federation President Bob Stallman. We believe the needs exceed $7 billion.” Stallman said. “The fact is agricultural commodity prices have not strengthened since last year when Congress saw fit to provide significantly more aid.”

Stallman said securing additional funding will be a high priority for Farm Bureau. He said the organization will maintain its attention to the Senate and then the House-Senate conference committee that will decide the fate of much-needed farm relief.

“Four years of lower prices has put a lot of pressure on farmers. We need assistance to keep this sector viable,” the farm leader said.

“We’ve been told net farm income is rising but a closer examination shows that is large by $73.5 billion in FY02-FY11 farm program dollars. However, given current financial conditions, growers cannot afford the reduced level of support provided by the House in H.R. 2213. Wheat farmers across the nation are counting on a market loss payment at the 1999 PFC rate. Thank you for your leadership and support.

Dusty Tallman, President of the National Association of Wheat Growers.

What is in our bill provides to wheat farmers across the country a market loss payment at the same rate they got in 1999.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:


Hon. Tom Harkin,  
Chairman, Senate Agriculture Committee, Washington, DC.

DEAR CHAIRMAN HARKEN: As President of the National Association of Wheat Growers (NAWG), and on behalf of wheat producers across the nation, I urge the Committee to draft a 2001 agriculture economic assistance package that provides wheat producers with a market loss payment equal to the 1999 Production Flexibility Contract (AMTA) payment rate.

NAWG understands Congress is facing difficult budget decisions. We too are experiencing tight budgets in wheat country. While wheat prices hover around the loan rate, PFC payments this year have declined from $0.59 to $0.47. At the same time, input costs have escalated. Fuel and electricity are up 53 percent from 1999, and fertilizer costs have risen 33 percent this year alone.

Given these circumstances, NAWG’s first priority for the 2001 crop year is securing a market loss payment at the 1999 PFC rate. We believe a supplemental payment at $0.64 for wheat—the same level provided in both 1999 and 2000—is warranted and necessary to provide sufficient income support to the wheat industry.

NAWG has a history of supporting fiscal discipline and respects efforts to preserve the integrity of the $73.5 billion in FY02-FY11 farm program dollars. However, given current financial conditions, growers cannot afford the reduced level of support provided by the House in H.R. 2213. Wheat farmers across the nation are counting on a market loss payment at the 1999 PFC rate. Thank you for your leadership and support.

Sincerely,  
DUSTY TALLMAN,  
President.
Again, we urge the Committee to allocate the market loss assistance payments at the FY99 production flexibility contract payment level for program crops.

Our bill does exactly that. The House bill does not.

I ask unanimous consent the letter from the National Corn Growers Association be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL CORN GROWERS ASSOCIATION

Hon. Tom Harkin,
Chairman, Senate Committee on Agriculture, Russell Senate Office Building, Washington, DC.

Dear Chairman Harkin:

We write to urge you to take immediate action on the $5.5 billion in funding for agricultural economic assistance authorized in the FY01 budget resolution.

The fiscal year 2001 budget resolution authorized $5.5 billion in economic assistance for those suffering through low commodity prices in agriculture. However, these funds must be dispersed by the US Department of Agriculture by September 30, 2001. We are very concerned that any further delay by Congress concerning these funds will severely affect efforts to release funds and will, in turn, be detrimental to producers anxiously awaiting this relief.

We feel strongly that the Committee should dispense these limited funds in a similar manner to the FY90 economic assistance package—addressing the needs of the eight major crops—corn, wheat, barley, oats, oilseeds, sorghum, rice and cotton. It is these growers who have suffered greatly from the last two years of escalating fuel and other input costs. The expectation of these programs is certainly for a continuation of the supplemental AMTA at the 1999 level.

Again, we urge the Committee to allocate the market loss assistance payments at the FY99 production flexibility contract payment level for program crops. We feel strongly that Congress should support the growers getting hit hardest by increasing input costs.

Sincerely,

Lee Klein, President

Mr. HARKIN. Madam President, I have another piece from the Corn Growers Association in which they say the National Corn Growers Association is optimistic about the Senate Agriculture Committee’s $7.5 billion emergency aid package.

I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From NCGA News, July 26, 2001]

NCGA Optimistic About Senate Agriculture Committee’s $7.5 Billion Emergency Aid Package

The Senate Agriculture Committee yesterday approved a $7.5 billion emergency aid package for farmers in the current fiscal year, championed by Chairman Tom Harkin (D-Iowa).

A substitute amendment offered by Richard Lugar (R-IN), ranking member, and defeated by a vote of 12-9. Lugar sought an aid package totaling $5.5 billion, similar to what the House Agriculture Committee passed in late June.

The package approved yesterday will provide help to program crops such as corn, as well as to oilseeds, peanuts, sugar, honey, cottonseed, tobacco, specialty crops, pulse crops, wool and mohair, dairy and apples. The Senate package is expected to move to the floor tomorrow, where Sen. Thad Cochran (R-MS) may offer an amendment to curb the overall spending while maintaining emergency spending for the major commodities.

Because the aid packages passed by the Senate and House are markedly different, a conference committee will be scheduled to craft a compromise.

“This development places even more pressure on Congress to act expeditiously, because any aid package approved by Congress must be in place before the USDA can cut checks and mail them to farmers before fiscal year ends on September 30, 2001,” said National Corn Growers Association (NCGA) Vice President of Public Policy Bruce Knight.

Mr. HARKIN. Madam President, I have a release from the National Farmers Union, in which they say:

The National Farmers Union today applauded the Senate Committee on Agriculture, Nutrition, and Forestry for its approval of $7.4 billion in emergency assistance for U.S. agriculture producers.

I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FARMERS UNION COMMENDS SENATE ON EMERGENCY ASSISTANCE PACKAGE
WASHINGTON, DC, July 25, 2001.—The National Farmers Union (NFU) today applauded the Senate Agriculture Committee on its approval of $7.4 billion in emergency assistance for U.S. agriculture producers.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR HARKIN:

WASHINGTON, DC, July 25, 2001.—The National Farmers Union (NFU) today applauded the Senate Agriculture Committee on its approval of $7.4 billion in emergency assistance for U.S. agriculture producers.

We do, indeed, extend the dairy price support program beyond its expiration date in 2 months.

We urge you to continue your leadership in support of the nutrition programs contained in S. 1246.

Sincerely,

Bob Stallman, President

Mr. HARKIN. Madam President, I have a letter from the Food and Research Action Center.

We urge you to continue your leadership in support for the nutrition programs contained in S. 1246.

Our bill does it. The House bill doesn’t.
It is signed by James D. Well, president of the Food and Research Action Center.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:


Senator Tom Harkin, Chairman, Senate Agriculture Committee, Russell Senate Office Bldg., Washington, DC.


As in the House bill, S. 1246 authorizes an additional $10 million for expenses associated with the transportation and distribution of commodities in The Emergency Food Assistance Program (TEFAP). The Senate version also devotes additional dollars to support school meal programs targeted to low-income children; increases the mandatory commodity purchases for the School Lunch Program; and provides additional funding for Senior Farmers Market Nutrition Programs.

We urge you to continue your leadership and support for the nutrition programs contained in S. 1246. We also thank you for your leadership this month in the hearings on nutrition programs in the Farm Bill, and look forward to working with you on important food stamp improvements later this year in that bill.

Sincerely,

James D. Well, President.

Mr. HARKIN. Madam President, I have a letter from the National Association of Farmers’ Market Nutrition Programs.

I am writing to express the strong support of the National Association of Farmers’ Market Nutrition Programs to include $20 million for the Senior Farmers’ Market Nutrition Pilot Program in S. 1246.

For States and Indian Tribal organizations administering the SFMNPP, an early decision by Congress and the Administration to continue this small but vital program is of the utmost importance. States and Tribes faced a very short time frame for application and implementation of this program last year and would be greatly benefited by quick action to renew this new but very popular program.

It is signed by Mike Bevins, President of the National Association of Farmers’ Market Nutrition Programs.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:


Hon. Tom Harkin, Chair, Senate Committee on Agriculture, Senate Russell Office Building, Washington, DC.

DEAR SENATOR HARKIN, I am writing to express the strong support of the National Association of Farmers’ Market Nutrition Program (NAFMNP) to include $20 million for the Senior Farmers’ Market Nutrition Pilot Program in S. 1246, the Emergency Agricultural Assistance Act of 2001. We understand consideration of this legislation on the Senate floor is imminent.

For Tribal organizations administering the SFMNPP, an early decision by Congress and the Administration to continue this small but vital program is of the utmost importance. States and Tribes faced a very short time frame for application and implementation of this program last year and would be greatly benefited by quick action to renew this new, but very popular program.

We urge you to include the $20 million earmarked in S. 1246 for the SFMNNP in your final version of the bill.

Sincerely,

Zy Weinberg, (For Mike Bevins, President).

Mr. HARKIN. Madam President, I have a letter from the American School Food Service Association.

DEAR SENATOR HARKIN: Specifically, we strongly support preserving entitlement commodities during the 2001–2002 school year for schools that participate in the National School Lunch Program.

That is in our bill, and it is not in the House bill. It is signed by Marcia Smith for the American School Food Service Association.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:


Re: S. 1246.

Senator Tom Harkin, Senate Hart Office Building, Washington, DC.

DEAR SENATOR HARKIN, On behalf of the American School Food Service Association, thank you for your leadership with the Emergency Assistance Act of 2001 (S. 1246), which the Senate Agriculture Committee approved and sent to the full Senate for consideration.

Specifically, we strongly support Section 301 to preserve entitlement commodities during the 2001–02 school year for schools that participate in the National School Lunch Program. Without this provision, any participating school that received bonus commodities from the U.S. Department of Agriculture would lose enrollment commodity payments under the NSLP reduced. As you know, this would result in a de facto funding cut of between $50 million and $60 million for the NSLP during school year 2001–02.

Further, with an eye to Conference, ASFSA does not support a block grant approach to the distribution of commodities.

On behalf of ASFSA’s members and the children we serve, thank you again for your leadership on this important issue. Please let me know if there is anything else we can do to further S. 1246.

Sincerely,

Marcia L. Smith, President.

Mr. HARKIN. Madam President, to sum up—and I will come back to this later on—we looked at the Nation as a whole. We looked at all farmers in this country. All farmers need help, plus there are others in rural communities who need help. There are conservation programs, as was pointed out by a letter I read from the 130 Members of the House, that need to be continued beyond the end of this fiscal year. We addressed all of these needs, and we did it within the confines of the budget resolution.

Each Senator on that side of the aisle or on this side of the aisle who is opposed to our bill could raise a point of order. But no point of order lies against this bill because it is within the budget resolution. Therefore, there is no reason for the President to veto it, unless he simply does not want our farmers to receive help, or to extend the dairy price support program, or to help some of our peanut and cottonseed farmers, and others who need this assistance, or perhaps he doesn’t think we should have a nutrition program.

Quite frankly, we have met our obligations to provide for the full AMTA payment for fiscal year 2001—the full AMTA payment. The House bill only provides 85 percent.

I say to my fellow Senators, if you want to provide the same level of assistance to farmers this year under AMTA as we did last year, you cannot support Senator Lugar’s amendment. That will wipe it out and make it only 85 percent, which is what the House bill does.

I hope after some more debate we can recognize that we have met our obligations in the Senate Agriculture Committee. There is the right course of action to take for this body and for the President to sign.

I yield the floor.

Mr. REID. Mr. President.

Mr. THOMAS. Mr. President.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Wyoming.

Mr. THOMAS. Madam President, I want to yield to my friend, the Senator from Idaho, but first I wish to make a couple of remarks. One is that if you came in here and you were listening to the difficulty that some talk about in getting this job done prior to the time the $5.5 billion disappears, then you would imagine the thing to do is to go ahead and have a bill similar to the House. Then it would be there, and we would come back with the other $2 billion, which is in the budget for next year. It isn’t as if the receipt of the time off. It is right there, and it can be done. It isn’t as if it isn’t going to happen. We are taking out next year’s and putting it in this year. You can bet that there will be a request to replace that with new money next year.

It is sort of an interesting debate. It is also interesting that the House version includes $4.6 billion in AMTA payments.

There was mention by the Senator from Michigan that it didn’t go beyond that. Actually, there is $424 million in economic assistance for oilseeds; $54 million in economic assistance for peanut processors; $129 million for tobacco; $17 million for wool and mohair; $85 million for cottonseeds; and $26 million for specialty crops, which is for the States to disperse. Over $3.5 million goes to Michigan which could go to apple growers. This idea that somehow the people have been left out is simply not the case.

I now yield to the Senator from Idaho.
The PRESIDING OFFICER. The Senator from Idaho.

Mr. REID. Madam President, will the Senate yield for a unanimous consent request?

Mr. THOMAS. Of course.

Mr. REID. Madam President, this has been cleared with Senator Lugar, Senator Harkin, and both leaders.

Madam President, I ask unanimous consent that at 2:30 p.m. today I be recognized to move to table Senator Lugar’s amendment, and that the 15 minutes prior to that vote be equally divided between Senators Harkin and Lugar.

Mr. THOMAS. Madam President, I think I will object simply to talk with the others to see if they need more time. I hope they do not. But at this moment, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I thank the Senator from Wyoming for yielding. I will be brief, for I have sat here most of the morning listening to both the Senator from Indiana and the Senator from Iowa discuss what is now pending.

There is no question in my mind—and any Senator from an agricultural State—that we are in a state of emergency with production agriculture in this country. I certainly respect all of the work that the chairman of the Senate Appropriations Committee has done. The ranking member of the Agriculture Appropriations Committee is in this Chamber, and I serve on that committee. So I have the opportunity to look at both the authorizing side and the appropriating side of this issue.

Clearly, I would like to hold us at or near where we were a year ago. At the same time, I do not believe, as we struggle with new farm bill bills that we should write massive or substantially new farm policy into an appropriations bill that is known as an Emergency Agricultural Assistance Act. There is adequate time to debate critical issues as to how we adjust and change agricultural policy in our country to fit new or changing needs within production agriculture.

I have been listening to, and I have read in detail, what the Senator, the chairman of the authorizing committee, has brought. You have heard the ranking member, the Senator from Indiana, say he is not pleased with what he is doing today. In fact, the amendment that he offered in the committee—one that I could support probably more easily than I could support the amendment he has offered in this Chamber today—is not being offered for a very simple reason; it is a question of timing.

The chairman of the authorizing committee, but a few moments ago, said: If we pass this bill today, we can get there. We are not. We are 2,500 to 3,000 miles apart at this moment. We are $2 billion apart on money. The chairman of the authorizing committee has just, in a few moments, articulated policy differences on which we are apart. And I am quite confident—I know this chairman; I have served on conferences with him; he is a tough negotiator; he is not going to give up easily, as we will have to give up easily, largely because we are writing a farm bill separate from appropriations, as we should.

But both sides have spilled into the question of policy as it relates to these vehicles. What are we really talking about now, and what should we be talking about now, are the dollars and cents that we can get to production agriculture before September 30 of this fiscal year.

I happen to be privileged to serve on leadership, and we are scratching our heads at this moment trying to figure out how we get this done. How do we get the House and the Senate to conference, and the conference report back to the House and the Senate to be voted on before we go into adjournment, and to the President’s desk in a form that he will sign?

I do not think the President is threatening at all. I think he is making a very matter-of-fact statement about keeping the Congress inside their budget so that we do not spill off on to Medicare money. We have heard a great deal from the other side about the fact that we are spending the Medicare trust fund. But this morning we have not heard a peep about that as we spend about $2 billion more than the budget allocates in the area of agriculture.

So for anyone to assume that getting these two vehicles—the House and the Senate bills—to conference, and creating a dynamic situation in which we can conference overnight and have this back before we adjourn on Friday or Saturday, to be passed by us and signed by the President, is, at best, wishful thinking.

We are going to have a letter from OMB in a few moments that very clearly states that this has to get done and has to get scored before the end of the fiscal year or we lose the money. The ranking member of the Ag Appropriations Committee, who is in this Chamber, and certainly the chairman of the authorizing committee, do not want that to happen, and neither does this Senator. In fact, I will make extraordinary efforts have it happen because that truly complicates our budget situation well beyond what we would want it to be, and it would restrict dramatically our ability to meet the needs of production agriculture across this country.

I am amazed that we are this far apart. The House acted a month ago. We have been slow to act in the Senate. And now it is hurry up and catch up at the very last minute prior to an adjournment for what has always been a very important recess for the Congress.

I will come back to this Chamber this afternoon to talk about the policy differences, but I think it is very important this morning to spell out the dynamics of just getting us where we need to get before we adjourn, I hope, Friday evening late. And I am not sure we get there because we are so far apart.

The chairman talks about passing the bill this afternoon, assuming that we would table the amendment of the Senator from Indiana; then this would pass, forgetting there are other Senators in the Cloakrooms waiting to come out and talk about an issue during the congressional compact legislation or policy authority ending at the end of September, with no train leaving town between now and then that gets that out. And to assume that is going to be a simple debate that will take but a few hours, I would suggest: How about a day or 2 to resolve what is a very contentious issue? I know I want to speak on it. I know a good many other Senators. We do not have this nation divided up into marketing territories that you cannot enter and leave easily, as our commerce clause in the Constitution would suggest.

So those are some of the issues that are buffet us today and tomorrow and the next day. That means as long as we are in this Chamber debating this bill on these very critical issues, it will not be in conference. And those very difficult policy issues and that $2 billion worth of spending authority will not get resolved where the differences lie.

So let us think reasonably and practically about our situation. The clock is ticking very loudly as it relates to our plan for adjournment and our need to get this work done, and done so in a timely fashion.

I do not criticize; I only observe because much of what the Senator from Iowa has talked about I would support. But I would support it in a new farm bill properly worked out with the dynamics between the House and the Senate, not in appropriating legislation done in the last minute, to be conferenced in an all-night session, or two or three, to find our differences, and to work them out. I am not sure we can get there. If we can’t, we lose $5.5 billion to production agriculture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, this morning, I was very impressed by the comments made by the distinguished Senator from Indiana, Mr. LUGAR.

At the markup session of our Committee on Agriculture, I was one of a number of Senators who were prepared to offer a compromise that I was prepared to offer because I thought it would more nearly reflect the programs Congress provided for emergency
or economic assistance to farmers in the last two crop-years.

We had testimony in our Appropriations Committee from the chief economist and other high-ranking officials at the Department of Agriculture that the situation facing farmers this year is very serious and that it was last year and the year before. So the record supports the action being taken by the Congress to respond to this serious economic problem facing agricultural producers around the country.

It is my pleasure to report the Appropriations Agriculture Subcommittee during the last 2 years that had been given the responsibility, under the budget resolution, for writing this disaster or economic assistance program. And we did that. The Congress approved it. It was signed and enacted into law. And the disbursements have been made.

This year the budget resolution gave the authority for implementing the program. Section 201—a provision in the Senate Agriculture Committee. I also serve on that committee. The distinguished Senator from Iowa chairs that committee, and Senator LUGAR is the ranking member and former chairman of that committee. He has great respect for all of my fellow members on the committee, but I have to say that arguments made this morning, and the proposal made this morning at the beginning of the debate by Senator LUGAR is right on target in terms of what our best opportunity is at this time for providing needed assistance to agricultural producers.

The facts are that the House has acted and the administration has also reviewed the situation and expressed its view. We have the letter signed by Mitch Daniels, the Director of the Office of Management and Budget, setting forth the administration’s view and intentions with respect to legislation that has been introduced in the Senate. It is an indication that additional assistance to farmers, that is not direct economic assistance to farmers.

That is an indirect benefit, of course, to agricultural producers and to society in general, but it is not money in the pockets of farmers, as the House-passed bill provides and as the Lugar alternative before the Senate today provides.

I had hoped there could be a way to provide exactly the same assistance we provided last year and the year before. I crafted an amendment I was prepared to offer in the Senate Agriculture Committee that would do just that.

My amendment would provide for $5.46 billion for market loss assistance to farmers. This is the same level of support farmers have received for the past 2 years. My amendment provides an additional $500 million for oilseed assistance, which is the same as last year, and $1 billion for aquaculture and other specialty crops. This is a total amount of $6.475 billion, and it represents approximately half of the Agriculture budget for both fiscal year 2001 and fiscal year 2002 combined.

The $7.5 billion reported in the bill by the Senate Agriculture Committee contains nearly $1 billion for programs that provide direct economic assistance to farmers. Why argue about that? Why argue about that in conference and spend some amount of time delaying the benefits that farmers need now?

My suggestion is, the best way to help farmers today is to pass the Lugar substitute. It goes to the President, and he signs it. We can’t write the bill as reported by the Senate Agriculture Committee. Nine of us voted against it; 12 voted for it. But we are asking the Senate today to take another look realistically at the options we have.

Let’s not embrace what we would hope we could do. Let’s embrace what we know we can do. I don’t care how many charts you put up here to show how bad the situation is in agriculture, you are not going to change the reality of the House action and the President’s promised action. We are part of the process and we have a role to play—right enough—and we can exercise our responsibilities when we rewrite the farm bill. If there is an indication that additional assistance is needed later on, we can take that from the budget resolution which provides for economic assistance for farmers in the 2002 crop year. We can do that. We don’t have to solve every problem facing agriculture or conservation on this bill today. We can do what we can do today, and farmers understand that. They don’t fall for a lot of political grandstanding. They don’t spin all the charts that you can put up here to show how bad the situation is. That doesn’t help them a bit. They know how bad it is. What they want is help now. To get help now, let’s vote for the Lugar substitute.

I ask unanimous consent to print in the RECORD a section-by-section analysis. There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT TO THE EMERGENCY AGRICULTURE ASSISTANCE ACT OF 2001—SECTION-BY-SECTION TREATMENT

**Section 101—Market Loss Assistance**

Supplemental income assistance to producers of cotton, rice, wheat, and feed grains eligible for a Production Flexibility Contract payment at the 1999 AMFTA payment levels, totaling $4.48 billion.

**Section 102—Oilseeds**

Provides $500 million for a supplemental market loss assistance payment to oilseed producers totaling $500 million.

**Section 103—Peanuts**

Provides peanuts producers of quota and additional peanuts with supplemental assistance of $50 million.

**Section 104—Sugar**

Suspend the marketing assessment from the 1996 Farm Bill for the 2001 crop year of sugar beets and sugar cane at a cost of $44 million.

**Section 105—Honey**

Makes non-recourse loans available to producers of honey for the 2001 crop year at a cost of $27 million.

**Section 106—Wool and Mohair**

Provides supplemental payments to wool and mohair producers totaling $17 million.

**Section 107—Cottonseed Assistance**

Provides assistance to producers and first handlers of cottonseed totaling $100 million.

**Section 108—Speciality Crop Commodity Purchases**

Provides $80 million to purchase specialty crops that experienced low prices in the 2000 and 2001 crop years. $8 million of the amount may be used to cover transportation and distribution costs.

**Section 109—Loan Deficiency Payments**

Allows producers who are not AMTA contract participants to participate in the marketing assistance loan program for the 2001 crop year. Raises the Loan Deficiency payment limit from $75,000 to $150,000.

**Section 110—Dry Peas, Lentils, Chickpeas, and Peas**

Provides $30 million for the 2001 crop year.

**Section 111—Tobacco**

Provides $100 million for supplemental payments to tobacco farmers.
Changing the conservation reserve program: Maybe it needs to be changed, but do we have to do it in an emergency bill where we are trying to get assistance out the door by October 1? I think, clearly, we do not.

Expanding a yet-to-be-implemented program about farmable wetlands: I don’t understand, in an emergency bill, expanding a program that has never gone into effect. Maybe we will want to expand it after it goes into effect, and when I say, I mean as a whole. I don’t imagine we would want to do it now, and, B, why would we want to clutter up an emergency farm bill that desperately needs to become law this week or next? By getting in that debate here?

The Amendments made by this Act.

Section 301—Obligation Period
Provides the Commodity Credit Corporation authority to carry out and expend the amendments made by this act.

Section 302—Commodity Credit Corporation
Except as otherwise provided in this Act, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this Act.

Section 303—Regulations
Secretary may promulgate such regulation as are necessary to implement this Act and the Amendments made by this Act.

COCHRAN AMENDMENT

Congressional Record—Senate

FY 01 Spending (Budget) .................. 35.5 billion.
Market Loss Payment .................. 5.466 billion.
Cottonseed Assistance .................. 34 million.
Subtotal FY01 .......................... 5.5 billion.

FY02 Spending: Oilseed Payment ............... 500 million.
LDP eligibility for 01 crop year ........ 40 million.
Peanuts .................................. 56 million.
Sugar (sustain assessment) ............... 42 million.
Honey .................................. 27 million.
Wool and Mohair ......................... 17 million.
Cottonseed ......................... 66 million.
Tobacco .................................. 100 million.
Equine Loans ................................ 0.
Commodity Purchases ............... 36 million.
Aquaculture ................................ 25 million.
Peanut, Lentils and Pecans ........... 20 million.
Double LDP Limit for 2001 Crop ....... 0 million.
Subtotal FY02 .......................... 975 million.

Total .................................. 6.475 billion.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I thank Senator COCHRAN for his great statement.

The question before the Senate is: do we want a reasonable package that will help farmers now that is within our budget, that we set out funds for, that can be delivered next week, or do we want to pass a bill that is full of provisions that have nothing to do with direct aid to farmers, that dramatically expands spending on programs that have nothing to do with an agriculture emergency, and a program that will almost—well, it will certainly be, since the President has now issued the veto—vetoes?

Ultimately, people have to come down to reaching a conclusion in answering that question.

What I would like to do today is make a few points. First, Senator COCHRAN is right. If we want to get aid to Texas and Mississippi and Iowa farmers next week, we need to pass the bill that we have the House or something very close to it. And passing the bill that passed the House, which can go directly to the President, which can be signed this week, is the right thing to do.

The second issue has to do with non-emergency matters in an emergency appropriations bill. I could go down a long list, but let me mention a few.

Changing the conservation reserve program: Maybe it needs to be changed, but do we have to do it in an emergency bill where we are trying to get assistance out the door by October 1? I think, clearly, we do not.

Expanding a yet-to-be-implemented program about farmable wetlands: I don’t understand, in an emergency bill, expanding a program that has never gone into effect. Maybe we will want to expand it after it goes into effect, and when I say, I mean as a whole. I don’t imagine we would want to do it now, and, B, why would we want to clutter up an emergency farm bill that desperately needs to become law this week or next by getting in that debate here?
Medicare trust fund about which we have heard endless harangues? Does anybody doubt that?

No, they do not doubt it, but where are the harangues today? Those harangues were on another day focused on some other matter. The harangues were against tax cuts, but when it is spending, there are no harangues.

Lest anybody be confused, I do know something about the Budget Committee, having been privileged to serve on that committee. The House is not under the Senate. I understand the rules. Basically, the budget is whatever the chairman of the Budget Committee says the budget is.

We have before us a bill that is $2 billion above the amount we wrote in the budget for fiscal year 2001, but the chairman of the Budget Committee says it is okay to take $2 billion from 2002 and spend it in 2001 because in 2003, we can take the same $2 billion and spend it in 2002. Actually, we cannot. If he really is the budget officer, he will notice that in 2003, unless we have a sufficient surplus so that all funds are going into the Medicare trust fund and the Social Security trust fund and reducing debt or being invested, we will not be able to make the loan from 2003 to 2002.

One can say, as Senator CONRAD did yesterday, that he makes the determination in advising the Parliamenterian that this does not have a budget point of order. So by definition, if he says it does not have a budget point of order, it does not have a budget point of order, but does anybody doubt it violates the budget?

We wrote in the budget $5.5 billion, black and white, as it can be clear, that is how much we were going to spend. Now we are spending $7.5 billion, but it does not bust the budget? Why doesn't it bust the budget? Because the chairman of the Budget Committee, Senator CONRAD, advises the Parliamenterian that it does not bust the budget. He is the chairman of the Budget Committee, so how can it bust the budget when he says it does not bust the budget?

The pattern is pretty clear. Senator CONRAD is deeply concerned—deeply concerned—about spending these trust funds as long as the money is going for non-emergency programs that do not affect directly the well-being of farmers who are in crisis today in a clear action that busts the budget. I want to say this, not to go on so long as to be mean or hateful about it. I do not mind being lectured. I get lectured all the time. I guess I am about as anybody on the Senate in lecturing my colleagues. It comes from my background where I used to lecture 50 minutes Monday, Wednesday, and Friday, and an hour and 15 minutes on Tuesday and Thursday. My students paid attention because they wanted to pass.

Here is the point: I don't see how any Member of the Senate who stands idly by and watches us spend $2 billion more than we pledged in the 2001 budget that we were going to spend on this bill, how that Member can remain silent or support that effort and have any credibility ever again when they talk about concern over deficits or spending trust funds.

Ultimately, the debate is: Is it words or is it deeds? Are you really protecting the budget when we are on the floor spending $2 billion more than we said we were going to spend in the budget?

It seems to me if you vote for this $7.5 billion appropriation—it is an entitlement program and an authorization, in addition to the $7.5 billion—if Members vote for this $7.5 billion spending bill, which violates that budget by spending $2 billion more than we committed to, it seems to me, have any credibility again in arguing you are concerned about the deficit or that you are concerned about spending the Medicare or Social Security trust fund.

There is no question when the August re-estimates come in, this $2 billion is going to come right out of the Medicare trust fund. We will have a vote. If Members want to live up to the rhetoric in saying we don't want to spend this money, if they want to be bust the budget, Members can vote for the Lugar amendment because it has three big advantages: First, it will become law this week, the President will sign it; and, second, it doesn't bust the budget. Third, it doesn't take money out of the Medicare trust fund.

I think every argument that can be made that should carry any weight in this debate is an argument for the Lugar amendment. I urge my colleagues to put an argument that will delay the assistance to our farmers and ranchers. We are going to debate a farm bill in the next fiscal year. I don't know whether we will pass one or not. We are going to debate one. Why start the debate by taking $2 billion we have to andsend ever more farm bill and spend it now on non-emergency items, by and large? Why not live with-in the budget today, get a bill to the President that he can sign, let him sign it this week, and let the money next week go out to help farmers and ranchers.

In the next fiscal year, after October 1, we can debate a new farm bill. It is at that point that many of these issues need to be decided. If Members do not want to bust the budget and Members want this bill to become law, and become law soon, vote for the Lugar amendment. I intend to vote for the Lugar amendment. I intend to oppose the underlying bill. It violates the budget. It spends $2 billion more than we pledged to limit spending in the budget. I intend to resist it as hard as I can. I think it sends a terrible signal that here we are again, in our high-handed speech about spending trust funds and living within the budget, and we come to the first popular program that we voted on and now we are busting the budget by 40 percent. Forty percent of the funds in the bill before the Senate represents an increase in spending over the budget that we adopted. That is a mistake.

I urge my colleagues to vote for the Lugar substitute for the President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I am surprised to hear the Senator from Texas talk about our not complying with the budget resolution. The Senator from Texas is a member of the Budget Committee. The Senator from Texas must know full well the budget allows $5.5 billion for the Agriculture Committee to expend in fiscal year 2001. The Budget Committee also gave instructions to the Agriculture Committee that the Agriculture Committee could expend up to $7.35 billion in fiscal year 2002.

The reason that a point of order does not lie against this bill is not because of what the Budget Committee chairman said but because of the way the budget was written and adopted by the Senate when under the control, I might add, of my friend on the Republican side. I didn't hear the Senator from Texas say at that time that the budget was adopted we shouldn't be doing this—that we should only adopt $5.5 billion for 2001 and nothing for 2002. I didn't hear the Senator from Texas at the time the budget was adopted get up and rail against that.

So there it is. We have it in the budget that this committee is authorized to expend up to $7.35 billion in fiscal year 2002.

I say to my friend from Texas, we didn't do that. We didn't expend $7.35 billion; we expended about $2 billion of that. $7.35 billion that will be spent in fiscal year 2002.

The Senator from Texas surely knows we are not spending any 2002 money in 2001. We are spending 2001 money prior to September 30, but the other $2 billion, about, is spent after October 1, which is in fiscal year 2002 and is allowed under the budget agreement adopted by the Senate.

I didn't hear the Senator taking issue at that time that the budget was adopted. We are only doing what is within our authority to do.

Again, the Senator from Texas also went on at some length to read about
of the aisle who understand that we need this money; farmers desperately need it. I, quite frankly, believe the President would listen to the Senators here who represent agricultural States rather than Mr. Daniels.

I don’t know what Mr. Daniels’ background is. I don’t know if he is a farmer, if he comes from a farm or not. I don’t know, but I don’t think he understands what is happening there in agriculture.

Last, there was a statement made—I wrote it down—“political grandstanding.” I resent the implication that what we are doing is political grandstanding. We took a lot of care and time to talk with Senators on both sides of the aisle. I talked with Representatives in the House. You representatives. We met with farm groups to try to fashion a bill that did two things: It met the requirements of the Budget Act and, second, met the needs farmers have out there.

I really resent any implication that there is political grandstanding. We may have a difference of opinion on what is needed out there. I can grant there may be some differences of opinion on that. But that is why we have debates here. But in no way is this political grandstanding. This is what many of us, I think on both sides of the aisle, believe is desperately needed in rural America.

Since it is desperately needed, I hope my friends on the other side of the aisle will contact the President and tell him this is one time he needs to not listen to the advice of Mr. Daniels but to listen to the advice of our American farmers, their Representatives in both Houses and the Senators who represent those farm States.

I yield the floor. I see my friend from Nebraska, Mr. NELSON of Nebraska. Madam President, I have a unanimous consent request.

I ask my colleagues, who knows agriculture better, Mr. Daniels or the American Farm Bureau Federation? Who knows agriculture better, the National Corn Growers Association or Mr. Daniels? Who knows agriculture better, the National Farmers Union or Mr. Daniels? Who knows agriculture and their needs better, the National Wheat Growers Association or Mr. Daniels at OMB?

I say to my friends on the other side of the aisle who understand that we have some real unmet needs out there, we really have some farmers all across America who are hurting, as we have heard from all of their representatives. I say to them: Call on the President. Don’t let Mr. Daniels speak for you. I say to my friends who understand agriculture, who understand the needs out there: Call President Bush and say we need this package.

I have heard Senators on the other side—not all of them, but I have heard some of them say we need this assistance; we need the kind of money we are talking about, but because there has been a threat of a veto, we cannot do it.

I daresay that if Senators who hold that view were to call up the President and say: Mr. Daniels is wrong on this; we need this money; farmers desperately need it, I, quite frankly, believe the President would listen to the Senators here who represent agricultural States rather than Mr. Daniels.

I don’t know what Mr. Daniels’ background is. I don’t know if he is a farmer, if he comes from a farm or not. I don’t know, but I don’t think he understands what is happening there in agriculture.

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I yield the floor. I see my friend from Nebraska is waiting to speak.

The PRESIDING OFFICER. The Senator from Nebraska.

The Senator from Nebraska.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nebraska.

The Senator from Nebraska.

The PRESIDING OFFICER. The Senate is in order.
and growing backlogs and many of which would expire if not extended by this bill and were left for a farm bill later this year or next year.

In some cases my good friend from Texas points out some programs that do seem to be quite a mere much of an emergency. But I think the good Senator from Iowa, Mr. HARKIN, answered that and said that in every emergency bill you might question the urgency or emergency of certain aspects of it but we ought not to let that get in the way of passing a bill that deals with emergency needs.

This bill also offers eligibility for LDP payments to producers who are not enrolled in the current farm program, a provision which I strongly support and which makes an enormous difference for the small number of producers who need this provision. In fact, Senator GRASSLEY and I introduced legislation to this effect earlier this year and I am grateful to Chairman HARKIN for his support of this provision. This morning I received a call from a constituent about this issue. So, for those who are eligible, there is no more important provision in this bill.

Finally, I commend the chairman for including the farm bill development grants. This program was first funded last year, and it has been very popular in Nebraska. In fact, I know we have several grant requests under preparation for this funding, including producer-owned processing and marketing facility. This is exactly the kind of program that we all talk about and want to encourage.

I am happy to support this package and know it will find wide support in Nebraska from farm groups and from farmers all over our State and our country.

It is beyond me why some Senators and the administration are so staunchly opposed to this bill. In fact, it provides for a single crop year but stretching over two fiscal years, and it is within the budget constraints. I can’t find a way to explain to Nebraskans when prices are no better than last year’s why the assistance provided by Congress should be cut. I can’t find a way, and I don’t intend to try to find a way to explain that. It just simply won’t sell.

The Director of OMB suggested in his letter that the spending should decrease in income is up but certainly may be true for our cattle producers. But this assistance flows primarily to row crop producers and others who are not enjoying such good fortune. How can I explain to my constituents who called this morning saying that he qualified for LDPs on his farm last year but he doesn’t merit any assistance this year?

My point is that the tunnel vision approach that we must spend exactly and only $5.5 billion ignores an awful lot of needs in each and every one of our States.

I am not willing to say that the needs of producers who grow corn in Nebras are more important than those who grow chickpeas or to the dedicated hog producers who are working diligently to process and market their own pork that we can’t find a way to afford the value-added loan program that offers them their best chance to get off the ground. How can I say to them that they will have to wait for the farm bill and maybe there will be funding available after that?

This bill before us attempts to balance the needs and necessities across the country. I think it is a great effort. I hope we can convince the House of its merits.

There was a statement that some of the payments will be direct but some will be indirect, as though there is some distinction there of any importance. The fact that we are able to get direct and indirect money into the pockets of farmers today is what this is about. That is what the emergency requires, and this bill does.

As a fiscal conservative, I want to economize but not at the expense of America’s farmers. I support this bill because I think it, in fact, will do what we need to do to cultivate an emergency basis and give us the opportunity in a more lengthy period of time to come to the conclusion about what the ongoing farm bill should be and do that not on an emergency basis but on a long-term basis and a multiyear basis.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. WELLS. Madam President, I thank my colleague from Nebraska, I associate myself with all of Senator NELSON’s remarks.

I can’t wait to write a new farm bill. I jumped on this Agriculture Committee when there was an opening because I have hated this “freedom to fail” bill. We have had a dramatic decline in farm prices and farm income. I thank the Senator from Iowa for this emergency package. I agree to speak on the floor to strongly support what our committee has reported out to the Senate.

Let me say at the very beginning that I don’t like the AMTA payment mechanism. I am disappointed that we have to continue to do it this way.

From the GAO to what farmers know in Minnesota and around the country, a lot of these AMTA payments have amounted to a subsidy and in reverse calculations. Some of the actual payments to farmers to keep them going goes to the really large operations and the mid-sized and smaller farmers do not get their fair share.

I also believe that a lot of younger farmers are getting the low proportion of payments that go to them are also hurt as younger farmers. We need more younger farmers.

I believe all of this should be changed. The Senator from Iowa knows that. But I also think we have to get the payments out to people.

Let me say to colleagues that I am not prepared to go back to Minnesota and say to people in farm country that we didn’t have the money to provide the assistance to you.

I think it is a shame that people are so dependent on the Government. People hate it. What they want is some power and some leverage to get a decent price in the marketplace. I believe in this farm bill that we are writing in the Senate Agriculture Committee. We should do so. I also believe that there should be a strong effort in the conservation part of this legislation.

I am becoming conservative these days in the Senate because I want to put more free enterprise into the free enterprise system. I want to see us take antitrust seriously. I want to see us go after some of these conglomerates that are making money to the dinner tables and forcing family farmers out—and, by the way, very much to the detriment of consumers.

This emergency package has some very strong features. First of all, thank you. This is an emphasis on conservation and conserving our natural resources. From the CRP Program, to the Wetland Reserve Program, to Environmental Quality Incentive Programs, we are talking about programs that are very popular in Nebraska. In fact, I can’t find a way to explain to Nebraskans when prices are no better than last year’s why the assistance provided by Congress should be cut. I can’t find a way, and I don’t intend to try to find a way to explain that. It just simply won’t sell.

The focus on conservation in this emergency package is just a harbinger of the direction we are going to go because this next farm bill is going to focus on land stewardship, on preserving our natural resources, on conservation, and on a decent price for family farmers as opposed to these conglomerates.

I believe what we have in this emergency package is extremely important. It may come from Iowa for an extension of the Dairy Price Support Program. It is important to dairy farmers in Minnesota and throughout the country. The program was due to expire this year. At least it is an effort to stabilize these mad fluctuations in price.

If you have a lot of capital, it is fine if you go from $13.20 per hundredweight to $9 per hundredweight. But if you do not have the capital and the big bucks, you are going to lose your farm.

I think it is important to have that. I thank my colleagues. The growers in the Southern Minnesota Sugar Beet
The PRESIDING OFFICER. The Senator from North Dakota is recognized. Mr. CONRAD. I thank the Presiding Officer and my colleague, and I thank the chairman of the Agriculture Committee for the opportunity to address the Senate. Mr. President, I want to address, just briefly, the statements that were made by the Senator from Texas about whether or not this bill—the underlying bill; not the amendment by the Senator from Indiana but the underlying bill—violates the budget, whether it busts the budget.

I think it is very clear that the bill brought out of the Agriculture Committee by the chairman, Senator HARKIN, does not violate the budget in any way. The budget provided $5.5 billion in fiscal year 2001 to the Agriculture Committee for this legislation and provided an additional $7.35 billion in fiscal year 2002 for additional legislation to assist farmers at this time of need.

The bill that is in the assistance package provides $5.5 billion in 2001 and provides $1.9 billion in fiscal year 2002. It clearly does not violate the budget in any way. It does not bust the budget. It is entirely in keeping with the budget.

I just challenge the Senator from Texas, if he really believes this violates the budget, to come out here and bring a budget point of order, that is, what you do if you believe that a bill violates the budget, that it busts the budget. Let's see what the Parliamentarian has to say. We know full well what the Parliamentarian would say. They would rule that there is no budget point of order against this bill because it is entirely within the budget allocations that have been made to the Agriculture Committee.

This notion of whether or not you can use years of funding in 1 year and in the second year is addressed very clearly in the language of the budget resolution itself. It says: It is assumed that the additional funds for 2001 and 2002 will address low income concerns in the agriculture sector today.

These funds were available to be used in 2001. In 2002, in legislation today. It goes on to say:

Fiscal year 2003 monies may be made available for 2002 crop year support . . .

Understanding the difference between a fiscal year and a crop-year.

The fact is, every disaster bill we have passed in the last 3 years has used money in two fiscal years because the Federal fiscal year ends at the end of September and yet we know that a disaster that affects a crop affects not only the time up until the end of September but this time as well.

Finally, the Senator from Texas said that this will raid the Medicare trust fund.

No, it will not. We are not at a point that we are using Medicare trust fund money. We are not even close to it at this point. I believe the truth will be that Medicare trust fund money to fund other Government programs. I have said that. I warned about it at the time the budget was considered. I warned about it during the tax bill debate. It is very clear that is going to happen, not just this year; it is going to happen in 2002, 2003, and 2004. And in fact we are even going to be close to using Social Security trust fund money in 2003.

This is not about that. This is about 2001. This is about 2002. In this cycle, this part of the cycle, we are nowhere close to using Medicare trust fund money. I would like the record to be clear.

The PRESIDING OFFICER. The Senator has used 4 minutes.

Who yields time?

Mr. LUGAR. Mr. President, I yield time to the distinguished Senator from Kansas. How much time does the Senator require?

Mr. ROBERTS. I thank the distinguished ranking member, and former chairman, for yielding me the time, I ask for 15 minutes if I might. If I get into a problem, maybe a minute or two.

Mr. LUGAR. I yield 15 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I rise to support the amendment offered by the distinguished former chairman of the Agriculture Committee, Senator LUGAR. I know agriculture program policy is somewhat of a high-glaze topic to many of my colleagues. I know many ask questions as to the details and the vagaries of farming programs, why we seemingly always consider for days on end every emergency farm legislation and Agriculture appropriations, what we now call supplemental Agriculture bills.

In the “why and hows come” department, let me recommend to my colleagues yesterday’s and today’s proceedings and in particular Senator LUGAR’s remarks with regard to this bill and, more importantly, the overall situation that now faces American agriculture and farm program policy. It is a fair and accurate summary that the ranking member has presented. In typical LUGAR fashion, the Senator from Indiana has summed up the situation very well. If you want a 15-minute primer in regards to agriculture program policy, simply read the Senator’s remarks.

Why are we here? Why are we considering this legislation? The title of this legislation is the Emergency Agriculture Assistance Act of 2001. The name implies to me that the bill is to fund pressing economic needs in farm country. We have them. That is what
the committee actually set out to do. In the debate, we have heard a great deal about how much is enough to address the problems in farm country. And certainly with the committee's mark, some $2 billion over what was agreed in the budget and with the possibility of a presidential veto, that debate is absolutely crucial.

I don't believe any agriculture Senator is looking forward to a possible presidential veto—I hope not—or agriculture becoming a poster child in regard to control over pork, pork barrel add-ons, or eating into the Medicare trust fund or, for that matter, Social Security.

It seems to me we ought to stop for a minute and ask: Why are we having these problems to begin with? For the third year in a row farmers, ranchers, and everybody else dependent on agriculture have been trying to make ends meet in the midst of a world commodity price depression, not just in the United States but worldwide.

There are many reasons for this: unprecedented record worldwide crops; the Asian and South American economic flu crippling our exports; the value of the American dollar; again, clandestine and my personal view, the lack of an aggressive and consistent export policy, highlighted, quite frankly, by the inaction in this Congress with regard to sanctions reform and Presidential Trade Authority (PTA).

If you have in the past exported one-third to one-half of the crops you produce and you experience 3 straight years of declining exports and increased world production, not to mention what many of us consider unfair trading practices by our competitors, you begin to understand why the market prices are where they are. Add in very little progress ever since the Senate round in regards to the World Trade Organization and you can understand why we have a problem.

Now what are we going to do about this? To address this problem, when this year's budget resolution was passed, it included $5.5 billion for spending in 2001 and $7.35 billion in 2002, with total funding of $73.5 billion for 2002 through 2011. I might add, if you add in the baseline for agriculture, you are talking about another $90 billion. That is a tremendous investment, to say the least.

When we passed the budget, the assumption among virtually all of us, and all of our farm groups and all of our commodity organizations, was that the funding for 2002—not 2001, the funding for 2002 would be used for one of two things: An agricultural assistance package in 2002, if needed, or funding for the first year of the next farm bill.

We should make it very clear to our colleagues, our farmers and ranchers, our conservation and wildlife organizations, our small towns and cities— we are borrowing from the future when we have $7.5 billion in this package. I don't know if it violates the budget agreement or not. I don't know what the Parliamentarian would say. Regardless, the pool of money available for writing the next farm bill has just shrunk by $2 billion. We are robbing next year's funds for this year's emergency bill.

We are going to be left with less than $5.5 billion in 2002 funding. Are we prepared to take that step? Apparently some are.

There are always disagreements on the Agriculture Committee. But I think the Agriculture Committee is probably the least partisan committee, or one of the least, in the Congress. Certainly in the Senate, we have always tried to work in a bipartisan manner. In fact, that is how former Senator Bob Kerrey of Nebraska and I operated when we wrote and passed crop insurance reform in the last Congress with the leadership and the able assistance of the chairman and the ranking member. With all due respect, that has not happened on this legislation.

We were given very short notice on the components of the package, the markup itself. When we actually arrived at markup, the legislation was not ready. My staff was provided the night before. I will not dwell on that, but it is most unfortunate. It is a harbinger of what I hope will not happen in regards to the farm bill debate.

Furthermore, I am deeply troubled that the title of this legislation is the Emergency Agricultural Assistance Act of 2001. The name implies that the bill is to fund pressing economic and income needs in farm country. That is not what we have before us with this proposal.

In fact, I am deeply concerned that we are providing funding here for several commodities that are actually at or above their long-term average prices and returns while also making many programmatic changes. We are doing a mini farm bill.

I want to serve warning. I do not argue that commodities, other than the program crops, have not faced difficult times. Indeed, many have been in rough times. But let's make it very clear that the program commodities, those that are usually receiving the AMTA payments, the market loss payments, have stringent requirements that many, if not all, specialty crops do not have in order to be eligible for payments.

Chief among these is conservation compliance. To receive assistance, a program crop producer has to meet very stringent requirements on conservation compliance. In many instances they have spent thousands of dollars to meet and maintain these requirements—good for them, good for their farming, and good for the environment.

Today I put colleagues on notice that if we intend to continue making payments to commodities that do not meet these requirements, I will propose

they have to meet the same guidelines as producers of wheat, corn, cotton, rice, and soybeans to receive their payments. I thought about introducing an amendment on this legislation. That would just delay it further and get us into huge debate. So I put it as an item for the Farm Bill debate. Time is of the essence, so I will not do that. I do mean to offer or at least consider it when we debate the farm bill. It isn't so much a warning. It is just a suggestion that fair is fair. If we treat all commodities in the same way, they should be treated equally in their requirements for receiving payments through the Department of Agriculture.

Let us also remember exactly why we set aside the $5.5 billion for the purpose in the budget. The $5.5 billion is equal to the market loss assistance payment we provided last year, and it was to address continued income and price problems with these crops.

What am I talking about? Wheat, 57 cents to 67 cents below the 12-year average. That is about a 20-percent drop below the 12-year average. That is the plight of the wheat producer. Cotton, 7.65 cents below the 12-year average, about 12.5 percent below the 12-year average. Rice, same situation, even worse—about 27 percent below the 12-year average, $2.02 per hundredweight below the 12-year average of $7.52 per hundredweight. Corn, 47 cents below the 12-year average; 21 percent below the average price. It is the same thing for soybeans, 26 percent below the average price.

In regard to these problems in farm country, I believe we will continue to stand and face the same problems, regardless of what farm bill we put in place, if we do not get cracking on selling our product and having a consistent, regular, predictable, and aggressive export program.

The real emergency bill, as far as I am concerned, other than this one, is passing a clean bill to grant the President trade promotion authority—the acronym for that is the TPA—and obtaining real sanctions reform.

The distinguished ranking member of the committee, Senator Lugar, has had a comprehensive sanctions reform bill proposed for as long as I have had the privilege of being in the Senate. I do not argue that trade will solve all of our problems. It will certainly help.

In 1996—this is one of the reasons we are here—ag exports were over $50 billion. Last year, ag exports were only $51 billion. Just subtract the difference. It is not a one-for-one cost, but one can see $50 billion and $61 billion, not selling the product. That is roughly about the same amount of money coming out in subsidies the past two or three years. That seems to indicate we should press ahead in an emergency fashion in regards to our trade policies as well.

When the trade authority expired, there have been approximately 130 bilateral agreements negotiated around the world. We have been involved in two of them. We cannot sell
the product in regards to that. It is very difficult to compete in the world market when our negotiators cannot get other countries to sit down at the table.

I am a little disturbed and very concerned towards the lack of real blood pressure to move ahead on this legislation from the other side of the aisle. I am getting the word that trade authority for the President might not even be passed this session. It might put it off on the back burner. How on Earth can we be passing emergency farm legislation? That is a big issue, in my opinion, on the House-Senate conference.

As we have begun hearings on the next farm bill, I have also indicated my support for expanding conservation and rural development programs. This farm bill is going to have conservation and rural development in the center ring with the commodity title. I stand by that support.

I want to credit the chairman of the committee, the distinguished Senator from Iowa, who has shown great leadership in focusing on conservation. The increased pressure on pricing and the program changes should be done in the context of the farm bill where we can have a full and open debate. Senator CRAPO has a bill that I have cosponsored and others have bills. In this bill we have not had a full and open debate on the conservation programs in this bill.

There are numerous provisions in this legislation that either create or extend or modify USDA programs, many of which have nothing to do with the financial difficulties in rural America.

This is going to create a problem, not only in the Senate but also in regards to the House-Senate conference. The best I can tell, the way this legislation is drafted, it is going to require a conference with at least three separate House committees, the chairmen of which are not exactly conducive to emergency farm legislation. That is not the way to create swift and easy passage of what many consider must-pass legislation.

We are going beyond the scope of this legislation by including provisions that should be debated and considered openly in the farm bill debate. I think we are making decisions that are taking away from the 2002 budget for 2001 and reduce the other 2002 emergency package or the next farm bill money by $2 billion.

My last point is this: I am concerned about the tone of some of my colleagues in terms of their debate, especially on the other side of the aisle, who argue that we on this side of the aisle were responsible for holding up this bill and putting agricultural assistance for our farmers and ranchers in jeopardy.

We have already told every farm lender, every farmer and rancher in America, that a double AMTA payment was coming. Why? Because of the loss in price and income I have just gone over with all of the program crops and other crops as well. Every banker knows that. Every producer knows that. We have to do it now because the Congressional Budget Office, in a letter today, tells us we will lose the money if we do not.

In May, the Senator from North Dakota, Mr. CONRAD, in his position as the then-ranking member of the Budget committee, wrote to then-chairman LUGAR of the committee, asking that the committee move on an agricultural assistance package or risk losing the funds.

Soon after that letter was received, we had a little fault line shift of power in this body. The fault began to take place in late May. It was completed on June 5, when the distinguished Senator from Iowa took over as chairman of the Agriculture Committee.

Let me repeat that. My colleagues on the other side of the aisle took over June 5, legislation was not brought before the Agriculture Committee until last week, July 25, 7 weeks after taking over the reins of control, 9 calendar days from our scheduled August adjournment. This delay occurred when we Ph.D.s all around were already starting to have to have contentious issues, the Dairy Compact, everything, and it could lead to a prolonged and substantial debate.

I see my time has expired. I ask for 2 more minutes.

Mr. DORGAN. Mr. Roberts, I yield the Senator 2 more minutes.

Mr. ROBERTS. I thank the distinguished Senator.

We know anytime an ag bill is brought to this distinguished body, we are getting into all sorts of controversies and so consequently, knowing this, they went ahead and presented a bill $2 billion higher than the House version. It is $2 billion higher. We have all these other programs we should consider—amendments. They are good programs. I support the programs. It is substantially different in substance from the House bill that is going to require a conference with up to three House committees.

Speaking of the House, I want to point out the House Agriculture Committee passed its version of this assistance package June 20. It passed on a voice vote in the House—get it out, get the assistance out to farmers. It did not even have passed it by a voice vote, June 26, a full month before we even held committee markup in the Senate.

I might also point out it was the ranking member of the House, the distinguished Congressman from Texas, Charlie STENHOLM, who led the charge to keep the package at $5.5 billion.

Let me go through that time line again: The Senator from Iowa took the reins of the Committee on June 5, the House Agriculture Committee passed the bill June 20, and the full House passed the bill by voice vote on June 26. Yet, we did not even act in the Senate Agriculture Committee until July 25. I must ask why we waited, when we knew it was must pass legislation?

We can pass a $7.5 billion. We can go ahead and do that. It will be $2 million over what we allowed in the budget. We are robbing Peter to pay Paul. Again, I do not want to go down that trail. We have an opportunity now to vote for Senator LUGAR's amendment and keep this bill here. We can take a look at the possibility of a Presidential veto. That is a dangerous trail to be on. I do not want to go down that trail. We have an opportunity now to vote for Senator LUGAR's amendment and keep this bill here. We can take a look at the possibility of a Presidential veto. That is a dangerous trail to be on. I do not want to go down that trail.

Mr. HARKIN. Mr. President, I yield 6 minutes to the Senator from North Dakota, Mr. DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I will not spend much time now, but I find it incongruous that my colleague from Kansas talks about delay. When we tried to bring this bill to the Senate, we had to file a cloture motion to proceed to debate the bill. I repeat, we could not even proceed without filing a cloture motion—so much for delay. That really is pretty irrelevant to farmers out there who are struggling, facing very difficult to compete in the world markets. We are going beyond the scope of this legislation and deny the amendment by Senator LUGAR, we will be borrowing from the future. I tell my colleagues how to quickly borrow from the future for this country, and that is to sit by and watch farm bankruptcies and farm foreclosures. Farm foreclosures. Family farms being lost is borrowing from America's future as well.

We stand in suits and ties—we dress pretty well here—talking about the agricultural economy in some antiseptic way. None of us has had a drop in our income to 1930s levels in real dollars—none of us. Has anybody here had a huge drop in income back to 1930 levels in real dollars? I do not think so. But, family farmers have suffered a collapse of this magnitude to their income. We have had people say things are much better today on the family farm; prices are up; Gee, things are really going along pretty well and looking up. If you take 15- or 25-year lows and say prices have improved slightly, you could make the case they have improved slightly, but you still have dramatically lower income than you have had for many years. Another thing that must also be considered is this year's dramatically higher input costs, such as fertilizer and fuel prices.

The only people who, in my judgment, can say things are much better
are the people who are not getting up in the morning to do chores or trying to figure out how to make a tractor work to make a family farm operate on a daily basis.

The question is not so much what does Washington think; the question is what do family farmers know. I will tell you what they know. They know they are hanging on by their financial fingertips struggling to see if their family can stay on the farm when they are confronting inflated prices and paying inflated prices for every one of their inputs when putting in a crop.

The amendment before us is to cut this funding for family farmers by $1.9 billion. It is an honest amendment.

You have a right to propose a cut, and you have a right to say farmers do not deserve this much help. It is not accurate to say if this amendment is adopted that farmers will receive a double AMT payment. The fact is, they will not. This amendment will reduce the amount of help available to family farmers.

It is interesting to me that we have had four successive years of emergency legislation to respond to the deficiencies of the current farm program. I can remember the debate on the farm program—a program I voted against. This was nirvana. Boy, was this going to solve all our problems. We now know it solved none of our problems.

Year after year we have had to pass an emergency bill. Why? To fill in the hole that farm program that did not work. We need to get a better farm program. We need to get across those price valleys. Every thing in this country is changing. Go to a bank and in most places that bank is a bank in a little branches around the country.

Do you want to get something to eat? In most cases, you are going to get something to eat at a food joint that has ‘mom and pop’ taken down and it has a phone on top.

Do you want to go to a hardware store? Local hardware stores are not around much anymore. Now it is a big chain.

The last American heroes, in my judgment, are the folks on the farm still trying to make a living against all the odds. Sometimes they are milking cows, sometimes hauling bales, always doing chores. They also put in a crop while trying it does not hail, that they do not get insects, that it does not rain too much, that it rains enough. And if these family farmers are lucky enough to get a crop, they put it in a truck and drive it to an elevator, they find the elevator is not there. That is left behind when the interstate comes through? It is a romantic notion to talk about them, but that is yesterday’s dream. Is that what family farms are? Some think that. Some think our future is mechanized corporate agriculture from California to Maine.

I think the family unit and family agriculture which plants the seeds for our small town and big cities—the rolling of those valleys from small towns to big cities—has always represented the refreshment of character and value in this country. Family farms are important to our future.

This amendment is asking that we cut back by $1.9 billion the amount of emergency help that family farmers need just to keep their heads above water until we can get them across this price valley. We need a bridge across these valleys for family farmers. We need a better farm program to provide that bridge. In the meantime, we need this legislation and we need to defeat this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK. Mr. President, I ask that the yielded 6 minutes from the ranking member’s time.

Mr. LUGAR. Will the Senator accept 5 minutes? We are almost at our limit. The PRESIDING OFFICER. The Senator has 4 minutes 45 seconds remaining.

Mr. BROWNBACK. I will even accept 4 minutes 45 seconds at this point.

Mr. LUGAR. Very well. I yield that time.

Mr. BROWNBACK. Mr. President, I wish to respond to some of the comments made today and strongly urge my colleagues to support the effort put forth by Senator LUGAR to get this assistance now to the family farmers in my State and across the country.

The Senator from North Dakota just spoke about the need to get this help to the family farmers and the people who start the tractors and move the bales. That is my family. That is what they do. That is what my dad and brother do. My other brother is a veterinarian. We are intricately involved in agriculture and have been for generations.

This help is needed, but I can tell you one thing as well: a rain today is much more useful than a rain in November. We need it during the growing season. We can use the money today and not in the next fiscal year.

What we are really flirting with is the very real possibility that the Senate could say: OK, $5.5 billion is not sufficient. We want more. I would like to have more for my farmers, but at the end of the day, we put in a higher number than the House and we cannot get that in time and the President, on top of that, has said he will veto the bill if it is over $5.5 billion.

At the end of the day, instead of getting $5.5 billion or $7.4 billion, we get zero out of it, and that would be very harmful to the farmers across this country—the wheat farmers and the grain crop farmers across Kansas. It would be very harmful to any family who is looking at a world where prices have been low and production high and where we have not opened up foreign markets.

I was in Wilson, KS, at the Czech festival talking with farmers there. Over all, they appreciate the freedom and flexibility in this farm program but would like us to open up some of these markets. They say we have not done that in sufficient quantity yet.

They say as well they need support from the farm program and they need it now. They do not need it taking place 6 months from now. If you are looking at saying we have $5.5 billion or zero, they will say the $5.5 billion, that is what we need to do.

It looks to me as if we are staring at a very dangerous situation. OK, we think we can bounce this number up another nearly $2 billion, and we are looking at less than a week to do this. In that period of time, it has to clear the Senate, get to the House, and the President has to say: Yes, you are right, I have changed my mind; it is not $5.5 billion; I will jump that number up some.

I do not think that is a safe gamble at all, and it is not a gamble we should make the farmers of the United States and the farmers across Kansas take when we are looking at this particular type of difficult financial situation in which the farmers find themselves.

It is responsible for us to support Senator LUGAR and what he is putting forward to get the $5.5 billion that has been promised. It is a responsible thing for us to do, even though we would like to put more into the farm program. This we can do; this we should do. I believe this is something we must do, and we must do it now.

I urge my colleagues to vote for the LUGAR amendment. This is the type of assistance we can and should get out the door. Let’s do this now and not gamble on something that might be higher in the future.

Mr. President, I reserve the remainder of the time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Parliamentary inquiry: How much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Indiana has 1 minute 10 seconds, and the Senator from Iowa has 10 minutes 45 seconds.

Mr. HARKIN. Mr. President, I yield 2 minutes off my time to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished chairman for his thoughtfulness.
I hope Senators will support my amendment and vote no against the tabling motion. I ask them to do this because I believe it is the only way in which farmers are going to receive any money.

I will go over the situation again. If we adopt the House language, we do not have a conference, and that is very important, because in a conference with the House, other items could arise that are of concern to Senators. As it is, we know the parameters of the bill as well as the Adoption by the Senate of the House language means we have no conference, the President signs the bill, and the money goes to the farmers.

We have received from the CBO assurance that this bill must be successfully conferenced and passed by the Senate and the House before we recess, and the President must sign it in the month of August or there will be no checks. None. Senators need to know that.

The fact is, we have a difference of opinion. But the specialty crops are cared for by the House bill. The AMTA payments are cared for—not in the quantity that persons in either of these categories would like to achieve but this is emergency spending. It is our one opportunity to do it.

I am hopeful, in a bipartisan way, we will reject tabling; we will pass the amendment; we will go to the President, we will unite with the House; and we will get the money to the farmers. This is very important, as opposed to having a partisan issue, as opposed to discussing how sad it was that somehow we miscalculated, how sad it was, indeed, for the farmers that we were attempting to help.

Finally, I believe we are doing something responsible. I believe we are filling in the gap for income, and our estimates are that farmers will have less this year and we are going to make certain they have more; that country bankers are paid and they can count on it; and that farmers will plant again and they can count upon it. Any farmer listening to this debate wants us to pass the bill today and to move on with the House and the President. They do not want haggling over who is responsible, which party really cares more, who is not wanting to provide something to meet the needs of our constituents, I respectfully dissent from that position that my friend from Indiana has taken.

I believe the $5.5 billion passed by the House is inadequate. I am not just saying that. Read the letters I have had printed today from the American Farm Bureau, the National Wheat Growers, the National Sunflower Association, and on and on and on. Every one of them is saying it is inadequate; that we have to provide the same payments to our farmers this year as we did last year.

I have heard talk that the markets have improved. That is not true. The livestock sector has gone up a little bit; that is, the livestock sector but not the crop sector. We hear the aggregate income has gone up.

Mr. Prent. The fact is, we are in a room of 10 people and we are talking about prescription drug benefits for the elderly. We have 10 people in the room and you put Bill Gates in the room. All of a sudden you say the aggregate income in this room is $1 billion per person so why do you need benefits under Social Security? That is what they are saying.

Yes, aggregate income has gone up because of the livestock sector, but that has not happened with the crop sector. In the past, the price of fuel and fertilizers, farmers today are in worse shape than they were last year.

The House bill provides 85 percent of the support level we provided last year and the year before. The bill the committee reported out—and it was not a straight party line vote either—the bill we reported out provides for 100 percent of what they got last year and the year before. As I said, all of the groups we have received letters from support this position.

I ask that by unanimous consent a letter from the National Cotton Council of America be printed in the RECORD, along with a position paper from the National Barley Growers Association, and a letter dated today from the Oil Seed Federation, the American Soybean Association, the National Sunflower Association, and the U.S. Canola Association.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

Hon. Tom Harkin, Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The undersigned oilseed producer organizations strongly support the Committee’s efforts to complete consideration of legislation to provide Economic Loss Assistance to producers of 2001 crops prior to the August Congressional work period. As you know, funds available for this purpose under FY2001 are expected to be expended before the end of the Fiscal Year on September 30, 2001. This deadline requires that Congress
clear your leadership has raised the level of awareness of the stark economic reality facing US agricultural producers both in the US Congress and the Administration. As the House Agriculture Committee addressed the various needs of the US agricultural sector in its markup for emergency assistance, the National Cotton Council supports the allocation of at least $1 billion for market loss assistance payments. This amount is sufficient to provide economic assistance in the form of a market loss assistance payment at the 1990-1992 average price per bale to producers whose recent planting history differs substantially from the acres enrolled in the production flexibility contracts (PFC). The use of the PFC base for delivery of supplemental assistance will not jeopardize the Council's and other groups' testimony, is not jeopardized.

Sincerely,

JAMES E. ECHOLS,
Chairman.

Mr. HARKIN. All we are saying is that we have a tough situation in agriculture. There is no reason why we shouldn't provide 100 percent of payments. That is what we did in our bill.

I point out the House bill initially started out at $6.5 billion. An amendment was offered to put it at $5.5 billion, and it passed by one vote. Two of those who voted sent me letters, which I have included in the RECORD, saying they want a more comprehensive bill, one that includes the Senate's provisions.

I say the responsible thing to do is to meet the needs of our constituents, our farmers, and our farm families around the country.

We also made the bill broader. In other words, we didn't just look at the program crops. We looked at a lot of other crops: the crops in the Northwest, the peas and lentils and chick peas, we looked at apples and what is happening to the cherry crops there. There are a lot of other farmers in the country who are hurting and who need assistance. We included them, also. I don't see why we should leave them out.

We made 100 percent of payments but we reached out. We also put in some strong conservation measures. The Lugar amendment leaves out all of the conservation provisions we put in the bill. The people that need that conservation are all over this country, anywhere from Georgia to Washington, State and California, to New York and Maine.

These conservation moneys do two things: They help our farm income, and they help our farmers. But they also help all in society by cleaning up our water and cleaning up our air and soil runoff. The conservation funding would lie dormant for the Wetland Reserve Program, the Farmland Protection Program, and the Wetland Reserve Program. I think we are doing the responsible thing. I believe if we were to pass the committee-passed bill—and I believe the President would do well to sign that bill. We would hope, no later than tomorrow night, perhaps by Thursday. We would have a good conference report, one that could be broadly supported. I believe the President would do well to sign that bill.

Again, we will probably have to make compromises in conference. I understand that. I point out to all who will be voting, there is three times the amount of help to specialty crop producers in our underlying bill as in the Lugar amendment. To my friends on both sides of the aisle, I say we included moneys for crops all over this country. We didn't just single out one or two.

I am hopeful we can table the amendment offered, I know in good faith, by my friend from Indiana. But we have to meet our needs. We have to meet the needs of our constituents.

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The motion was agreed to.

Mr. DASCHLE. I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table. The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.
Mr. DASCHLE. Mr. President, could I have the attention of our colleagues.

EXECUTIVE SESSION

NOMINATION OF JAMES W. ZIGLAR, OF MISSISSIPPI, TO BE COMMISSIONER OF IMMIGRATION AND NATURALIZATION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 286, the nomination of James W. Ziglar, to be Commissioner of Immigration and Naturalization; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I shall not, may I be recognized for 2 minutes as soon as the Senate has completed this action?

The PRESIDING OFFICER. Without objection, the nomination goes on the calendar.

The clerk will report the nomination.

The legislative clerk read the nomination of James W. Ziglar, of Mississippi, to be Commissioner of Immigration and Naturalization.

The nomination was considered and confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I thank my colleagues.

We have all come to know and, I would say, have a great deal of affection for Jim Ziglar. He has been an extraordinary Sergeant at Arms. This afternoon there is a reception. I hope our colleagues will wish Mr. Ziglar well.

I have come to admire his work and have said already on the floor how much I appreciate his commitment to the Senate, to this institution, to public service.

In an effort to accelerate his nomination and confirmation, we wanted to have the opportunity to take this matter up prior to the time his reception is held this afternoon.

I think on behalf of the entire Senate, we wish Jim Ziglar well in his new role and new responsibilities. I can think of no one who could serve more ably. I am grateful to my colleagues for the consideration and ultimately for the adoption of this confirmation.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for moving this nomination. I have been very proud of the job that Jim Ziglar from Pascagoula, MS, has done as the Senate Sergeant at Arms.

When he came, I asked him to make sure the office was run efficiently and fairly, certainly in a bipartisan way, a nonpartisan way. He certainly did that. Sometimes I think maybe he got a little carried away doing that. But he did a great job. I know he has friends on both sides of the aisle. When he came to me to talk about the possibility of becoming Commissioner of Immigration and Naturalization Service, I questioned him about his desire to do that, but he assured me he was prepared for that challenge and that he wished to do so.

I am glad he has been confirmed. I hope my colleagues will join him at the reception this afternoon. Certainly we all wish him well in this very important job that is going to take a lot of administrative ability and a lot of willingness to make changes to make sure that agency is run more efficiently.

I also hope this is a sign that this is the first of many nominations that will follow very shortly that will move as quickly and easily as this one, that this is the opening in the floodgates.

I thank Senator DASCHLE for bringing up the nomination.

Mr. COCHRAN. Mr. President, I am pleased the Senate has confirmed the nomination of Jim Ziglar to the Commissioner of Immigration and Naturalization Service. He is well suited for this job, and I am sure he will discharge the responsibility he is undertaking with a high level of competence and dedication.

Jim once served on the staff of Senator James O. Eastland of Mississippi whom I succeeded when he retired from the Senate in 1978. One of Senator Eastland's interests and responsibilities when he was Chairman of the Judiciary Committee was the work of INS. I recall his very close supervision of the work of his agency when I was a Member of the House.

I know Jim Eastland would be very proud indeed that his former protege, Jim Ziglar, has been confirmed today as Commissioner of Immigration and Naturalization Service, and I wish for Jim, too, and wish for him much success and satisfaction in this important new job.

Mr. HATCH. Mr. President, I am pleased that we have the opportunity to consider confirmation of the Honorable James Ziglar for Commissioner of the Immigration and Naturalization Service. While there is little doubt that Mr. Ziglar faces tremendous challenges as commissioner of the INS, I think it is even less doubt that Mr. Ziglar has the ability to take on those challenges. I therefore join my colleagues in support of his confirmation and look forward to great things from Mr. Ziglar and the Immigration and Naturalization Service in the future.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am glad this has gone through as quickly as it has. After hearing the minority leader's comments, he is obviously not aware of how fast the Judiciary Committee is moving.

By the end of this week I hope that a few more nominations will reach the Senate floor from the Judiciary Committee. If they do, I will request a roll call vote on them in order to demonstrate to all the Members how quickly we are moving nominations. The Ziglar nomination received a hearing before the Judiciary Committee within two weeks of the time that the other side of the aisle allowed the Senate to reconsider. We also heard hearings for Asa Hutchinson, the President's choice to head the Drug Enforcement Administration, along with four judicial nominees and two additional Justice Department nominees. This pace hardly reflects the fastest the Judiciary Committee has moved on nominations in the last six years.

In addition, we completed confirmation hearings on Robert Mueller's nomination for FBI director this morning. I am pleased that we were able to begin his hearing within days of receiving the papers from the White House. If he is not blocked by the other side, we will bring him up Thursday before the Judiciary Committee.

I am particularly pleased that we were able to move quickly to consider James Ziglar's nomination. I think he is extraordinarily qualified to head the Immigration and Naturalization Service, and I applaud President Bush for choosing him. Mr. Ziglar will work with both Republicans and Democrats. He will not seek partisan advantage but will rather act in the Nation's best interest, just as he has as Sergeant at Arms here.

It was a very good move when Senator LOTT first appointed him to this position. I am very impressed with him. I am pleased to be his friend, and I am happy to vote for his nomination.

He has a distinguished background as a lawyer, investment banker, and government official. As Sergeant at Arms, he worked behind the scenes to ensure that the business of the Senate went smoothly even in stressful times such as the impeachment trial of President Clinton. We here all owe him a debt of gratitude for his hard and effective work.

These next few weeks will be a pivotal time for the INS and for immigration policy in the United States. The Administration has expressed interest in reorganizing the INS and having the Congress consider implement the reorganization plan. The Administration is also apparently considering proposing numerous changes in immigration law as part of bilateral discussions with Mexico. I trust that Mr. Ziglar will play a role in the Administration's consideration of these matters, and will encourage a fair approach to the problems faced by undocumented workers from both Mexico and the rest of the world.

In addition to the new proposals the Administration is considering, there is significant unfinished business in the immigration arena. The new Commissioner will inherit a number of questionable immigration policies that Congress enacted five years ago in the
Illegal Immigration Reform and Immigrant Responsibility Act. There are also a number of unresolved issues from the last Congress that we must address in this one.

Mr. Ziglar promised at his confirmation hearing to be an advocate for the many fine men and women who work for the INS, and I was glad to hear him say that. I know that in my State there are many hardworking men and women who work for the Law Enforcement Support Center, the Vermont Service Center and Sub-Office, the Debt Management Center, the Eastern Regional Office, and the Swanton Border Patrol Sector. These are employees Mr. Ziglar can rely on in his attempt to improve the agency.

One of the bigger issues facing the next Commissioner will be restructuring the INS. I strongly support improving the agency and giving it the resources it needs. The tasks we ask the INS to do range from processing citizenship applications to protecting our borders, and I agree that there are some internal tensions in the INS’ mission that might be resolved. I also believe, however, that we must ensure that the INS does not lose its strength, which I think is well represented by the great efficiency of the INS offices in Vermont. I intend to play an active role in the development and consideration of any INS reorganization plan.

I am also heartened that Mr. Ziglar questioned our nation’s use of expedited removal and detention at his confirmation hearing. Later this week I will join with Senator BROWNBACK and others to introduce the Refugee Protection Act, which would sharply limit the use of expedited removal and reduce the use of detention against asylum seekers. I think I can speak for Senator BROWNBACK in saying we look forward to working with Mr. Ziglar to move this legislation forward.

The use of expedited removal, the process under which aliens arriving in the United States can be returned immediately to their native lands at the say-so of a low-level INS officer, calls the United States’ commitment to refugees into serious question. Since Congress adopted expedited removal in 1996, we have had a system where we are removing people who arrive here either without proper documentation or with documentation that an INS officer simply suspects is invalid. This policy ignores the fact that people fleeing despotic regimes are quite often unable to obtain travel documents before leaving—they must move quickly and cannot depend upon the government that is persecuting them to provide them with the proper paperwork for departure. In the limited time that expedited removal has been in operation, we already have received reliable reports that valid asylum seekers have been denied asylum in our country without the opportunity to convince an immigration judge that they faced persecution in their native lands. To provide just one example, as Archbishop Theodore McCarrick described in an op-ed in the July 22 Washington Post, a Kosovar Albanian was summarily removed from the U.S. after the civil war in Kosovo had already made the front pages of America’s newspapers. I believe we must address this issue in this Congress.

In addition to questioning expedited removal and detention, I hope that Mr. Ziglar will work with us to address some of the other serious due process concerns created by passage of the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act in 1996. Through those laws, Congress expanded the pool of people who could be deported, denied those people the chance for due process before deportation, and made these changes retroactive, so that legal permanent residents who had committed offenses so minor that they did not even merit removal from the United States. The Supreme Court has recently limited some of the retroactive effects of those laws, in INS v. St. Cyr, but we must do more to bring these laws into line with our historical tradition of due process.

Many of us have attempted throughout the last five years to undo the legislation we passed in 1996—it remains a high priority and I hope we can find areas of agreement with Mr. Ziglar and the Administration.

Mr. Ziglar did not present himself at his confirmation hearing as an expert on immigration and immigration law—he said frankly that he has much to learn. He did offer his expertise in management and promised to work hard to solve some of the problems the INS has faced over recent years. We in Congress want to be partners in this effort, and I hope that the excellent working relationship we have had with Mr. Ziglar over the years will continue in his new capacity.

James Ziglar is the President’s choice to be the Commissioner of the Immigration and Naturalization Service, and I am happy to vote for his nomination. He has a distinguished background as a lawyer, investment banker, and government official. Furthermore, he was a distinguished Sergeant at Arms of the Senate, serving the needs of every Senator in a time of great pressure. He worked behind the scenes to ensure that the business of the Senate went smoothly even in stressful times such as the impeachment trial of President Clinton. We here all owe him a debt of gratitude for his hard and active work.

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The use of expedited removal, the process under which aliens arriving in the United States can be returned immediately to their native lands at the say-so of a low-level INS officer, calls the United States’ commitment to refugees into serious question. Since Congress adopted expedited removal in 1996, we have had a system where we are removing people who arrive here either without proper documentation or with documentation that an INS officer simply suspects is invalid. This policy ignores the fact that people fleeing despotic regimes are quite often unable to obtain travel documents before leaving—they must move quickly and cannot depend upon the government that is persecuting them to provide them with the proper paperwork for departure. In the limited time that expedited removal has been in operation, we already have received reliable reports that valid asylum seekers have been denied asylum in our country without the opportunity to convince an immigration judge that they faced persecution in their native
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In addition to questioning expedited removal and detention, I hope that Mr. Ziglar will work with us to address some of the other serious due process concerns created by passage of the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act in 1996. Through those laws, Congress expanded the pool of people who could be deported, denied those people the chance for due process before deportation, and made these changes retroactive, so that legal permanent residents who had committed offenses that they did not even serve jail time suddenly faced removal from the United States. The Supreme Court has recently limited some of the retroactive effects of those laws, in INS v. St. Cyr, but we must do more to bring these laws into line with our historic commitment to immigration. Many of us have attempted throughout the last five years to undo the legislation we passed in 1996—it remains a high priority and I hope we can find areas of agreement with Mr. Ziglar and the Administration.

Mr. Ziglar did not present himself at his confirmation hearing as an expert on immigration and immigration law—that he said frankly that he has much to learn. He did offer his expertise in management and promised to work hard to solve some of the problems the INS has faced over recent years. We in Congress want to be partners in this effort, and I hope that the excellent working relationship we have had with Mr. Ziglar over the years will continue in his new capacity.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001—Continued

Mr. HARKIN. Mr. President, we are still on the agriculture package. After having had this last vote, I think it is the wish of the Senate that we move ahead on this bill so we can go to conference.

Again, I remind Senators, as others have reminded them today, time is running short. We would like to finish this bill as all possible today so that we can go to conference tomorrow, hopefully finish the conference tomorrow at some reasonable time, and come back with the conference report either late tomorrow or early on Thursday so we can finish the report and get it to the President before we leave at the end of the week.

It is going to be touch and go because the checks have to get out in September. We will not be here in August. We will be on recess in August. We do have to continue our work on the bill and get it to the President. This Senator is convinced that if we get this bill done today, we could probably finish conference tomorrow.

I don't anticipate a long conference with the House. We would have to work out some disagreements on spending levels. I believe that could be done fairly expeditiously.

If any Senators have further amendments they would like to add, I hope we can reach some agreement on time limits. I hope there is not going to be any effort to string out the bill or to delay it. We just can't afford to delay this bill. We have to get it done, and we have to get to conference. We have to get the conference report back and get it to the President.

I am not saying Senators should not offer amendments. I am just saying if they offer amendments, let's do so right now. Let's have some reasonable time agreements, and then let's finish the bill so we can get the conference tomorrow.

I hope we can move ahead expeditiously and finish this bill yet today.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1191

Mr. SPECTER. Amendment No. 1191.

The PRESIDING OFFICER. Mr. President, I call up amendment No. 1191.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment is printed in today's HANSARD under "Amendments Submitted and Proposed."

Mr. SPECTER. Mr. President, I am proposing this amendment on behalf of Senators LANDRIEU, COLLINS, SCHUMER, SNOWE, LEAHY, ALLEN, BIDEN, BOND, CARNAHAN, CAMP, CHAFEE, CLELAND, CLINTON, COCHRAN, DODD, EDWARDS, Frist, Gregg, HELMS, HOLINGS, JEFFORDS, KENNEDY, KERRY, LIEberman, LINCOLN, MIKULSKI, MILLER, REED, ROCKEFELLER, SARBANES, SESSIONS, SHELBY, SMITH of New Hampshire, THOMPSON, THURMONT, TORRICELLI, and WARNER.

As the distinguished manager, the Senator from Iowa asked for a time agreement—if I might have the attention of the Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. SPECTER. I am surprised that the Senator from Iowa was not listening. We have a close partnership on the Subcommittee on Labor, Health and Human Services, and Education.

Mr. HARKIN. I am always delighted to respond to the Senator from Pennsylvania.

Mr. SPECTER. I was saying I would be glad to agree to a time limit.

Mr. HARKIN. I would, too. I hope we can enter into a reasonable time limit. I have to consult with my ranking member, Senator Lugar, to see what might be a good time agreement. Does the Senator have anything in mind he wants to propose?

Mr. SPECTER. I would be agreeable to 4 hours equally divided.

Mr. HARKIN. I am hopeful we do not have to go that long. I say to my friend, I am hopeful we could have a shorter debate than that. That is a pretty long period of time.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. LOTT. Will the Senator from Pennsylvania yield?

Mr. SPECTER. I do.

Mr. LOTT. I have a couple of observations. Before we lock in any time agreement, that we want to make sure we check with the leadership on both sides for when the next vote will occur. If we agreed to 4 hours, we are talking about a vote occurring at 20 minutes to 8 tonight, and I am not sure Senator Daschle or I want to do that. We need to do some checking.

In terms of the time, I do not know what the advocates or the opponents of this amendment want. I do think this is a very important issue. We need to make sure everybody has enough conferral and sufficient time is available to the proponents and opponents because this could be—well, this is one of the two issues that will determine
whether or not this legislation goes forward. The other one is the dollar amount.

We already have a problem with the fact that the Lugar amendment was not adopted, and that causes me a great deal of concern because I am aware now that this could lead to the necessity of having a conference and concern about when we get to conference and worried about the funds being available for the needs of agriculture in this country in August or in September.

We have a major problem on our hands, and now this dairy compact being offered on this bill significantly complicates it further. All I say to the Senator from Pennsylvania is that before he locks in the time we have a chance to check on both sides of the aisle with opponents and proponents—and they are on both sides of the aisle—for a reasonable amount of time and a time for a vote will be necessary.

Mr. DOMENICI. Will the Senator yield?

Mr. SPECTER. I do.

Mr. DOMENICI. Mr. President, I say to the distinguished Senator, the Senator from New Mexico objects to a time limit in the Chamber to object to a time limit an hour from now, 2 hours from now. I want the ag bill to pass, but I am not at all sure it is the right thing to put a dairy compact on at this late hour. This Senator needs to know a lot more about it. So my colleagues know, I do not agree with the one being discussed, and I will not agree to one when it is proposed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment is being offered in a very timely way. This is the first time on this bill that the amendment could be offered, so I do not think it is accurate to say it is being offered at a late hour. The issues involved with the dairy compact are well known. The matter has been debated extensively recently in the Senate Chamber. The Northeast Dairy Compact is due to expire on September 30. The pending legislation dealing with the farm issue makes it preeminent appropriate to offer this amendment.

The dairy compact, as envisioned in this bill, would reauthorize and extend the Northeast Interstate Dairy Compact which consists of Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and Massachusetts to include Pennsylvania, New York, Ohio, Delaware, New Jersey, and Maryland. It would authorize the Southern Dairy Compact for Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

It is a specific Northwest Dairy Compact within 3 years for the States of Colorado, Oregon, and Washington, and would authorize an Intermountain Dairy Compact within 3 years for the States of Colorado, Nevada, and Utah.

A dairy compact creates a regional commission of delegates from each of the participating States. Each State delegation would have three to five delegates, including at least one dairy producer, and one consumer representative, all of whom would be appointed by the Governor of the State.

The commissioner would have the authority to regulate farm prices of class I milk. In establishing the price regulation body of a formal rulemaking process. The commissioner would take formal testimony to assess the price necessary to yield a reasonable return to the dairy producer.

One of the principal concerns this Senator has is the wide fluctuation there has been in dairy pricing. The price has fluctuated from less than $10 to a hundredweight to $17 a hundredweight. In my State of Pennsylvania, it is a constant source of concern really preventing many small dairy farmers out of business.

The compact does not cost any money. There is no drain on the Treasury. It is friendly to the consumer and I think has a great deal to recommend it.

The commission takes into account the purchasing power of the public, and any fluid milk price change proposed by the commission is subject to a two-thirds approval vote by the participating States. The compacts receive payments from processors purchasing class I milk and returns these funds to farmers based on their milk production.

It is very important to note that the compacts are self-financed and require no appropriation of tax revenues—State, local or Federal. Legal challenges to the current dairy compact have been decided in its favor. It is constitutional. The underpinning is article I, section 8. The compacts, all of which are included in this legislation, have requested dairy compact authority from Congress, and there have been pre-compact activities in as many as 10 of the other States.

Compacts are needed because the current Federal milk marketing order pricing system does not fully account for regional differences in the cost of producing milk. The Federal order program relies on State regulation for an additional adjustment milk. The compacts are intended to account for regional differences. However, since milk now almost always crosses State lines to get to the market, the courts have ruled that individual States do not have the authority to regulate milk prices under the interstate commerce clause.

Dairy compacts recognize the economic benefits that a viable dairy industry brings to a region, and dairy farms are an integral component to the region’s economy. Dairy compacts ensure the consumers have a continuous adequate supply of quality milk at a stable price. This stability gives consumers money in the long run by protecting them from retailers that profit from volatile milk prices by fattening their profit margins when the price of milk rises and then keep their prices inflated long after wholesale prices have already fallen.

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This is a very important piece of legislation which goes all the way back to the New Deal legislation in the 1930s. When I was admitted to the bar, one of my first jobs as a beginning lawyer with Barnes, Dechert, Price, Myers and Rhoads was to help represent national dairy products, such as Sealtest, before the milk control commission of Pennsylvania. The issue was having a minimum price, an adequate price, to assure the farmer that the price would be adequate to have a sufficient supply of wholesome, clean, safe milk. Milk is one of the more basic commodities in our society. We have seen Agricorps proliferate in America so that the local family farmer is in real jeopardy.

One of the cases I recall studying in law school was a case of Nebbia v. New York which established the authority to establish minimum prices. The constitutional scholar from my law school, Walton Hale Hamilton, made it a practice just for a brief moment of levity by going back to the sites where major Federal legislation is important. The case of Nebbia v. New York arose because Leo Nebbia, who ran a store, had sold a quart of milk and a loaf of bread for the price of a quart of milk. Walton Hale Hamilton went to Leo Nebbia’s store and walked to the dairy case and picked out a quart of milk. As he was about to pay for it, he then asked Mr. Nebbia if he would throw in a loaf of bread. Professor Hamilton was promptly thrown out of the store, as the story goes.

But this compact, I believe, is very important. It was a very contentious issue when it was authorized for the Northeast region. I was disappointed.
personally that my State and other States were not included at that time, and the day of the dairy compact is going to come. I think today is a good day.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken to the two managers of the bill. There is an amendment that is of interest to Senator ALLARD that he wants to offer. Senator MILLER wants to be here to vote against the amendment. It is my understanding we will do this with a voice vote. I ask unanimous consent that the order for the quorum call be rescinded.

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Two weeks ago, I also spoke about the transformation in American agriculture. In all too many cases, we have moved away from small farms, where animals are treated with dignity and respect, to large corporate farms where animals are treated as nothing more than commodities. Pregnant pigs confined in two-foot-wide gestation crates for years at a time; egg-laying hens crammed into battery cages and also deliberately starved in order to induce a molt so that they will produce bigger eggs; young male calves jammed into two-foot-wide crates to produce veal, which is tender because the animals are so completely immobilized in the crate that they cannot move and, as a consequence, their muscles don’t develop. I also spoke of the abuse of cattle and pigs in slaughter lines, in which animals are disassembled before they are killed.

I don’t think that there is a person among us who can countenance these acts of cruelty—whether they are random acts of violence against animals or institutionalized agriculture practices.

It is one thing to determine as a culture that it is acceptable to raise and rear animals. It is another thing to cause them to lead a miserable life of torment, and then to slaughter them in a crude and callous manner. As a civilized society, we owe it to animals to treat them with compassion and humanity. As moral agents, we ought to use our reason to determine the right thing to do. Because we are moral agents, and compassionate people, we must do better.

In our society, there are surely some activities or circumstances which cause us to weigh or balance human and animal interests. In terms of food production, most people choose to eat meat but insist that the animals arehumanely treated. That is a choice we make in our culture, and it is grounded on the notion that we must eat in order to survive.

Breading animals just for the pleasure of watching them kill one another cannot be justified in a society that accepts the principle that animal cruelty is wrong. It brings to mind the days of the Colosseum, where the Romans fought people against animals or animals against animals in gladiatorial spectacles, and the people in attendance revelled in the orgy of bloodletting. We know for its callous disregard for animals, there were pangs of remorse and even revulsion. The great orator Cicero, after a day at the Colosseum during which gladiators spilled the blood and eventually killed more than a dozen elephants. An elderly senator who recalled that the crowd was moved to tears by the sheer cruelty exhibited.

In the same way, our country is turning against spectacles involving the inflicting of pain on animals. People are identifying the suffering of spectators. Placing dogs in a pit, instigating them, and watching them fight to injury or death for our amusement is wrong. If dogfighting is wrong, then surely cockfighting is wrong, too.

These hapless birds are bred to be aggressive, pumped full of stimulants, equipped with razor-sharp knives or ice-pick-like spurs on their legs, and placed in an enclosure, pitting bars that separate them. They fight to the death, hacking one another to death—with punctured lungs, gouged eyes, and pierced eyes the inevitable consequence of the combat.

Mr. President, today, I speak in support of an amendment by the Senator from Colorado, a veterinarian and a humane-minded person.

Pitting animals against one another and causing them to fight just so that we can witness the bloodletting presents a clear moral choice for us. There can be no confusion on this issue. As decent people, we must act to stop it.

The law must bar this activity, and impose penalties upon those who would flout this humane standard. I thank the Senator from Colorado and offer my support of his amendment. I yield the floor.

The PRESIDENT OFFICER. If all time is yielded back, the question is on agreeing to amendment No. 1188.

The amendment (No. 1188) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Will the record reflect in that voice vote the Senator from Georgia, Mr. MILLER, voted no?

The PRESIDENT OFFICER. Without objection, it is duly noted.

The Senator from Colorado.

Mr. ALLARD. Mr. President, with the passage of this amendment I thank the Members of the Senate. We have strong sponsorship on the bill as it goes to conference committee. I hope the conferees, when they deliberate on this amendment, will keep in mind the strong support we have had in the Senate.

I yield the remainder of my time.

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I yield the remainder of my time.

The PRESIDENT OFFICER. Under the previous order, the Senator from Minnesota is recognized.

AMENDMENT NO. 1191

Mr. WELLSTONE. Mr. President, I ask the Chair whether there are any time constraints at all.

Mr. President, I yield the floor to the PRESIDENT OFFICER. It is the understanding of the Chair that the Senator would be allocated 5 minutes at this time.

Mr. WELLSTONE. Mr. President, I do not remember asking for only 5 minutes. I do not intend to speak for very long but if that is the agreement at the moment—5 minutes?

The PRESIDENT OFFICER. That is correct.

Mr. WELLSTONE. Before I proceed further, I ask whether not each Senator for whom speaking this afternoon is limited to 5 minutes. Is that it?

The PRESIDENT OFFICER. The only sequence at this point was the Senator from Minnesota had 5 minutes and the Senator from Louisiana asked for 20 minutes.

Mr. WELLSTONE. Mr. President, I do not remember asking for only 5 minutes. Could somebody check on exactly what came from the floor? Let me ask unanimous consent I be allowed to speak for 15 minutes.

The PRESIDENT OFFICER. Is there objection?

Mr. TORRICELLI. Reserving the right to object, could I add, when the Senator from Minnesota has finished, following the remarks of the Senator from Louisiana, Ms. LANDRIEU, I be recognized to speak for 5 minutes?

The PRESIDENT OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I do not know if I will need to take 15 minutes. There will be plenty of time for debate. I may be back to the floor again.

Let me first of all, put my comments in some kind of context. These are hard times for a lot of dairy farmers, and I understand that full well. I am not terribly sure the idea of a compact or the idea of balkanizing dairy farmers across the country is the right compact.
I hope, as I said earlier, we will actually write a new farm bill which will give dairy farmers in all regions of the country, especially the family operations, a decent price. I am not talking about these big conglomerates. I am talking about farms where the people who work the land live in the community; that is what is of key importance, who support schools in the community, who buy in the community, who live in the community, who support schools in the community; that is what is of key importance.

As if dairy farmers were not struggling with enough already in the Midwest, in 1996 Congress assisted and in some ways has made the price for many dairy farmers much worse. That is what has happened in the Midwest.

We support the Freedom to Farm bill. I have always called it the “freedom to fail” bill. But the whole idea was you were going to decouple farmers—you were going to decouple the payments to family farmers from the Government. Of course, that is not what has happened. But this compact fixes fluid milk prices at artificially high levels for the benefit of dairy producers in one region. Now, there may be other regions, according to this amendment. This is a different set of circumstances.

There was a study at the University of Missouri. A dairy economist, Ken Bailey, found that Minnesota’s farm level milk price would drop at least 21 cents per hundredweight if the Southeast Dairy Compact were allowed to be expanded, to attach to an expanded Northeast Dairy Compact. That is a $27.2 million annual reduction of Minnesota farm milk sales.

Some of my colleagues say: Why doesn’t the upper Midwest form its own compact? Minnesota and Wisconsin farmers would benefit from organizing their own compact. A compact price boosts supplies only to fluid milk. The percentage of upper Midwest milk sales going to fluid products is so low that any compact would do little for Minnesota’s farm income.

What happens is a negative—the surplus of that milk gets dumped in our State and competes with our cheese and butter market.

We are talking about trade barriers in our country. We are talking about a compact that is not good for consumers. Quite frankly, I don’t know whether or not there is a way to keep dairy farmers in business in any part of the country. We transferred millions of dollars from millions of consumers to New England dairy farmers, but the dairy farmers in Minnesota got out of business at an equal or even faster rate than prior to the compact. The Northeast Dairy Compact has not slowed the loss of dairy farmers. There are less New England dairy farmers. Four-hundred and fifty farmers that were in business in the 3 years since the compact than before the compact. It was 444 before.

I could go on and on, but I think expanding the dairy compact sets a terrible precedent. We can start doing this for other American agricultural products as well.

The question is, Where do we go with all of this? The current dairy policy in this country is putting dairy farmers in Minnesota at great risk—not just in Minnesota but across the country.

I think what we should do is establish a national equitable dairy system for all. I don’t know why in the world Senators from different States with different dairy farming concerns—organized operations cannot work together to make sure we have a safety net and a decent price and some kind of income for dairy farmers that would help people especially during the time of low prices. Also, you could end a half century of discrimination against the Midwest as well.

We will have the vote on this. I assume Senator Kain, will move to table this amendment. I know we will be joined by Senator Feinstein, Senator Dayton, and myself. This is what is so unfortunate about where we are right now.

First of all, the compact is quite inconsistent with what many Senators believe in terms of what we should be doing. I heard my colleague from Wisconsin refer to it as a “cartel.” That is strong language. But there are an awful lot of Senators in the Senate who do not believe in fixing prices this way. That is point one.

The second point is a different point. There are a lot of Senators who support this whom I like as friends; good people. But why in the world are we now basically balkanizing all of the dairy farmers and Senators who are supposed to be supporting dairy farmers, cutting deals, and basically saying, OK, Northeast, now we will add the Southeast to the Northwest—keep cutting deals trying to bring people in, further balkanizing and forgetting that we are really in the same boat together.

Yes, I come to the floor to fight for the upper Midwest. I come to the floor to fight for dairy farmers in Minnesota. But, for God’s sake, I don’t understand why some Senators want to go in the direction of administering prices, cutting deals, balkanizing dairy farmers, balkanizing agriculture, balkanizing Senators, and balkanizing the country.

This isn’t a step in the right direction. It is a great leap backwards.

I am speaking as a Senator from Minnesota. Yes, I am speaking for dairy farmers in Minnesota. Yes, I am doing everything I can to fight for dairy farmers in Minnesota just as other Senators would do when it comes to representing people you love.

I don’t even think what is being proposed is good for the country at all. This makes no sense. I hope Senators—consistent with what they have always said they believe in, consistent with promises that have been made to Senator Kain, and others, consistent with the idea of how we can work together rather than basically being pitted against one another—will vote to table this amendment.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Louisiana has 20 minutes.

Ms. LANDRIEU. Thank you, Mr. President.

I rise to support the amendment offered by Senator Specter from Pennsylvania and myself along with 39 co-sponsors—actually Democrats and Republicans from many parts of the States—who see this as an excellent way to help dairy farmers, to help consumers, to be fair to retailers, and to make sure children and families and people in every region of the United States have access to fresh milk at a reasonable price.

In addition—as the Senator from New Jersey will speak after me—there are compelling environmental reasons in terms of preservation of land and green space and open space that are at issue as well.

Let me address some of the concerns that the Senator from Minnesota raised. Let me begin by saying that if, in fact—I am certain it is true because he brings a lot of wisdom and experience to many of these debates—it is true that many of the dairy farmers in Minnesota have gone out of business, or in his area, he may well want to look into the benefits of this compact. If this compact doesn’t work because of the difference in the grades of milk, perhaps a similar kind of compact for his dairy farmers might be helpful. In the area of the Northeast where this compact has now been in existence for several years, benefits are obvious. They are clear. They have worked to preserve farmers in business to hold down prices to a fair level but providing profit margins for the farmers.

As many times as we deal with many issues on a variety of subjects, sometimes we don’t create a national program all at one time. I am fairly familiar with the details of how this started. But I am told that we will start a pilot program, if you will, in one part of the Nation to test and see if it works. I know that was not exactly the way this started, but the end result is that we have compacts in the Northeast which have worked very well, and we have tried to expand it to the southern region, to the Pacific region, to the Midwest region—all voluntary. It is totally up to
the States if they, in fact, want to join. No one is forced to join this compact. It is the States themselves.

In the last year, I have been made aware—not 2, not 10, not just a few in one region but 25 States in the Nation—countersigned by their Governors to petition for Congress to allow them to basically use this self-help mechanism.

The second point I will make before I get into my prepared remarks is, it is a wonderful idea but not adopted yester-

The Senators from Vermont—Senator JEFFORDS and Senator LEAHY—are effective spokespersons. The fact is the dairy compact doesn’t cost the taxpayers any direct subsidy. We spend hours on this floor passing many farm bills, which I have supported because agriculture is important in Louisiana. It costs billions of dollars. We ask tax-
payers every year to put up money out of their hard-earned tax dollars to support a very complex system of sub-

So you would think there would be 100 Senators rushing to this Chamber to vote for something that is really all American. I am not about self-help. It is about risk management. It is about people coming together in voluntary compacts with all of the parties equally represented—no one is shut out—in public meetings to set a price that works for everyone. I think it has a lot of merit.

State officials and dairy producers across the country are concerned that the current Federal milk marketing order pricing system does not fully account for regional differences in the cost of producing milk. The U.S. dairy industry is transporting ever-increasing amounts of milk over increasing numbers of miles to supply the fluid market. This is especially true in the South, which is so interested in this issue, as is the senior Senator from Louisiana, Mr. BREAUX, who joins me in this effort.

In the South, all the dairy-producing States are milk deficient. We are milk deficient. We need to be able to produce more milk to supply our own customers in the South. We can only do that if our dairy farmers stay in business. If not, we will be importing milk from outside of our region.

It is the sense of this Congress that milk be produced in the region so it can be fresh because it is quite perish-
able. It can be produced and transported easily in the region. It is perish-
able, so it is expensive to ship and re-

In the past 10 years, nearly a quarter of the dairy farmers in my State have gone out of business. Many more are in danger of shutting down. This compact is their way to come to us to say: We found a way out. We don’t need a direct subsidy. Just allow us this compact, and we can do it.

So compacts are a solution. As a re-

result, as I mentioned earlier, 25 States have now passed legislation—almost a majority in the country—for this particular approach.

Let me take a moment to explain how the compact works. Compacts are formal agreements between three or more contiguous States to stabilize the price for fluid milk sold in that region. This price is determined by a regional commission of delegates from each of the States appointed by the Governor. It has to include at least one dairy produ-
cer and one consumer representa-
tive.

So let me just make one point. Criti-
cies have said: This is a cartel and we do not want cartels.

A cartel is dangerous because usually people who get into a cartel are people of all one perspective, people producing an item, and they want to run up the price. But on these commissions—which are not cartels because they are not created the same way as you would think of a regular cartel—the people who work with the people who drink the milk, and the people who produce the milk are all in a room together, not in a back room smoking a cigar but out in a public meeting, with a public record, discussing a price that works for everyone provided. That’s not a cartel. That is kind of a committee—an arrangements commit-
tee; the American way, a Demo-
cratic process—to come to a win-win solution. So I reject the idea that this is a back room cartel. It is exactly the opposite.

The commission holds public hear-

ings to assess the price necessary to yield a reasonable return to the farm-
er. Any proposed price change is sub-
ject to approval by two-thirds of the State delegations. Any State may leave the compact without penalty. So this is quite a voluntary measure, not a mandatory measure.

Payments are made by the commis-
sion and are countercyclical, meaning when the Federal milk marketing order prices are above the compact commission order price, farmers don’t receive compact payments; when the Federal milk marketing order price falls below that of the compact com-

mission, farmers receive compact pay-
ments.

I show my colleagues a chart. It is the best chart I have seen to explain this situation. I thank the Senator from New Jersey for helping me display this chart. I hope you can see from the chart, the compact helps to try to stabilize prices. Shown on this chart is the price of milk as it moves up and down. Shown is the set price. The compact operates so that when the Federal milk marketing order price falls below that of the compact commission, the compact actually pays the difference to the farmers. When it goes above, the farm-
er pays into the compact.

Again, I do not protect the taxpayer. It is a way to stabilize the price. Farm-

ers need certainty, just as any businessperson. Sometimes people can live with low prices. Sometimes they can live with low prices if they are cer-
tain of the price. It is the uncertainty in any business market—whether you are talking about farming or health care or transportation or high-tech businesses—that causes people to have great difficulty.

So the compact is a real answer to that. Again, it is sort of a novel ap-

proach, and one that has been tried. It is not any longer experimental. We can actually see that it is working.

Let me just want to just talk about much a few of the facts and the fictions about dairy compacts.

I mentioned this, but it is worth re-
peting: The critics say dairy compacts cost taxpayers money.

Dairy compacts are self-financing. There is no impact on State or Federal treasuries. Let me repeat: No impact on State and Federal treasuries.

Critics say the dairy compacts are not constitutional.

I do not have my copy of the Con-
stitution with me, as the Senator from West Virginia usually carries with him, but I can tell you, if you flip to article I, section 10, clause 3, of the Constitu-
tion, it clearly allows for interstate compacts, provided they are approved by State legislators and ratified by Congress.

So our action by law, ratifying a compact, and then having States vol-
untarily entering into it, is absolutely within the framework of the Constitu-
tion.

Third, our critics will say that dairy compacts create overproduction.

Let me show you the next chart. The Northeast Compact has a very effective supply management measure which would be included for all of the regions. It provides an incentive for farmers to limit production. It works like this: It takes 7.5 cents for every 100 pounds of milk produced and places it in a re-
serve account, which is distributed to the pro-
ducers who did not increase production by more than 1 percent from the previous year.

Louisiana, and all other potential Southern dairy compact States, are net importers of fluid milk, so overproduc-

tion is not in the foreseeable future. So overproduction is just not foreseeable.

However, in the 4 years since the compact was created, milk production in New England has increased by only 2 percent, while the increase in the rest of the country was 7.4 percent. So based on that information alone, you can argue that the efficiency mecha-
nism to hold down production is actu-
ally working. Why? Not because the Senator from Louisiana says it is working or the Senator from Vermont, but because the statistics show that it is working because the production has been held to a reasonable level.

While the U.S. average is 7.4 percent, the production in New England has been held to a low, you could say, of 2.2 percent—but also meeting the other laudable goals. So this is a very impor-
tant fact to note.
No. 4, the critics will say that a dairy compact is a trade barrier “balkanizing” the dairy market. Let me please reiterate that dairy compacts regulate all fluid milk sales in the compact region, regardless of where the milk is produced.

So if a farmer in another region had a relatively low price, and thought the compact price was higher, that farmer is not at all prohibited, in our legislation, from selling their milk into this market. So it is not a barrier. It encourages free trade, fair trade, among the regions.

Fifth, our critics say dairy compacts will raise retail milk prices. Let me concede this point. It does raise milk prices slightly. The Agriculture Department’s Economic Research Service has done a study on this, and the facts are in. It does raise prices to consumers slightly. That price is $1.06 per person—$5 a year for a family of four.

I can tell you I do not know if a family in America that would not be willing to pay $5 a year so they can have available to them a supply of regionally produced milk that is fresh and healthy, and knowing that they are doing something to help their farmers that this is not in any way hurt low-income consumers. Let me repeat, there is not a family in America, I don’t believe, who would not be willing to pay $5 a year for the benefits this compact provides.

Six, the fiction that the dairy compact will hurt low-income consumers. One of the programs I have supported, as have many of the Senators, is WIC, the Women, Infants and Children’s program, a Federal program that is very successful and that supplies milk to low-income moms and their infants in the School Lunch Program. People representing WIC and consumers representing the school lunch program are on these compacts within the region. Their voices are heard and well represented.

Finally, as I conclude—the Senator from New Jersey will speak more eloquently and in greater length and detail about this particular issue—this is also an environmental issue. As our dairy farmers basically serve now as rings of green around many of our urban areas, this is true in Louisiana, but it is particularly true in States such as Wisconsin or New York. We know where farms are in places such as Florida and in California. If we can do something to help the dairy farmers stay in business, we keep this land green; we keep it open; we keep the possibility for the proper kind of development in the future. If we don’t step in and help our dairy farmers, we will not only lose dairy farmers potentially over the long run, driving up the price of milk, being unfair when there is a fairness to be reached here, but we will see some of these farms plowed under in additional development.

Let’s do the right thing by instituting voluntary compacts that will help not only the States in the South but also in places around the country. There is a tremendous amount of support. I believe I have exhausted the time I have. There are many more Senators who want to speak. I ask a question to the Senator from Vermont.

Mr. LEAHY. If the Senator will yield without losing the right to the floor, I ask first, how much time does the Senator have?

The PRESIDING OFFICER. Three minutes.

Ms. LANDRIEU. I am happy to yield without losing the floor. Mr. LEAHY. If the Senator from Louisiana would agree with me that one of the problems we have is the huge growth of one major processor. We are talking about a situation where we have a program that should be emphasized and this compact is all part of the taxpayers is absolutely nothing. I believe the Senator from Louisiana will agree. The cost to the taxpayers is absolutely nothing.

We are being asked to take huge amounts of tax dollars from various parts of the country, a lot of it from the eastern seaboard, to pay for programs in the Midwest. This is a program that costs taxpayers absolutely nothing. You might wonder why the big processors have spent millions of dollars to try to beat it through lobbying and every other possible effort. One of the reasons is, we see in our part of the world in New England, Suiza Foods is trying to get a stranglehold on prices.

When Suiza started in Puerto Rico, it was down here with three plants. That is the way it started. But then Suiza started moving, and in the year 2000, the Senator from New York and I visited their plants and, by the way, dairy farmers, because we are the only game in town, we are only going to give you this much, that is competition? They call us a cartel.

What we are saying is, let the consumers and the producers within the region decide what they are willing to pay. It has worked out well for us. We pay less, for example, in New England, where we have the compact. We pay less than they do in Minnesota and Wisconsin, if you go to the grocery store for the milk.

Where is the pressure coming from and why do they want to get rid of this compact? Why do they want to get rid of the dairy farmers having any say over it? So that Suiza and Dean Foods, which are becoming a monopoly and want to control all of it—it is actually a “Suizopoly.” I would call it, at this point—can say just how much can be spent, where it can go. In fact, when we checked in, I think that 90 percent of the cost increase goes to them.

The PRESIDING OFFICER. The Senator’s time has expired.

Ms. LANDRIEU. Mr. President, I still have the floor.

Mr. LEAHY. The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 1 additional minute so I may finish, Senator LEAHY was asking me a question. Could I have 30 seconds?

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. I object.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, the Senator from New Jersey is now recognized.

Mr. TORRICELLI. Mr. President, for purposes of a unanimous consent request only, I yield to the Senator from Pennsylvania.

AMENDMENT NO. 129, WITHDRAWN

Mr. SPECTER. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. SPECTER. Mr. President, just by brief explanation, there is not going to be time to debate this amendment adequately this evening. We are calculating a vote count, and I want to give my colleagues notice that this amendment may well be introduced tomorrow. I do have the absolute right to withdraw it, as the Chair has recognized, and therefore the amendment is withdrawn.

The PRESIDING OFFICER. The Senator from New Jersey is recognized under the previous order.

Mr. TORRICELLI. Mr. President, for purposes of a unanimous consent request only, I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. I thank the Senator from New Jersey.

Mr. President, I ask unanimous consent to be given 5 minutes after the Senator from New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, I yield 1 minute to the Senator from Louisiana so she may conclude her remarks.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from New Jersey. I so appreciate the comments of Senator LEAHY from Vermont, who has been one of the great leaders and spokespersons on this issue. I wanted 30 seconds to wrap up to say how important this issue is for farmers not only in the southern part of the Nation. Of course, Louisiana is the State I represent. I have heard loudly and clearly from our farmers about how important this is.

Frankly, Mr. President, this is an issue about fairness for the whole Nation. We are not attempting to be unfair to any particular area. This is about competition. It is about free and fair trade.
It is about self-help, managing risk, and about an idea that a compact can be beneficial to all parties involved.

The Northeast Dairy Compact, enacted in 1996, and due to expire this year, has proven extremely successful in balancing the interests of consumers, dairy farmers, processors, and retailers, by maintaining milk price stability, and doing so at no cost to taxpayers.

We have an opportunity to assure consumers an affordable supply of milk while maintaining positive balance sheets for our farms, whose social and economic contributions remain so critical to the vitality of our country’s rural communities. It is long past the time for us to permit states the opportunity to provide their farmers the stability they so desperately need.

I thank the Senator from New Jersey for allowing me to finish my remarks.

The PRESIDING OFFICER. The Senator from New Jersey? Mr. TORRICELLI. Mr. President, the Senator from Pennsylvania has withdrawn his amendment for the moment. But the Senate should be under no illusions. The amendment will return, and this will go on. It will go on tonight. It will go on tomorrow. It will go on next week. It will go on.

There are States in this Union that have asked, to protect their own interests, to be allowed to be in dairy compacts. States in the South, States in the Northeast. As sovereign members of the United States of America, the legislatures in our States have voted to join these compacts. It is a right that no one should deny us. We have a right to it; we have a need for it; and we are going to insist on it.

This can be an important day in agricultural policy in the history of this country. The time has come to join together, as our forefathers did, as my own, because we care about the Union and we care about farmers across America, have remained silent. I have voted for wheat programs and corn programs and peanut programs and cotton programs. I have voted for crops I have never heard of.

I do it because it is in the national interest. It is usually not in the interest of the State of New Jersey. This is in our interest, a $17 billion agricultural appropriations bill. If one takes the entire Northeastern part of the United States, the most densely populated part of the country which pays the highest taxes in America, we have $200 million worth of appropriations of $17 billion. Enough. Enough.

Every time there is an emergency, every time there is an agricultural disaster, every time some farmer has a problem, the Senators from Maryland, New Jersey, Pennsylvania, New York, Vermont, and Maine come to this floor to do their duty because we want to support the country.

Now we want support. Our dairy farmers are not in trouble. They are out of business. We ask for no money. We want a compact.

This compact will not cost the American taxpayers a dollar, not a dime. It supports prices, because without those price supports we cannot remain in the dairy business. The dairy farmers in New Jersey where dairy farmers operate is $10,000 an acre, $25,000 an acre. The taxes dairy farmers pay could be $100,000. Their labor costs are high. Their energy costs are high.

What is it we want? Is it new farmers left in New England, none in the mid-Atlantic, close down agriculture in the South? That is what this is about. What is it we ask that is so unreasonable? We are not asking for any money. We take nothing away from any other State. We only ask the actions of our own legislature be recognized.

America is changing. From Washington, D.C., to Boston, MA, the Nation is becoming one massive suburb. Shopping centers follow shopping centers, malls follow malls, highways upon highways. We do not fight for agricultural prices. This amendment is not just about how much a dairy farmer earns; it is about not losing the last of our agricultural land. It is about the self-help, the environmental issue of this decade, stopping the destruction of open space.

Since 1961, New Jersey, which has 128,000 dairy cows, is down to 20,000 cows, a loss of 108,000 producing dairy cows. Since 1966, when the State of New Jersey had 26,900 farms with 1,200,000 acres, we have lost a quarter of the acreage and have but a little more than 1,000 farms left from 26,900.

It is about saving land. It is about a way of life. It is about a local culture. A quality of life depends upon more than suburban row house upon suburban row house. It is a chance to drive through a world with one’s child through some open space. A healthy life and a good community. A good way of life. It is about a local culture. It is about a community. It is about saving land.

For 200 years, from Maryland to Maine, people who have lived in the Northeast and New England have enjoyed that quality of life. It is being lost, and that is what this is about.

Two years ago, I came to the Chamber. Since then, the number of dairy farms in New Jersey has declined from 168 to 138, another 17 percent loss.

In the last decade, we have lost 42 percent of our remaining dairy farms. I was here 2 years ago. I am speaking about it again tonight. If necessary, I will speak about it 2 years from now. It is clear to me, if we fail tonight, there will be no one left to defend. This is our last stand.

I hand it to my colleagues in the Midwest. Win this fight one more time and we may never have to raise it again. There will be no dairy farmers left in my State. Give it another 10 years, there will be none left in New York. Give it 20 years, there will be none left in Vermont.

It will be a success. Congratulations; successful. It will be a lasting legacy. Dairy farmers will have lived on the land for 200, 300 years, produced fresh produce for their neighbors, were put out of business. They were not put out of business to save the Federal Government money, because the amendment costs no money, but just do not allow our right to set a price so a farmer can get a decent return on his money.

What is the real price? It is the 138 dairy farmers who remain. It is the loss of a quality of life from the fresh produce for local people and fresh milk. It also means this: Next year, like this year, another 10,000 acres of New Jersey will be plowed under to suburban development. We have lost 600,000 such acres in recent decades.

In the last 2 years this has accelerated because the USDA has repeatedly announced plummeting milk prices that have directly lowered the ability of dairy farmers to earn a living. Prices have dropped as much as 40 percent in a 2-year period, and middle class farmers with high costs have had to absorb this cost.

The result is known. I have already told it. They go out of business. There is no other answer but to allow this compact to go ahead.

I cannot say it might not cost consumers some money. One estimate is it could cost 4 cents, though, indeed, in New England, after they joined, their prices actually declined. It may be 4 cents more; it may be 4 cents less if the State is in the compact, but it does provide price stability.

I do not know a person in New Jersey, if it did cost 4 cents, who would not pay it to know that the last of our agricultural land is not going to be lost. It would be a fair bargain for consumers and for our quality of life.

There are those who will argue maybe it does not cost consumers more money, maybe it saves the land, but it does cost Federal benefit programs money, programs such as WIC for children, for families, or school milk programs. The compact, by law, is required to reimburse Federal nutrition programs such as WIC and school lunch programs that use 68 million pounds of milk a year, middle class farmers, to ensure they do not have higher costs. They are protected under these provisions.

Nothing I am suggesting to the Senate is theoretical in its benefit. The compact is not new. New England has had a compact. It worked. It stabilized retail milk prices and provided a safety net for producers. Indeed, New England retail milk prices were 5 cents per gallon lower on average than retail milk prices nationally following the Northeast Dairy Compact. It did not cost consumers money. It saved consumers money, while costing the Federal Government nothing.
On September 30, the compact for New England expires. The consequences are enormous, and it will help my colleagues to understand why we come to the Senate across the South, across the mid-Atlantic, across New England, to insist on its reauthorization. The price is high and the consequences so devastating that no matter what it takes, we cannot allow this legislation to go forward without Senator Specter’s amendment.

Mr. SCHUMER. Will the Senator yield?

Mr. TORRICELLI. I will be happy to yield to the Senator from New York.

Mr. SCHUMER. I thank the Senator for his excellent remarks. I wish to say, before I ask him a question, I join with him. This is of vital importance to the close to 8,000 dairy farmers in New York in countless communities.

I say to the good Senator from Indiana—and I respect his view—his corn farmers and his soybean farmers get plenty of subsidy. We are never going to get a dairy subsidy to that extent. So if we do not get this compact, I ask my colleague from New Jersey, is it his opinion that the dairy farms in the Northeast will eventually just die and we will have no dairy industry whatsoever?

Mr. TORRICELLI. I respond to the Senator from New York, as I indicated perhaps before he entered the Chamber, 40 percent of the dairy farms in New Jersey in the last 10 years have been lost. I am not certain any will survive the next 10 years if there is not a dairy compact.

The situation in my State is somewhat more acute than New York, but certainly the pattern of an 8 percent rate of decline is the same.

Mr. SCHUMER. If the Senator will yield, we have lost half of our dairy farms in the last 10 to 15 years, and if one looks at any dairy farmers, one will find they are all in such desperate shape that they will go under as well.

I say to my friend, the Senator from New Jersey, it is an anomaly: We have all sorts of price supports, taxpayers’ money for so many of the row crops that dominate the Middle West, that are prevalent in the South and other parts of the country. I do not know why dairy was left out of that, but it was.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. SCHUMER. I ask unanimous consent he be given 2 additional minutes so he can answer my question.

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Mr. President, I object. I will agree if I and Senator Kohl can have 5 minutes by unanimous consent.

The PRESIDING OFFICER. Will the Senator so modify his request?

Mr. SCHUMER. I modify my request that the Senator from New Jersey be given 2 minutes, and I believe Senator Kohl is to be given an additional 5 minutes, because I think he has 5 right now.

Mr. DAYTON. Right.

Mr. SCHUMER. I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I thank my colleagues from Minnesota and Wisconsin.

The bottom line is very simple, and that is that we will never get under this situation, or any other, the dollars we need, and so the choice is the dairy compact or the death of dairy farms in the Northeast. Does the Senator disagree with that analysis?

Mr. TORRICELLI. It is the loss of dairy farms, and we are not doing in our region what other States did and by right we are entitled to do. When their farms and products were in trouble, they asked for Federal appropriations. We asked for no appropriation. We asked for a right for a fair price for our dairy farmers.

When I began my remarks, I quoted the remarks of the Senator from New York in the caucus that there is a $17 billion appropriations bill and our entire region of the country is getting $200 million in appropriations. In the next couple days, when we object to the bill and Senators ask how can you jeopardize this entire legislation for the whole country, recognize this is what matters for us, and it may be all the dollars that are necessary, and that is why we are going to take a stand here and do what is required across the region, across the South to ensure these few remaining farms can survive.

I thank the Senator from New York for his support and leadership, and I thank the Senator from Pennsylvania for offering the amendment. We will be back to fight another day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise in opposition to the dairy compacts that exist and are being proposed, and it is for very good reason. We have never had price-fixing arrangements in the history of our national economy.

When the Articles of Confederation were proposed, they understood we needed a national unified economy, and the beauty of our economy today, which makes it the envy of every country in the world, is that in the United States of America, since we started, every product and every service has unimpeded access in all 50 States. That promotes competition, that promotes excellence in quality, and that promotes the best prices for our consumers.

What they are proposing right now is that we invalidate that concept and we start going down the road of price-fixing cartels, arrangements that will allow for no competition price wise and, as a result, for access basically from one market to another in the case of milk.

Once we start doing that, then we have to recognize that other commodities and other products will come to the Senate asking for the same consideration. If we allow that for milk, then we certainly have to recognize that other commodities and other products will come to the right to make the same arguments.

What will happen 10 years from now or 20 years from now when we balkanize the American economy by virtue of this law that establishes between States based on commodities that they share? We will have an economy in which the consumer will pay. When we have price-fixing arrangements and allow producers to get more than what the market would normally allow them to get, inevitably, always the consumer pays and inevitably, we will begin to destroy this great national economy we have built up over the past 200-plus years.

With respect to the loss of dairy farms, I come from the Middle West, and statistically we have lost as large a percentage of our dairy farms as they have in the Northeast. We have lost between 30 and 40 percent of our dairy farms over the past 20 years. That is statistically identical to what has happened in the Northeast. Their situation is not unique.

The answer is not to balkanize that industry or any other industry and pit one region against another. The answer is that we have a national policy that covers the existence and the proposed prosperity of all dairy farmers everywhere, not just in the Northeast. The answer will never be, in my judgment, price-fixing arrangements because, as I said, under those conditions, inevitably the consumer pays, and that is not what we do in this country. That is not how our economy operates.

I am suggesting the reason this amendment has been pulled, basically because it does not pass, is because a majority of the Senators—and this is bipartisan—a majority of the Senators recognize that price-fixing arrangements between States on commodities is not the way in which we want this economy to begin to progress into the future.

I urge my colleagues to consider in the days ahead what may or may not occur by way of trying to balkanize the dairy industry from one State to another. It does not pass yet. I think it is going to be discussed again. But if there is an honest and fair vote in the Senate, which is the only way to determine policy on any issue but certainly on an issue as important as this one, we will not support dairy compacts. They do not make any sense. There are other ways to deal with the problem, not just in the dairy industry but in the agricultural industry because we have to recognize that it is not just the dairy industry which is in trouble in America, one commodity in the agricultural sector, one product after another, one commodity after another. It is not just in the Northeast; it is in the
Middle West, it is in the Plains States, it is in the North and in the South.

The agricultural industry has not found a way to provide prosperity for all of our farmers. We have been struggling with it. We all know that as Senators. But now the dairy industry comes along and says: Let us protect our industry and let us be allowed to set prices for which the consumer will pay more.

This is a huge step, and before we take it, we need to have much more extensive debate on the agricultural industry in this country and how we are going to deal with that, including the dairy industry.

I thank the Chair, and I yield 5 minutes to the Senator from Minnesota. I ask unanimous consent that if there is no objection, the Senator from Wisconsin be allowed to speak after the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota.

Mr. DAYTON. Mr. President, how much time do I have allotted?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. DAYTON. Mr. President, I commend the distinguished Senator from Wisconsin for his leadership on behalf of the dairy producers of his State and my own State on this matter. I thank also the chairman of the Senate Agriculture Committee, Senator HARKIN, and the ranking member, Senator LUGAR, who have collaborated on this legislation.

What has been important in this undertaking is a recognition that timeliness of this legislation to benefit all the farmers of America in some form or another is very critical. It is unfortunate, in my view, that this matter has been offered at this time.

I say that with all due respect to my distinguished colleagues who have sponsored and who have cosponsored this amendment. It is terrible economic policy; it is terrible agricultural policy; and it is terrible national policy.

The Northeast Dairy Compact as it exists today confers a substantial status on six States. It is a cartel. It is legalized price fixing, and it is economic discrimination against States such as Minnesota and our dairy producers.

Now, according to this amendment which has been withdrawn but which may very well be inserted into the conference committee deliberations, in order to protect their own special deal, they propose to make a series of Faustian pacts with other States. We learn today that under this amendment, the Southeastern States would get their special deal; and other States in the country would get their special deal. I guess the theory is if you make enough deals, maybe it will add up to 51 votes on the Senate floor.

It is a siren song, the false awareness of brief economic advantage at other people's expense. It is a beggar-thy-neighbor approach to economic and farm policy, and it will be the death knell, if successful, of a national farm policy. It will be the death knell to a national unified dairy program, which is what should be the focus of the new farm bill.

Instead, it will result, as my distinguished colleague from Wisconsin and my distinguished friend from Minnesota have stated today in the balkanization of the United States dairy industry, pitting one region of the country against another, with everybody conniving and conspiring to undercut everyone else, the direct opposite of what we need to order to have a sensible national agricultural policy, which is what the chairman and the members of the Agriculture Committee are trying to put into place.

We have hearings for the last several weeks on the supplemental Agriculture bill, and this subject has never been brought forward. We have had hearings even on the new farm bill, which we will be taking up in the fall. Therefore, I think there is an opportunity from one group to another. There are different economic interests at stake. But not a single other commodity group has proposed a program which benefits the producers of one region of the country at the expense of others.

Now there is one exception where the dairy producers of one region are trying to bring in others on their side who see a market in balance between supply and demand that is temporarily to their benefit, but not ours. It's a cartel. Our producers are included; their producers are excluded.

The proponents say—I have heard it from Minnesota. It is wonderful to have the opportunity to hear from the distinguished colleague from Wisconsin and former state senator—who spoke about the compact's impact on dairy farmers outside the compact region.

I rise today in opposition to this effort to expand and extend the Northeast Dairy Compact. As the senior Senator from Wisconsin has said many times, it is a price-fixing dairy cartel that hurts dairy farmers outside the compact region.

In fact, a few days ago, the Judiciary Committee, on which I serve, held a hearing on the record of the dairy compact. I do commend the chairman of the Judiciary Committee for allowing those who see an economic impact to have a chance to testify. I was there for the whole hearing. Sometimes we have hearings around here that maybe we can do without, but this was very useful.

It clearly showed Congress should not renew or expand the compact.

I thought that the most compelling testimony came from two people: Richard Gorder, a Wisconsin dairy farmer, who spoke about the compact's impact on dairy farmers outside the compact region, and Lois Pines, a former Massachusetts State Senator and former compact supporter, who detailed her opposition to the compact.

Mr. Gorder outlined better than any other witness the true impact of the dairy compact on dairy farmers outside that region. Given that Mr. Gorder was the only dairy farmer to testify at the hearing, I think it would benefit my colleagues to hear how he described how the compact operates.

According to Mr. Gorder:

Regional dairy compacts place a floor under the price of milk used for fluid purposes in the compact region. This artificial price increase creates a two-tier milk production in the region, yet represses the consumption of fluid milk in that area.

The surplus that results finds its way into manufactured milk products such as cheese, butter, and milk powder.

While dairy compacts insulate that market from competition by placing restrictions on milk entering the compact region, they impose no restrictions on the surplus milk and milk products that must leave the region in search of a market. As a result, the market distortions of dairy compacts have a negative effect on prices of producers in non-compact states.

Mr. President, an expanded compact will cause Wisconsin dairy farms to lose between $64 million and $326 million per year. Whichever number is used, the long range consequence would be even greater if you were to calculate the economic impact to our rural communities.

It is especially sordid that former Senator Pines' testimony was also incredibly compelling. Here is a former state senator—the chairman of the committee that
helped push through the compact—who is now calling the dairy compact a failure.

She detailed how the Northeast Dairy Compact hasn’t even stopped the loss of small farmers in the Northeast. According to the Northeast dairy producer organization, the Dairy Bureau Federation’s data, New England has lost more dairy farms in 3 years under the compact—465—than in the 3 years prior to the compact.

Let me read from former Senator Pines’ statement:

The evidence clearly shows that Compact supporters were wrong about how the Compact will save small family farms and protect the region’s dairy industry . . . the claims made by compact supporters have had two debilitating impacts on state and federal policy process:

1) they have grossly misled hundreds of lawmakers in Congress and state legislatures, including myself, and persuaded them to mistakenly give their support to compact; and

2) they have diverted lawmakers’ attention from developing and implementing policies that are truly necessary to keep small dairy farmers on the land, genuinely protect consumers, and effectively preserve open space in rural New England.

Now, I don’t believe the Northeast Dairy Compact not help save New England farmers because it gives the vast majority of its subsidies to large dairy farms, it also aggravates the inequities of the Federal milk marketing order system by allowing the Compact Commission to set a price fixing entity that walls off the market in a specific region and hurts producers outside the region.

The Northeast Interstate Dairy Compact Commission is empowered to set minimum prices for fluid milk higher than those established under Federal milk marketing orders. Never mind that farmers in the Northeast already receive higher minimum prices for their milk under the antiquated milk pricing system.

The compact not only allows these six States to set artificially high prices for specific regions, it permits them to block competitors’ lower priced milk from producers in competing States.

This price fixing mechanism arbitrarily provides preferential price treatment for farmers in the Northeast at the expense of farmers in other regions who work just as hard, who love their homes just as much, and whose products are just as good or better.

It also irresponsibly encourages excess milk production in one region without establishing effective supply controls. This practice flouts basic economic principles and ignores the obvious risk that it will drive down milk prices for producers outside the compact region.

The dairy compact is unconstitutional. Compacts also are at odds with the will of the Framers of our Constitution. In Federalist No. 42, Madison warned that if authorities were allowed to regulate trade between States, some sort of control would be introduced by future contrivances.”

I would argue that the dairy compacts are exactly the sort of contrivance feared by Madison. Dairy compacts are clearly a restriction of commerce, and, in effect, they impose what amounts to a tariff between States. The Founding Fathers never intended the States to impose levies on imports such as those imposed by one nation on another’s goods.

At the recent judiciary hearing, we heard this same argument from Professor Burt Neuborne, who has taught constitutional law for 25 years. Professor Neuborne said: [the compact] violates the commerce clause, as well as the Privileges and Immunities Clause of Article IV, section 2, as well as the 14th Amendment . . . and is an inappropriate and possibly unconstitutional exercise of Congress’ power.

Mr. Neuborne continued to say that:

The Founders abandoned the Articles of Confederation in favor of the Constitution in order to eliminate the rampant protectionism that threatened to destroy the United States.

The compact is exactly the type of protectionist barrier the Founders warned about.

More than anything, the compact debate is about fairness to all dairy farmers. Over the past 50 years, America’s dairy policy has put Wisconsin dairy farmers out of business by paying Wisconsin dairy farmers less for their milk.

In 1950 Wisconsin had approximately 150,000 dairy farms and we are now down to about 18,000.

Do we pay sugar growers more in Alaska? No. Do we pay orange growers more in Florida? No. Do we pay avocado farmers more in Idaho? No, and we shouldn’t. We have one nation, one dairy market, and we should pay all dairy farmers—regardless of where they live—the same price for their milk.

As I said earlier, dairy farmers in the northeast and southeast already receive more for their milk. The compact makes the situation worse by walling off the majority of the country from receiving milk from outside the compact.

I urge my colleagues who support compacts to go to a farm in Marathon County, WI, and explain to the family who have owned their farm for three generations that they have to sell their farm simply because they will be paid less for their milk because of some political game.

Instead of focusing on regional dairy policies, Congress must turn its attention to national dairy policy that helps all farmers get a fair price for their milk. Congress needs to follow the lead of people like my senior Senator, Mr. Kohn, who has demonstrated that if we work together, we can provide meaningful assistance to America’s dairy farmers.

I believe Congress must enact a national dairy policy such as the one envisioned by Senators Kohn and Santorum. This legislation brings a constitutional approach to a national problem.

Who can defend the dairy compact with a straight face? This compact amounts to nothing short of Government-sponsored price fixing that hurts producers outside the compact region. It is outrageously unfair, and also bad policy.

I hope that Congress will turn its attention away from dairy compacts to legislation which ultimately hurt both consumers and farmers. Its high time to begin to focus on enacting legislation that helps all dairy farmers. America’s dairy farmers deserve a fair and truly national dairy policy, one that puts America on a level playing field, from coast to coast.

I yield the floor.

Mrs. CARNAHAN. Mr. President, the Southern Dairy Compact is an issue of tremendous importance to many Missouri farmers. Missouri has been losing its dairy industry. Last year, we lost 171 herds and 5,000 cows. Some estimate this economic loss at up to $40 million.

Just over 2,000 class A dairy farms remain in Missouri. To survive, they must price their milk below what the dairy market is stable. Without assistance from a dairy compact, farms in Missouri are likely to disappear at an even faster rate.

Last year, the Missouri General Assembly passed legislation allowing the State to join the Southern Dairy Compact. My late husband, Mel Carnahan, signed the legislation into law. Missouri dairy producers and the Missouri Farm Bureau support this measure as well.

I do not agree with critics of dairy compacts, who contend that compacts encourage farmers to overproduce milk. Look at the track record of the Northeast Compact. Last year, only one State in the Northeast Compact, Vermont, saw its production increase. The increase was by 2.3 percent, which is below the national average increase of 3 percent over the same period.

Milk production in the other States in the compact actually decreased. Further, there have been practically no surplus dairy products purchased from the Northeast Dairy Compact region since the Compact was established. In spite of this, the Northeast Compact has taken aggressive steps to discourage overproduction by providing incentives for farmers not to overproduce.

We will do the same in the Southern Dairy Compact, even though overproduction is improbable in the Southern Compact States. Most of the southern States, like Missouri, are net importers of milk.

Saving our small and mid-size family farms is an important issue for us in Missouri. Allowing Missouri to join the Southern Dairy Compact could help many of these farmers. I hope that the Senate will be able to vote on this important issue in the near future.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The assistant legislative clerk pro se read the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I know the Senator from Ohio wishes to offer an amendment this evening. We have talked to him, and he indicated he wants to do that tonight. That is fine. What I wanted to talk about is a little bit, as someone who is not heavily involved in farm policy but heavily involved in the legislation, is I understand the Senate works. I have no doubt in my mind that this legislation is being given the perennial slow dance. We are waltzing nowhere. We tried to move this legislation last week, Friday. We were on it on Monday. We were forced to take a cloture motion just to be able to move on the bill, the motion to proceed.

This bill is very important to the breadbasket of America. The people who raise and produce our food and fiber all over America need this very badly. This is an emergency appropriation, an emergency Agriculture bill.

Why? Because there are emergencies out in the farm country that we have heard talked about here in the last 2 days, 3 days, that is going nowhere. I am very concerned about that.

We have an August recess coming up. We are told by the powers that be downtown that this legislation has to pass. The farmers will lose the money that is set forth in this bill, billions of dollars around America that will make the difference between farms staying in business, farmers being able to stay on on their farms, or, as one Senator talked about today, whether a farmer performs another farm, another farm, another farm will be leveled off and a shopping center will be built, or homes.

Family farms in America are threatened. They will become an even more threat. Those who have such farms are hurt because I am an adult and I understand how things work, but we are not being treated the same way we treated the majority, when we were in the minority, in passing these appropriations bills. We worked through hundreds of amendments in an effort to pass an appropriations bill.

The reason I feel personally concerned I will not be alone. I am being a little hurt because I am an adult and I understand how things work, but we are not being treated by the majority, when we were in the minority, in passing these appropriations bills. We thought it was important to get them passed, get them to the President. It seems to me that same philosophy is not here.

We have appropriations bills. For example, the Senator mentioned the energy and water appropriations bill. The House passed a bill, and the Senator from North Dakota wanted to offer an amendment. In effect, it outlawed Mexican trucks. I am being a little more direct, but basically that is what it did. The two managers of that bill, Senators SHELBY and MURRAY, offered a compromise, a midpoint. We could not even get that up. There was a filibuster on that, recognizing that if the President was concerned about it, the Senate will take care of it was in conference.

In the Transportation appropriations bill, it appears they did not want it passed. It did not matter how reasonable or unreasonable something was; they simply did not want it passed. We now have a situation, I say to my friend, where we are not allowed, on the energy and water appropriations bill that I worked very hard on with my distinguished Senator from North Dakota, to even get a conference on that.

Mr. DORGAN. Mr. President, if I am a little personally troubled about this, the Senator will recall last year, before the August recess, we passed eight appropriations bills. How were they passed? Because we, as a minority, helped the majority pass those bills. My friend will remember the many times the majority leader assigned the Senator from North Dakota and this Senator to work through the amendments. We worked through hundreds of amendments in an effort to pass an appropriations bill.

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Mr. DORGAN. Mr. President, if the Senator will yield further for a question, I know my colleague from Iowa perhaps wishes to inquire as well. I understand he—an individual from Nevada understands—we cannot get anything done in this Chamber without cooperation. There is no question about that. Unless we all cooperate and find a way to compromise, with some goodwill, the Senate will not get its work done. We must get through certain legislation by a certain time. Unless we find a way to cooperate, it does
of compromise, the art of consensus building. We do not have anyone willing to compromise at all. It is all or nothing, their way or no way.

It is too bad because the Senator is absolutely right. We have four things that he needs to do before we leave. It is not that he is being arbitrary. First of all, the Export Administration Act expires the middle of August, and the high-tech industry of America needs that legislation very badly.

He did not drum this farm bill out of nowhere. It is something that has to pass the experts downtown. The Office of Management and Budget has said the money is lost if we do not pass this bill so it can go to family farmers. We have to do it, they say, by the August recess. The Transportation appropriations bill, we need to get that done. It is almost all done anyway. Then, of course, there is VA-HUD. I was here today when the House sent this over. It is done in the Senate. We could do that. Senators Mikulski and Bond have both come to me, they have come to the minority leader and the majority leader, saying: When can we do this? It will not take very long. But we are being prevented from moving forward on legislation. I think it is too bad.

I see my friend from Oklahoma, my counterpart. I can reflect back this past year, when we were in the minority, and Senator Lott said on a number of occasions he has a question our help in getting these things passed. We worked very hard to get bills passed. It does not seem there is reciprocation.

If it is payback time, we are not being paid back the way we paid out, and I hope there can be something done. For example, the Senator from Ohio believes very strongly about this issue. I have great admiration for the Senator from Ohio. He was a great Governor. He is an outstanding Senator. The Senator has a question here up which he believes very strongly. We have to get our financial house in order. I do not know how many times we have debated this issue. When he and Senator Conrad came the last time, they each received 42 votes. His amendment received 42 votes; Senator Conrad’s received 42 votes.

We can go through that same process again, and I am willing to do it. It is an important issue, but it is not moving the legislation forward at all that is before this body.

Mr. NICKLES. Will the Senator from Nevada yield for a question?

Mr. REID. The Senator from Iowa had a question first, and then I will yield. I did not respond to the Senator from Iowa. He had a question which I thought was excellent.

Mr. HARKIN. I appreciate the Senator yielding. I do have a question, and I want to proceed by saying we do not have any amendments on this side to the agricultural emergency bill. We are ready to go to third reading. We are ready to pass the bill right now.

We had a debate today on whether or not we wanted one level or another level. It was a good, honest debate. We had the vote. One side lost and one side won. It would seem to me then we should move ahead.

I was dismayed this afternoon when the Senator from Pennsylvania offered the amendment which, by the way is not even germane to this bill. The dairy compact belongs in the Judiciary Committee, not the Agriculture Committee. The Senator has a right to offer an amendment.

Mr. HARKIN. I think the amendment, but they are going to come back tomorrow. I am beginning to sniff something here. What I am smelling does not smell very good. It smells like a deliberate attempt to slow down, if not stop, this emergency Agriculture bill. I did not think that until just a little while ago. I hope I am wrong. I hope we can come in tomorrow and wrap this up in a short time, have a final vote and see which way the votes go, and then move on.

The only question to the Senator from Nevada, our distinguished assistant majority leader, is simply this: Is it not true that we in the Senate should do what we think is in the best interest of the country to have the votes and let the President decide what he wants to do at that point in time?

The Senator spoke about this idea of working together. President Bush came into office saying he wanted to work in a spirit of compromise. That is what the majority leader has said. I do not think we have the President decide what he wants to do at that point in time.

I say to the Senator from Nevada, is that what we are reduced to, we cannot do anything here? The President puts his stamp of approval on it?

Mr. REID. I say to my friend from Iowa, I mentioned briefly the Transportation appropriations bill. The President said he did not like it. If he did not like what was in the Senate bill, he must have hated the bill which was passed by a Republican House. In the Senate, we have a compromise worked out by Senators Murray and Shelby, and we are told they are not going to let us do that; the President will veto it.

The Senator from Iowa has been a Member of Congress longer than I have, and the Senator from Iowa knows the way the President weighs in is during the conference stage of legislation. That is why I have talked off the Senate floor to my friend from Iowa indicating: Tom, I think they are trying to stall this bill. The Transportation bill, obviously, they are doing that, and how will we have the thing.

If the President does not like this legislation, that is fine; he has veto power, and it is obvious his veto will be sustained. So why don’t we let us go
to conference and the Senator from Iowa and his counterparts in the House, with Senator LUGAR, can work this out and bring it back? That is the way things are done.

If the President is going to say, unless the Senate does what I want, the bill is going nowhere, and he instructs his people in the Senate the bill is going nowhere, if that is the case, then we might as well be taken out of it and have him declared the King.

Mr. HARKIN. We might as well have a dictatorship if we cannot do anything unless the President first says we are allowed to do it. I hope I am wrong. I refrained from saying anything about it since this afternoon, but it appears to me there may be a deliberate slowdown here.

Again, I say to my friend from Nevada, I hope I am wrong. I hope we come in tomorrow morning and dispose of amendments. I hope we can propose a time agreement tomorrow so we can vote to final passage of this Agriculture emergency bill. Doesn’t that seem like a logical way to proceed, I ask the Senator?

Mr. REID. I have heard from the Senator from Iowa and the Senator from North Dakota that their States are two examples. I heard the Senator from Iowa and North Dakota say over 40 percent of the economy of the State of North Dakota is agriculture related. Iowa is a huge part of that economy.

Mr. HARKIN. It is our biggest industry.

(Mrs. CARNAHAN assumed the Chair.)

Mr. REID. Madam President, both Senators have said, if this legislation does not pass, what it will do to their States and what it will do to their farmers. That, to me, indicates the President should allow us to move this bill along.

It appears to me this is all coming from the White House. The Senator does not have to agree. I understand. But it appears to me this is all coming from the White House. We are being allowed to move nothing. Nothing. We have had no conferences. The few bills we were fortunate enough to pass, we have had no conferences.

The President wants us to write the legislation he thinks is appropriate. The last measure we worked on, the Transportation appropriations bill, is a perfect example. It appears he wants it written. From the White House. The Senator from Iowa and the Senator from North Dakota say over 40 percent of the economy of the State of North Dakota is agriculture related. Iowa is a huge part of that economy.

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July 31, 2001

CONGRESSIONAL RECORD — SENATE

S8445

no need to write this up because there was no chance the other side would agree in any way to limit amendments. We have no amendments on this side.

We are not a bunch of farmers over here. I say that in a positive fashion. We are not a bunch of Senators representing only farm States. We have a wide range of interests. We have been convinced the family farmers are so important, agricultural interests are so important to this country, we all support the family farmers. That is why all 51 on this side of the aisle support this bill. We want to move it quickly. If there is something wrong with it, I have enough confidence in the legislative process, and I recognize the President will be involved in it, that a different product will come back than what we pass. We are not being allowed to pass anything out of here. That is a shame. It hurts the institution. It hurts the legislative process. Most of all, I am convinced after 3 days of debate, the family farms, the agricultural interests in the country are being hurt, and some irreparably damaged if we do not pass this legislation by this coming Friday or Saturday.

Mr. HARKIN. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. HARKIN. It is important to keep in mind what we are trying to do, and I will preface that with a statement. We are trying to provide the payments to our farmers all over America the same basic rate of payment they got last year. It is not more, just the same basic rate. We know input costs have gone up; fuel is higher.

Mr. REID. “Input” means production costs.

Mr. HARKIN. Production costs are higher. We want to get them the same amount as last year. This is so important to my State. The difference between what the committee bill has and what we want is pretty darned hard. We will all avenge the same way farmers were hit in the payments we did last year. The budget allows for that—the budget passed by the Republican Congress, I point out. The Republicans passed that budget. In that budget, there is money to allow farmers to go back to their lands to harvest the 2 years they have lost. The market loss and oilseeds payments that were made last year.

If the budget allows it and the money is there, why should we not at least get the payments out for our family farmers on the same basis we did last year?

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back and add it up—some years it was $8 billion in emergency money, other years we voted for $6 billion and $8 billion and $12 billion. So it is not anything new to have to vote or to be in favor of emergency relief for our farmers. One of the ways we need a better system but for now the world economy and a lot of other things are imposing on our farmers in such a way that they do need help.

I am sure if the House bill were before us, with all of the emergency relief that was said to be extended, and which many farmers will not get what they are entitled to—if that were before us, it would probably get no negative votes. We could pass it and be done with it.

Having said that, why did the Senator from New Mexico today object to proceeding with the amendment, with reference to dairies?

I am pleased to note that even though I objected to a time limit, it was said by the Senator from New Mexico who caused the delay. For some reason, the other side decided to pull the amendment. That is their own strategy. I didn’t have anything to do with that. I compliment them for their argument. But the compact that was before the Senate as offered by the distinguished Senator from Pennsylvania.

I would just like to say, all of us come here before time to time and we are worried about legislation and its impact on our States. I came to the floor earlier because I have been very busy and I was not totally familiar with the compact amendments that were on the floor. I did know, when I came to the floor, that they might impact my State. I have now found they would impact my State in a dramatic way. All I want to do is tell the Senate what is happening to dairy in the United States.

We are here talking about compacts protecting States as if that is the only way to get milk products for American consumers. The truth of the matter is, New Mexico and one other State are shining examples of a total departure from the idea of compacts, and a departure that says: Innovation. Let’s do new things. Let’s save real dollars for those who are consuming. We want to save on transportation, and under the compact approach you do not save on transportation.

New Mexico’s dairymen are competing in their part of the country with new technologies. They have new ways of treating milk before it is transported. They make it lighter. When it gets to where it has to go, it is returned to its original form and all the benefits? There is no change in the milk, and the beneficiaries are those who buy cheaper milk and those who produce more and more milk in the herds that are now grazing the landscapes of Idaho.

I want to say how important it is we let that happen, that we let this innovation and competition happen. I am quite sure those who have compacts feel just as strongly about their States and about what they are doing with small herds and the like, as I do about what is happening in my State. I believe what is happening in my State is about the same as the competition are changing the face of business in all our States and it is going to change the production of milk and milk-related products, just as sure as we are standing here tonight.

In the year 2000, the dairy industry contributed over $1.8 billion to New Mexico’s economy. The producers had about 150 individual dairy farmers, over 250,000 cows. That has grown since the early 80’s and 90’s. These are just the numbers we have for the year 2000. New Mexico ranked 9th, believe it or not, in the total number of dairy cows; 10th in the total production of milk—5.23 billion pounds; 5th in the production per cow, 20,944 pounds.

Some like to say that other States probably cannot believe that really happening, but it is. Yes, it is. We continue to be the first in the United States in the number of cows per herd, with New Mexico dairies averaging 1,382 cows per herd.

I am very sorry if in some States they have small operations. But I think in the custom and tradition of the Senate that a Senator from New Mexico who has this happening in his State, and other States, should have enough time to come to the floor and discuss something as complicated and detrimental to our State—probably as detrimental as any other legislation directly affecting New Mexico this whole year.

New Mexico dairymen have a dramatic impact on local and regional economies, from the hiring of labor to feed purchases. According to the New Mexico Department of Labor, New Mexico dairy operations employ up to 3,183 people with an estimated payroll of $64.8 million. Additionally, NM processors currently employ up to 750 people with an estimated payroll of $23.5 million. This is an industry that I am committed to fighting for.

Regional compacts could threaten this vital New Mexico industry. New Mexico has a small population and with the numbers I just mentioned, it produces a vast amount of milk. The future of the New Mexico dairy industry depends on mechanisms that are conducive to allowing NM milk to be transported to other areas. Compacts prohibit this type of activity.

The Northeast Dairy Compact was established in mid-1997 as a short term measure to help New England dairy farmers adjust to a reformed Federal milk marketing order system. Even though market order reform was completed in late 1999, the Northeast compact was extended 2 additional years. It does not need to expire.

The “experiment” with a Northeast Dairy Compact in the New England States has provided evidence against existing dairy compacts and potential expansion of compacts into other regions. I would like to take a moment and discuss why the Northeast dairy compact has been a failure.

The stated goal of the Northeast compact was to reverse the steady decline in the number of dairy farms in this country. The numbers simply state the opposite has proved true. American Farm Bureau data indicates that New England lost more farms in the three years under Art 455 than in the 3 years just prior to the compact 444.

Most importantly, compacts are unconstitutional. Compacts blatantly undermine the commerce clause. One of the central tenets of the U.S. Constitution and a basic foundation of our nation is a unified economic market. We have never advocated for the right of States to unravel this central tenet of the Constitution. Thus, compacts don’t serve the American public.

The higher prices paid by processors are passed on to consumers at the retail level. Economic studies, including one ordered by the Northeast Dairy Compact Commission itself, have confirmed the pass-through to consumers. These studies put the retail impact of the Northeast compact anywhere from 4½ to 14 cents per gallon of milk.

Additionally, compacts discourage farmers and cooperatives from finding efficiencies in marketing, transportation and processing such as ultra-filtration and reverse osmosis technology currently being employed, and improved upon by New Mexico dairymen.

This is definitely a commodity and an industry worth protecting. If compacts are designed to protect dairy farmers and dairy farmers need protection, let’s do it with a national, not a regional program. If there are problems with the program, let consider a national solution rather than expanding and extending divisive regional policies. A national alternative will address the concerns of producers, not just those in compact States.

Compacts establish restrictions and economic barriers against the sale of milk from other regions, increase milk prices to consumers in the compact region, and lead to a reduction in the price of milk paid to farmers outside the compact area. This is a quick fix not a national solution. We need a policy that addresses the concerns of producers. Are all restricting farmers in one region against those in other regions, or interfering in the marketplace through artificial price fixing mechanisms.

I fear the Northeast dairy compact has set a kind of precedent for regional price fixing for an agricultural commodity. This cannot continue. If we do not stop this right now, where will it stop? Will we soon see a regionally fixed price for wheat to make bread? Or how about fruits and vegetables? Or will we see soon unelected regional commissions fix prices for gasoline? Or coal? Or even lumber? These
are all commodities that have a regional imbalance of production and consumption, somewhat similar to milk, and the producers of these commodities have seen hard times in recent history. I suggest regional price fixing may be taking place. I am not saying that it is taking place, I do not want to debate that as a lawyer or constitutional expert here on the floor. I just want to say clearly I must, in all good conscience, defend my State against what is going to happen if we proceed too quickly and we do not have a chance to thoroughly understand this matter.

As I said, I have even studied the history of how we first got involved in these compacts. Actually, it was accidental and emergency situation, and it was supposed to last for only 2 years. Two years has led into many years beyond, and instead of just the Northeast, it is spreading throughout. So what we have are these kinds of compacts all over America except for States such as New Mexico and perhaps Idaho.

We want to be competitive. We want to provide the very best products to as many American people as we can. It is my fear that we had this discussion today. I do not believe it is fair to characterize what has gone on here on this bill as any kind of excessive delay. You have a bill that exceeds what the President asked for and what the House passed by almost $2 billion. Use of that $2 billion will not occur until a year from now. It is not an emergency. Yet we have those saying if you do not let it pass, and let it pass quickly, you are unduly delaying what our farmers need.

It is very easy to decide how to fix this. Just take the 2002 money out of this bill and have it address a real emergency and let’s vote up or down on this bill and have it address a real emergency. Productivity can apply to every industry, including dairy cows as well.

That is what we think ought to happen in America. We would like to continue to do it in our States. We would like for the Senate not to impose upon them a cartel. States can in a sense in their own circuitous way fix the product. Maybe you should strike “fix the price” and make arrangements for what it will cost so we will not be losing any pejorative words.

I yield the floor.

Mr. REID. Madam President, I have heard it said on the floor a couple of times today that the Agriculture Committee is not moving this bill quickly enough. The fact is, the Agriculture Committee did not have a reconstituted committee until June 29. Following that, it did not have its full membership until July 1. Following that, the committee worked 8 days. In those 8 days, the bill came out of committee. It sounds like pretty good work to me. Within 8 days we had a major piece of legislation such as this coming out of the committee. Senator HARKIN and Senator LUGAR did a pretty good job. I repeat: It could not move forward until the committee was reconstituted. Last year we passed a bill similar to this. The agricultural community has problems in every year. But they always have problems. Last year we passed a bill with $7.1 billion. It was very close to what we are trying to pass this year.

AMENDMENT NO. 1222. WITHDRAW

Mr. LUGAR. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment is as follows:

(Purpose: To provide a substitute amendment)

Strike everything after the enacting clause and insert the following:

SECTION 1. MARKET LOSS ASSISTANCE.

(a) ASSISTANCE AUTHORIZED. The Secretary of Agriculture is authorized to provide, in this Act, an amount not to exceed $122,500,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 202 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note) to producers of the 2000 crop of oilseeds that previously received a payment under such section.

(b) AMOUNT.—The amount of assistance made available to producers and owners on a farm under this section shall be proportionate to the amount of the total contract payments received by the owners and producers for fiscal year 2000 under a production flexibility contract for the farm under the Agriculture Market Transition Act (7 U.S.C. 7201 et seq.).

SEC. 2. SUPPLEMENTAL OILSEEDS PAYMENT.

The Secretary shall use $122,500,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 202 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note) to producers of the 2000 crop of oilseeds that previously received a payment under such section.

SEC. 3. SUPPLEMENTAL PEANUT PAYMENT.

The Secretary shall use $54,210,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(a) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note) to producers of the 2000 crop of peanuts that previously received a payment under such section.

SEC. 4. SUPPLEMENTAL TOBACCO PAYMENT.

(a) SUPPLEMENTAL PAYMENT.—The Secretary shall use $129,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note) to eligible persons (as defined in such section) that previously received a payment under such section.

(b) SPECIAL RULE FOR GEORGIA.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use the sum of $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000.

SEC. 5. SUPPLEMENTAL WOOL AND MOHAIR PAYMENT.

The Secretary shall use $16,940,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–287), to processors of wool, and producers of mohair, for the 2000 marketing year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.
SEC. 6. SUPPLEMENTAL COTTONSEED ASSISTANCE.

The Secretary shall use $41,700,000 of funds of the Commodity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture. The amount of the grant shall be—

(a) $1,000,000 to each of the several States; and
(b) $1,000,000 to the Commonwealth of Puerto Rico.

G RANTS FOR VALUE OF PRODUCTION.—

The Secretary shall use $133,400,000 of funds of the Commodity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture. The amount of the grant shall be—

(a) $500,000,000 to each of the several States; and
(b) $1,000,000 to the Commonwealth of Puerto Rico.

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(a) $500,000,000 to each of the several States; and
(b) $1,000,000 to the Commonwealth of Puerto Rico.

SEC. 7. SPECIALTY CROPS.

(a) BASE STATE GRANTS.—The Secretary shall use $123,400,000 of funds of the Commodity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture. The amount of the grant shall be—

(a) $500,000,000 to each of the several States; and
(b) $1,000,000 to the Commonwealth of Puerto Rico.

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(a) $500,000,000 to each of the several States; and
(b) $1,000,000 to the Commonwealth of Puerto Rico.

SEC. 8. COMMODITY ASSISTANCE PROGRAM.

The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States to be used by the States to direct and by the direct costs related to the processing, transportation, and distribution of commodities to eligible recipient agencies. The grants shall be—

(a) $100,000,000 to each of the several States in the manner provided under section 204(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 1708(a)).

SEC. 9. TECHNICAL CORRECTION REGARDING INDEMNITY PAYMENTS FOR COTTON PRODUCERS.

(a) CONDITIONS ON PAYMENT TO STATE.—

Subsection (a) of section 754 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 106–224), is amended to read as follows:

(b) ADDITIONAL DISBURSEMENTS FROM THE INDEMNITY FUND.—

Subsection (b) of section 754 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 107–286) is amended to read as follows:

(b) ADDITIONAL DISBURSEMENTS FROM THE INDEMNITY FUND.—

Subsection (b) of section 754 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 107–286) is amended to read as follows:

(b) ADDITIONAL DISBURSEMENTS FROM THE INDEMNITY FUND.—

Subsection (b) of section 754 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 107–286) is amended to read as follows:

(b) ADDITIONAL DISBURSEMENTS FROM THE INDEMNITY FUND.—

Subsection (b) of section 754 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 107–286) is amended to read as follows:

SEC. 10. INCREASE IN PAYMENT LIMITATIONS REGARDING LOCAL DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.

Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1301(2)), the total amount of the payments specified in such section shall not exceed $150,000. If the payments required by this Act would result in expenditures in excess of such amount, the Secretary shall reduce such payments on a pro rata basis as necessary to ensure that such expenditures do not exceed such amount.

SEC. 11. TIMING OF, AND LIMITATION ON, EXPENDITURES.

(a) DEADLINE FOR EXPENDITURES.—All expenditures required by this Act shall be made not later than September 30, 2001. Any funds made available by this Act and remaining unexpended by October 1, 2001, shall be deemed to be unexpendable, and the authority provided by this Act to expend such funds is rescinded effective on that date.

(b) TOTA L AMOUNT OF EXPENDITURES.—

The total amount expended under this Act may not exceed $5,500,000,000. If the payments required by this Act would result in expenditures in excess of such amount, the Secretary shall reduce such payments on a pro rata basis as necessary to ensure that such expenditures do not exceed such amount.

SEC. 12. REGULATIONS.

(a) PROMULGATION.—As soon as practicable after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this Act and the amendments made by this Act. The promulgation of the regulations and administration of this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking;

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act");

(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided by section 808 of title 5, United States Code.

(c) This section shall be effective one day after enactment.

Mr. LUGAR. Mr. President, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, I have had an opportunity to listen to my colleagues talk about what is happening in the Senate in terms of procedure. I had an opportunity to sit in the Presiding Officer's chair for a lot of time during my first 2 years in the Senate. In fact, I was the first member of the Republican Party as a freshman to get the Golden Gavel Award for 100 hours in the Chair.

I have to comment on what I am hearing on the other side of the aisle that this side of the aisle is delaying the passage of bills. The same complaints being lodged against the Republican side of the aisle are the same complaints the Republicans lodged.
against the Democratic side of the aisle during my first 2 years in the Senate. It is deja vu all over again.

The fact is, some of us have some major concerns that we would like to have discussed in the Senate. We would like to have our point of view listened to and taken into consideration. For example, the dairy compact was brought up and then withdrawn. I was very upset when this was brought up last time. My State was opposed to the dairy compact because we thought the exorbitant growth in the last fiscal year to spending the Social Security surplus in the 2002 budget is exorable growth of Federal spending. I am going to bring this amendment to the Senate Chamber.

I think of some of us who are concerned about the dairy compact think it is unfair to the farmers in our respective States. For example, my State legislature would never have granted permission for Ohio to be involved in the dairy compact. We ought to have an opportunity to talk about that in the Senate. I understood that the dairy compact is very relevant, and we should at least have a chance to vote on it on the floor, if that is the consensus of the Members of the Senate.

In addition, I have heard that this amendment bringing up this evening is not relevant to this farm bill. I happen to believe it is very relevant to this farm bill. The farmers in my State are not only interested in money for farmers and for agricultural programs but are also very interested in fiscal responsibility.

For example, I was at a meeting of farmers in Ohio a couple of weeks ago. One of them asked me: Senator, why did you vote against the education bill? My response was that the education bill increased spending by 64 percent. There was not another question about it in the room. Someone said: Well, if you are going to increase education 64 percent over what you spent last year, that is 64 percent, then you are not going to be money for other priorities facing the Federal Government.

The Agriculture Supplemental for FY 2001, in my opinion, could be passed immediately tomorrow if my colleagues on the other side of the aisle would agree to the $5.5 billion that the House passed and to which the President agreed to sign. One of my great concerns is that because of the disagreement over the amount of money this might be delayed. If it is not done before the Appropriations Committee has to begin working, there is a good possibility that our farmers won't get the $5.5 billion that we want to provide for them.

I suggest to my friends on the other side of the aisle that they agree to the $5.5 billion. Let's get it done, and let's get the money out so we can help our farmers.

In my opinion, to add another $2 billion that is going to come out of the FY 2002 budget when we have a very tight budget situation already is fiscally irresponsible.

We know that the House provided $5.5 billion. If we put in another $2 billion for next year, that means that in order to revise the farm bill, we are going to have to put even more money in there. And I would argue that we are very close right now to spending the Social Security surplus in the 2002 budget. I think that is exorable growth of Federal spending. So I believe that I am bringing to this Senate is relevant. It is an amendment that I brought up a couple of weeks ago, and it is an amendment I am going to continue to bring up. I am going to repeat the same words I heard of the Members on the other side of the aisle, where the Republicans, they felt, did not give them a chance for an up-or-down vote, whether it was on minimum wage or whatever else it was. I want an up-or-down vote on a pure Social Security lockbox. I do not want to see it tabbed. I do not want to see it objected to on some procedural matter. I want an up-or-down vote on this. I think it is extremely important to fiscal responsibility for this amendment.

I think if we do not pass this lockbox legislation, that indeed we will spend the 2002 Social Security surplus of $2.27 billion. So I am here to offer an amendment that will lockbox that Social Security surplus and force the Senate and the House to make the necessary hard choices that will bring fiscal discipline to the Government and keep the Social Security surplus from being used.

I am also offering this amendment because it is part of the covenant that we made to the American people when we passed the budget resolution and reduced taxes. I refer to that covenant as the "three-legged stool." One leg allows for meaningful tax reductions. One other leg reduces debt. The third leg restrains spending. The Presiding Officer has warned us that the tax cuts will not continue. We have spent the Social Security surplus, and the President has reined the budget back in.

I believe this amendment I am offering guarantees that the tax reduction will continue, that we will continue to pay down the debt, and that we will control spending. As I mentioned, if we do not get an up-or-down vote on this, I am going to continue, every opportunity I have, to bring this amendment to this Senate Chamber.

I think my colleagues should know that the budget that we passed in the Senate, we increased budget authority for non-defense discretionary spending by 14.5 percent, with an overall increase in the budget of about 9 percent over what we spent in the last budget season. I believe this amendment I am offering guarantees that tax reduction will continue, that we will continue to pay down the debt, and that we will control spending. It was done as I have said. It was done in that way.

I refer to that covenant as the "three-legged stool." One leg allows for meaningful tax reductions. One other leg reduces debt. The third leg restraints spending. The Presiding Officer has warned us that the tax cuts will not continue. We have passed the budget resolution and reduced taxes. I refer to that covenant as the "three-legged stool." One leg allows for meaningful tax reductions. One other leg reduces debt. The third leg restraints spending. The Presiding Officer has warned us that the tax cuts will not continue. We have passed the budget resolution and reduced taxes.

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about it. Everything is going to work out fine.
I did not think it would work out fine, and I began almost immediately to start cutting spending. Over a 2-year period, we decreased spending by about half. Bill was to go in and I had not gotten started early with that process, we would have had a catastrophe.

My feeling is, the sooner the Senate understands we have a real problem that needs to be dealt with, the better off we are going to be.
So the amendment I offer will guarantee we stay the course toward fiscal discipline. It contains two enforcement mechanisms: A supermajority point of order written in statute, and an automatic across-the-board spending cut to enforce the lockbox.
The amendment creates a statutory point of order against any bill, amendment, or resolution that would spend the Social Security surplus in any of the next 10 years. And waiving the point of order would require the votes of 60 Senators.
In addition, if the Social Security surplus was spent, OMB would impose automatic across-the-board cuts in discretionary and mandatory spending to restore the amount of the surplus that was spent.
I want everyone to understand that this amendment specifically protects the Medicare Program from any cuts.
The only exceptions to the lockbox would be a state of war or if we have a recession.
Some of my colleagues are probably thinking that we don’t need this amendment; that the spending excesses I have outlined earlier just will not happen; that we won’t spend so much, that we won’t dip into Social Security.
I disagree. We only need to look at our recent history to see how addicted to spending Congress really is.
If my colleagues will look at this chart, they will see how much Congress has spent on some of the appropriations bills for fiscal year 2001 according to the Senate Budget Committee. We can see Agriculture, a 26.2 percent increase over FY 2000; energy and water, 10.1 percent; Interior, 24.7 percent; Labor-HHS, 25 percent; Transportation, we spent 26.6 percent over fiscal year 2000; Treasury-Postal, 13.4 percent; and VA-HUD, a 13.5 percent increase over FY 2000. You can see, when you look at the chart, we have increasingly funded the budget authority for nondefense discretionary spending by 14.5 percent in fiscal year 2001.
It is amazing to me. I will talk to colleagues who were here during the last 2 years and say to them: Do you realize how much we have increased spending? Some of them seem to be shocked that we increased spending 14.5 percent. When I go home and tell people in Ohio that this is what Congress did, they think it is incredible. They just cannot believe it.
I have said to them on many occasions, if I had spent money as mayor, as commissioner, as Governor of Ohio the way we have here in the Senate, they would have run me out of office. They would have literally sent me home.
What are we going to do? What we need to do is wail in Congress. And by wail I mean going to spend Social Security and we are not going to increase taxes, we are going to live within our means.
It is very important that we face up to this reality. My recommendation to my colleagues is that if we are going to spend Social Security and we are not going to increase taxes, we are going to live within our means.
I implore my colleagues, the best way we can help our budgetary situation is to formally lockbox the Social Security surplus, simply take it out of the spending equation. It is the best thing we can do relative to our economy.
I realize we have a number of pressing needs facing our Nation. Agriculture is one of them. One of the things about which I have always felt good was even though I am from Cuyahoga County, a big urban county. I was referred to as the agri-Governor.”
I am interested in agribusiness. I care about my farmers and I have spent a great deal of time with them. I want them to know that I believe in them to have it now and they can have it now if we can get an agreement with our colleagues from the other side of the aisle.
Let’s get it done. Let’s not go home and not have it done and have it disappear when the OMB or CBO comes out with their numbers.
I support a strong defense. I support education. However, the money to pay for whatever increases Congress makes the spending equation. It is the best thing we can do relative to our economy.
I support the lockbox because I believe we should not be spending Social Security.
That had happened for 30 years before I came to the Senate. It was not until 1999 that we stopped using the Social Security surplus to subsidize the spending by Congress and by the administration.
I am asking this body to put their money where their mouth is. My colleagues and I do not want to spend the Social Security surplus, then I urge them to join me in support of this lockbox amendment.
Before I ask for the amendment to be read, I would like to make one other point in regard to the discussion prior to my speaking that I heard relating to the Transportation bill.
I was one of the Senators who stuck around here last Friday until very early in the morning, wondering what would happen. I had an event in Cleveland to which I had to go, but I did not go because I really thought it was important that we get some dialog between Members of the Senate in regard to that Transportation bill and some reality to that deal. I would put to the Senate that we got a bill that deals with truck traffic coming out of Mexico.
I sincerely believed that that legislation interfered with NAFTA and that we ought not to be doing that in the Transportation appropriations bill. I believed it was wrong. I believed my colleagues from the other side of the aisle should have sat down with Senator McCain and Senator Gramm of Texas and worked out some language that was satisfactory to the Senate and to the President of the United States and which did not violate the NAFTA agreement.
I would like to read an editorial from the Cleveland Plain Dealer, the largest newspaper in Ohio, that really captures what happened here last Friday. The title of the editorial is: “Protectionism in High Gear.”
The Democrat-controlled Senate, with the help of enough Republicans to block a filibuster last week that equal protection under the law doesn’t apply to Mexico under NAFTA.
Beneath a veneer of safety concerns, the Senate refused to eliminate the trade barriers that keep Mexican trucking companies from carrying freight beyond a 20-mile border zone, no matter that among their fleets are some of the most modern, best-equipped trucks on any nation’s roads.
It’s a witches’ brew of protectionist politics disguised as protection, fueled by the delusions of organised labor which has off a stench of old-fashioned ethnic prejudice.
What’s more, it invites a trade war of retaliation.
If Mexico decide to close its border to U.S.-driven imports. Combined with an even harsher House-passed version incorporated in the Department of Transportation appropriations bill, it invites a veto by President George W. Bush.
No one supporting Mexico’s rights under the North American Free Trade Agreement ever has argued that American roads should be opened to unsafe vehicles. But in the years since NAFTA was passed, Mexico has made giant strides to improve its fleets. Some of its largest trucking companies now have rigs whose quality surpasses those of American companies.
But safety is little more than a stray dog in flight. What this is about is the $140 billion in goods shipped to the United States from Mexico each year, and the Teamsters Union’s desire that its members keep control of that lucrative trade.
Labor—which documents gathered in a four-year Federal Elections Commission probe show has had veto power over Demo- cratic party positions that have never accepted the benefits of expanded hemi-spheric trade. It has been adamant in its opposition to allowing Mexican trucks, no matter how modern and well-trained the drivers, access to U.S. highways.
It was this opposition that kept President
Bill Clinton from implementing the agreement, and it is this opposition that yet drives labor’s handsevers, who now control the Senate.

This position should be an embarrassment to a party that makes a show of its concerns for the poor and downtrodden. It is a setback to U.S.-Mexican relations, and an insult to Mexico’s good faith and earnest efforts to improve relations with its northern neighbor. It is an abrogation of our treaty responsibilities, and it must not be allowed to stand.

At least from the perspective of Ohio’s largest newspaper, looking in on what happened last Friday is a pretty good indication how many Americans feel about what happened last week. It wasn’t some effort to delay the Transportation bill but a legitimate concern on the part of many people in the Senate that we sit down and try to work out language that would guarantee safe trucks in the United States, the safety of the people in the United States of America, and at the same time guarantee that we do not violate the NAFTA agreement.

AMENDMENT NO. 1209

Mr. VOINOVICH. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senate from Ohio (Mr. VOINOVICH) proposes an amendment numbered 1209.

Mr. VOINOVICH. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

The amendment is as follows: (Purpose: To protect the social security surplus by preventing on-budget deficits.)

At the appropriate place, insert the following:


(a) SNAPSHOT TITLE.—This section may be cited as the “Protect Social Security Surplus Act of 2001”.

(b) REVISION OF ENFORCING DEFICIT TARGETS.—Section 253(h) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(h)) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) EXCESS DEFICIT; MARGIN.—The excess deficit is, if greater than zero, the estimated deficit for the budget year, minus the margin for that year. In this subsection, the margin for each fiscal year is 0.5 percent of estimated total outlays for that fiscal year.”;

(2) by striking subsection (c) and inserting the following:

“(c) ELIMINATING EXCESS DEFICIT.—Each non-exempt account shall be reduced by a dollar amount calculated by multiplying the baseline level of sequesterable budgetary resources in that account at that time by the uniform percentage necessary to eliminate an excess deficit.”;

(3) by striking subsections (g) and (h);

(c) MEDICARE EXEMPT.—The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906) is amended—

(1) in section 253(e)(3)(A), by striking clause (i); and

(2) in section 256, by striking subsection (d);

(d) ECONOMIC AND TECHNICAL ASSUMPTIONS.—Notwithstanding section 256(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(k)), the Office of Management and Budget shall use the economic and technical assumptions underlying the report required pursuant to section 1106 of title 31, United States Code, for purposes of determining the excess deficit under section 253(h) of the Balanced Budget and Emergency Deficit Control Act of 1985, as added by subsection (b).

(e) APPLICATION OF SEQUESTRATION TO BUDGET ACCOUNTS.—Section 256(k) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(k)) is amended by—

(1) striking paragraph (3); and

(2) redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

(f) STRENGTHENING SOCIAL SECURITY POINTS OF ORDER.—

(1) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by inserting at the end of the following:

“(g) STRENGTHENING SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget for any fiscal year that (or any conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend section 253(b) of the Balanced Budget and Emergency Deficit Control Act of 1990.”;

(2) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting “312(g),” after “310(d)(2),”.

(B) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting “312(g),” after “310(d)(2),”.

(3) ENFORCEMENT IN EACH FISCAL YEAR.—

The Congressional Budget Act of 1974 is amended in—

(A) section 301(a)(7) (2 U.S.C. 632(a)(7)), by striking “for the fiscal year” through the period and insert the following:

“(g) for each fiscal year covered by the resolution;”;

and

(B) section 311(a)(3) (2 U.S.C. 642(a)(3)), by striking beginning with “for the first fiscal year” through the period and insert the following:

“(g) for any of the fiscal years covered by the resolution.”;

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to fiscal years 2002 through 2006.

Mr. VOINOVICH. I apologize to the majority leader for taking more time than I expected. I hope he will forgive me.

Mr. President, I ask for the yeas and nays on my amendment.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, the distinguished Senator from Ohio had asked for the yeas and nays on his amendment. We are prepared to again pose the question.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

ORDERS FOR WEDNESDAY, AUGUST 1, 2001

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, August 1. Further ask unanimous consent that on Wednesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Agriculture supplemental authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now stand in a period of morning business, with unanimous consent to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.
THE NOMINATION OF MARY SHEILA GALL TO BECOME CHAIR-WOMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION

Mr. BIDEN. Mr. President, I rise today to express my serious concerns about the President's nominee to Chair the Consumer Product Safety Commission, Mary Sheila Gall.

The Consumer Product Safety Commission was created nearly 30 years ago with the mission of protecting our families from consumer products that pose hazards. Ms. Gall or safety risks. The Commission serves as the consumer advocate for our Nation's children, protecting them from potentially dangerous, and in some cases deadly, products. In short, the Commission is charged with saving lives, and it has done so with great success over the past several years. This success is based primarily on the advocacy role that the Commission has assumed in fulfilling its duties for America's families and it is Ms. Gall's apparent opposition to this advocacy role that has given me serious concerns about her nomination.

As a Commissioner for the past ten years, Ms. Gall has opposed reasonable attempts to question a safe standard for children's safety and implement common sense protections for consumers. Perhaps the most troubling example of this trend has been Ms. Gall’s record on fire safety issues. Ms. Gall opposed a review of upholstered furniture flammability standards for children's sleepwear. In small open flame ignition sources, such as matches, lighters, and candles. In opposing the review, she stated that “...the benefits from imposing a small open flame ignition standard on upholstered furniture are overestimated.”

With all sincerity, I doubt that the brave men and women who risk their lives every day fighting house fires in Delaware and throughout the Nation would agree with that assessment, nor would they agree with Ms. Gall’s decision to walk away from fire safety standards for children’s sleepwear. In 1996, Ms. Gall voted to weaken fire safety standards that required children’s sleepwear to be made from flame-resistant fabrics. Ms. Gall joined another commissioner in exempting from this standard any sleepwear for children less than nine months old, and any sleepwear that is tight-fitting for children less than nine months old. I support the original standard, which worked for more than two decades before it was weakened by the Commission. And I have cosponsored legislation with my former colleague from Delaware, Senator Bill Roth, that called on the Commission to restore the original standard that all children’s sleepwear be flame-resistant.

But it’s not just her record on children’s sleepwear and fire safety issues that concerns me about Ms. Gall. She has turned her back on children and families on a number of occasions, rejecting moderate, common-sense warnings and improvements dealing with choking hazards, bunk bed slats, and crib slats. In some of these cases, Ms. Gall has even opposed efforts to merely review questionable products, to mention nothing about imposing regulatory standards to correct any potentially dangerous problems. For instance, Ms. Gall opposed a safety review of baby walkers. According to the Commission, were associated with 11 child deaths between 1989 and 1994, and as many as 28,000 child injuries in 1994, alone.

This safety review brought to light ways to produce walkers that were safer for children, which were then used by manufacturers to develop a voluntary standard for producing a safer product. This voluntary standard was applied within the industry, and a media campaign followed to educate parents about the new, safer walkers that were entering the marketplace. The Commission has estimated that since the review process took place in 1995, injuries related to baby walkers dropped nearly 60 percent for children under 15 months of age, from an estimated 20,100 injuries in 1995 to 8,800 in 1999.

These statistics are proof that the Commission’s role as child advocate produces results. But if Ms. Gall had her way, we would not have had a review of baby walkers at all. And without this review, it is unlikely we would have had the important voluntary standard designed to protect thousands of children. If Ms. Gall is unwilling to even take the first step in reviewing potentially dangerous products, I question whether we can expect her to fulfill the Commission’s responsibility as the Nation’s child advocate.

I do not make this decision to oppose Mary Sheila Gall’s nomination lightly. I have long recognized that the President should generally be entitled to have an administration comprised of people of his choosing. While his selections should be given considerable deference, that power is nonetheless limited by the United States Senate to provide “advice and consent” to such appointments.

Throughout my tenure in the Senate, I have supported countess nominees for Cabinet and other high-level positions, including many with whom I have disagreed on certain policies. But I support the President’s nominee when I have become convinced that the nominee is not suitable to fill the role to which the person was nominated. I have reluctantly reached the conclusion that this is one such case. It is one thing to serve as a commissioner, as Ms. Gall has done these past ten years. But serving as chair of this important Commission is a very different role. As such, I strongly urge my colleagues on the Senate Commerce Committee to oppose Ms. Gall’s nomination to chair the Consumer Product Safety Commission. To put it simply, there is nothing less than children’s lives at stake.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation as a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 8, 1994 in Reno, NV. A gay man, William Douglas McFarland, was stabbed to death by a self-proclaimed skinhead, Justin Suade Slotto, 21, was charged with murder. Slotto allegedly went to a park with the intent of assaulting gays.

I believe that government’s first duty is to defend its citizens 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.

ECONOMIC AND POLITICAL DIFFICULTIES IN TURKEY

Mr. SARBAÑES. Mr. President, as my colleagues are well aware, the people of Turkey, a NATO ally, are experiencing extremely serious economic and political difficulties.

On April 10, 2001, at the Bosphorous University in Istanbul, Turkey, our distinguished former colleague in the House of Representatives, the Honorable John Brademas, delivered a most thoughtful address, on this subject, “Democracy: Challenge to the New Turkey in the New Europe.” Dr. Brademas’ speech was sponsored by TESEV, the Turkish Economic and Social Studies Foundation. Its contents some four months later still resonate with timely wisdom and creative analysis.

A long-time and effective advocate of democracy and transparency, John Brademas served for 22 years, 1959-1981, in the House of Representatives from Indiana’s Third District, the last four as House Majority Whip. He then became President of New York University, the Nation’s largest private university, in which he served for 11 years, 1981-1992. He is now president emeritus.

Among Dr. Brademas’ involvements included chairman of the National Endowment for Democracy, NED, from 1993-2001, and founding director of the Center for Democracy and Reconciliation in Southeast Europe. Located in Thessalonike, Greece, the Center seeks to encourage peaceful and democratic development of the countries in that troubled region of Europe.

I believe that Members of the Senate and the House of Representatives and other interested citizens will read with interest Dr. Brademas’ significant discussion of the challenges of creating a truly more open and democratic Turkey. I ask unanimous consent to print Dr. Brademas’ address in the RECORD.
There being no objection, the material was ordered to be printed in the Record, as follows:

*DEMOGRAPHY: CHALLENGE FOR THE NEW TURKEY IN THE NEW EUROPE*

I count it an honor to have been asked to Istanbul to address a forum sponsored by the Turkish Economic and Social Studies Foundation, and I thank my distinguished host, Ambassador Ozlem Sanberk, Director of TESSEV. At the invitation of the Foundation, I salute the invaluable work performed by TESSEV in promoting the institutions of civil society and democracy in Turkey.

So let us understand the perspective from which I speak, I hope you will permit me a few words of background.

In December, the Congress of the United States—the House of Representatives—where I served for 22 years. During that time I was particularly active in writing legislation to assist schools, colleges and universities; libraries and museums; the arts and humanities; and services for children, the elderly, the handicapped.

A Democrat, I was in 1980 defeated for re-election to Congress in Ronald Reagan's landslide victory. I remained in President Jimmy Carter and was shortly thereafter invited to become President of New York University, the largest private, or independent, university in our country, a position I held for eleven years.

If I were to sum up in one sentence what I sought during my service as the President, it was to lead the transformation of what had been a regional-New York, New Jersey, Connecticut-commuter institution into a national and international residential research university.

And I think it's fair to say that that transformation took place, thanks in large part to philanthropic contributions from private individuals, corporations and foundations.

Although no longer a Member of Congress or university president, I continue to be active in a range of areas, only a few of which I shall mention.

By appointment of President Clinton in 1994, I am Chairman of the President's Committee on the Arts and the Humanities, a group of 40 persons, 27 from the private sector and 13 heads of government departments with whom I work side by side. Our initiative is to make recommendations to the President—and the country—for strengthening support for the arts and humanities. After 20 years and we have done so. Four years ago, then First Lady of the United States, and Honorary Chair of the Committee, Hillary Rodham Clinton, released America, a report to the President with such recommendations.

Among them was that the United States give much more attention to the study of countries and cultures other than our own, including strengthening international cultural and scholarly exchanges. On last Fall, I took part, at the invitation of the then President, Bill Clinton, in the White House Conference on Culture and Diplomacy, at which a number of our ideas, and others, were discussed, and I have urged the new Secretary of State, Colin Powell, to consider ways of implementing them.

Several years ago, in Washington, I attended a meeting of the Advisory Board of Transparency International, the organization that combats corruption in international transactions, to talk about how to expand the OECD Convention outlawing bribery of foreign public officials to include outlawing bribery of officials of political parties.

**NATIONAL ENDOWMENT FOR DEMOCRACY**

And last January I stepped down after eight years as Chairman of what is known in the United States as the National Endowment for Democracy.

Since its founding in 1983, the National Endowment for Democracy, or NED, as we call it, has played a key role in championing democracy throughout the world.

The purpose of NED is to promote democracy through grants to private organizations that work to advance independent, independent media, independent judiciary and the other components of a genuine democracy in countries that either do not enjoy it or where it is threatened.

Two years ago, in New Delhi, India, I joined some 400 democratic activists, scholars and representatives of civil society from over 85 countries brought together by NED for the inaugural Assembly of the World Movement for Democracy.

The establishment of this World Movement is inspired by the conviction that interaction among like-minded practitioners and academics on an international scale is crucial in the fight against corruption, the undermining of human rights, the weakening of the rule of law, the disruption of democratic institutions and the rise of despotic regimes.

The Movement for Democracy is now involved in nearly every region of the world. It brings together people from the United States—some of our current projects:

- The Balkans, where NED has established a network among academies in Southeast Europe as counterweight to existing nationalistic groups within each country. So far we have organized two seminars for young scholars and another two are being arranged.

- The Center's History Project, which has organized a series of seminars in a number of countries, has been an important part of the mission of the Nepal-Australia-United States Partnership for Democracy.

And I have been in the position of 13 heads of government departments, including Mr. Osman Kavala and Dr. Seljuk Bayraktar, the Turkish-American diplomat, Matthew Nimetz, who was Under Secretary of State with Cyrus Vance and is Special Envoy for Unified Nations Secretary-General Kofi Annan to mediate in the break-up of the former Yugoslavia. The Center's Board is composed overwhelmingly of leaders from throughout Southeast Europe, including Mr. Osman Kavala and Dr. Seljuk Bayraktar. Mr. Sarik Tora, who was with us on that occasion.

The Center is dedicated to building networks among individuals and groups working for the democratic and peaceful development of Southeast Europe.

Chairman of the Board, I am pleased to report, is Ambassador of the United States, and I am pleased to say that he has been at this Center for many years and we will meet in Zagreb. And representatives of some of the former Yugoslavia will soon meet.

All the projects I have cited promote, by bringing together leaders from different countries and backgrounds, and by facilitating dialogue, the economic, social and political development of the Balkans. Our goal, to reiterate, is to encourage vibrant networks among individuals and groups with common interests and experiences.

I hope I have made clear, from what I have told you, that in my own career, as a Member of Congress, university president and participant in a range of pro bono organizations, I have been deeply devoted to the causes of democracy, free and open political participation and economic growth, and respect for peoples of different cultures and traditions.

Against this background, I was now to talk with you about the global challenge, as I see it, facing the world today is that of a new Turkey in the new Europe—and that challenge is daunting and crucial.

So that you can better understand my viewpoint, I must tell you one other factor in my own experience that I believe relevant to my comments.

**JOINT HISTORY PROJECT**

The Center's inaugural project is a "Joint History Project," which brings together professors of Balkan history from throughout the region, to study the history of the Balkans and to use it to influence political and social relations in Southeast Europe. The scholars seek to produce more constructive, less nationalistic, history textbooks and thereby ultimately enhance the understanding of, and respect for, the peoples of the region for each other, and thus reduce hostility.

For it is evident in the Balkans that how history is taught can powerfully shape the attitudes of people toward those different nationalities, and that negating this region has roots in nationalistic, religious and ethnic prejudices, cultivated, in many cases, by and based on distortions of history. I believe that such history can be crucial in promoting tolerance and peace.

This Joint History Project, established by the Joint History Project, exchanges among scholars in participating educational institutions. We on the Center Board have established a network among academies in Southeast Europe as counterweight to existing nationalistic groups within each country. So far we have organized two seminars for young scholars and another two are being arranged.

The Center's History Project has also begun to work with the Stability Pact for Southeastern Europe, initiated by the European Union and supported by the United States and other non-EU countries in Europe. The mission of the Pact is to extend democracy and prosperity to all the peoples of Southeast Europe. So far, the participating governments have pledged $2.4 billion for the initiative.

And I also cite the Center's Young Parliamentarians Project which, through a series of seminars, enables young MPs from Southeast Europe to join parliamentarians from Western Europe and the European Parliament as well as professionals, economists and journalists to discuss issues of urgent and continuing concern for the region.

The Center last year conducted four seminars on such subjects as the workings of parliamentary democracy, the relationship between politics and the media, the operation of a free market economy, and the organization of political parties.

This year, in another project, the Center is sponsoring seminars on reconciliation in the former Yugoslavia. Serbs and Croats have already met in Belgrade and will meet again next month in Zagreb. And representatives of some of the former Yugoslavia will soon meet.

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**GREECE, CYPRUS, AND TURKEY**

As some of you know, my late father was born in Greece, in Kalamata, in the Peloponnesus. My late mother was of Anglo-Saxon ancestry. My late mother was of Anglo-Saxon ancestry.
United States, and I am proud of my Hellenic heritage. In 1967, however, when a group of colonels carried out a coup in Greece, established a military dictatorship, and threw out the young King, I voiced strong opposition to their action. I refused to visit Greece during the seven years the colonels ruled, refused invitations to the Greek Embassy in Washington and testified in Congress against sending U.S. military aid to Turkey.

My view was that as Greece was a member of NATO, established to defend democracy, freedom and the rule of law, of all of which goals Turkey is also special correspondent, and a matter of principle to oppose sending arms from my own country to the country of my father’s birth. In the fashion, when in 1974, the colonels attempted to overthrow Archbishop Makarios, the President of Cyprus, triggering their own downfall and sparking two invasions by Turkish armed forces, equipped with weapons supplied by the United States, I protested the Turkish action, again on grounds of principle.

For the Turkish invasion violated U.S. legal restrictions on the use of American arms, namely, that they could be utilized solely to defend the United States. Because American law mandated that violation of such restrictions would bring an immediate termination of any further arms to the country and be secretary of State Kissinger willfully refused to enforce the law, we in Congress did so by legislating arms embargo on Turkey. I can also tell you when that my colleagues in Congress and I who called on Kissinger in the summer of 1974 to press him to take the action required by law, we reminded him that the reason President Nixon, who had just resigned, was constrained to do so was that he had failed to respect the laws of the land and the Constitution of the United States.

So even as I opposed U.S. military aid to Greece in 1967 on grounds of principle, I opposed U.S. arms to Turkey in 1974 on grounds of principle. You may not agree with my viewpoint on either matter but you want to understand it.

A NEW DEMOCRATIC TURKEY?

Yet I would not be here today if I did not believe in the prospect of a new, democratic Turkey, belonging to the new Europe, a member of the European Union and a contributing member of the United States. I am well aware that Turkey is now confronted with a profound financial and economic crisis, “the most severe economic crisis of its history,” the Chairman of TUSIAD, Mr. Tuncay Ozilhan, told a group of us in New York City last month at a meeting with members of the Turkish Industrialists’ and Businessmen’s Association. It is a crisis that reaches all parts of the nation.

If I have one thesis to advance today, it is this: That the combination of three factors not facing that opportunity for fundamental reform of the Turkish political system and significant advance in the quality of life of the Turkish people. The first factor is the economic crisis. The distinguished Turkish economist, Mr. Kemal Dervis, has, as you know, been charged with recommending structural reforms. If Turkey is to continue its economic policy from the International Monetary Fund, the United States and other actors in the international financial community.

Most obvious in this respect is the situation of Turkish banks, widely understood to be afflicted by corrupt links with the nation’s political parties. The second factor that can drive fundamental reform in Turkey and bring the country into the modern world is Turkey’s candidacy for accession to the European Union. Beyond the economic crisis and Turkish candidacy for entry into Europe, there is a third factor that can make this the time for Turkey to start building a new Turkey in the new Europe.

I speak of the rising engagement in press freedom of democracy of the leaders of Turkish business and industry, of your universities, of the media, and leaders of the other institutions of what we call civil society. So where are the Turkish and the European Union?

TURKEY AND THE EUROPEAN UNION

First, we can be encouraged by the approval last month by the Turkish cabinet of the National Program for Adoption to the Accession of the State for NPPA. I add that Turkey should deal with obstacles not solely to meet the so-called Copenhagen requirements for EU membership but also because such action will be in the interest of the people of Turkey.

What has impressed me greatly as I prepared for this visit to Istanbul is the deep commitment of so many Turkish leaders, especially in business and industry and in the universities, to the economic and political reform of this great country.

What are the requirements Turkey must meet to enter the EU? Let me here remind you of the eloquent words of TEESE’s respected Director, Ozdem Sanberk, only a few weeks ago (“It’s Not the Economy, Stupid!” Turkish Daily News, Feb. 28, 2001).

Commenting on the clash last February between Prime Minister Bulent Ecevit and President Ozal, Sanberk said: “... You cannot reform the economy root and branch without an equally radical reform of the political system...” “... [O]nly comprehensive political reform can create the stability...” required for long-term economic success.

The Ambassador then criticized the Government’s failure to undertake radical structural reform, to “plug the leaks in the state-owned banks, through which billions of dollars of public money have poured.” No crackdown on corruption in the highest places. No lifting of cultural restrictions on freedom of expression. No reform of the Political Parties Act. “We might transform our parties into something more useful than closed clubs dominated by their leaders. No serious effort to change a constitution which does not meet the needs of the age.” “... The problems that lie at the root of Turkey’s current difficulties are political, not economic and political reform can solve them.”

LEADERSHIP OF TUSIAD

I find encouragement, too, at the positions taken by the leadership of TUSIAD, Turkey’s major business and industrial organization.

Indeed, only a few days ago, in New York City, I had the privilege of meeting several members of TUSIAD, including its distinguished chairman, Mr. Sanberk. I said then, and repeat here, that I have been deeply impressed by the high quality of the reports published by TUSIAD and by the obvious commitment of so many leaders of Turkish business and industry to the principles of democracy and human rights, freedom of enterprise, freedom of belief and opinion.

As Muharrem Kayhan, President of TUSIAD’s High Advisory Council, who was appointed by President ozal last year at the request of Prime Minister Ecevit, “The requisites of EU membership are exactly what Turkey needs.” TUSIAD believes that fully adopting the Copenhagen Criteria will benefit our country. We think that the fears expressed about the possible damages Turkey might suffer if it fails to join the EU are not taken into account are exaggerated.

Yet I would not be here today if I did not believe that Turkey’s commitment to democracy, freedom of opinion, free market economy, a pluralist society, clean politics, social development and the rule of law is, I have observed, on the up-and-up. As I ran through several studies and reports directed to the problems that face Turkey, do TUSIAD call for action to meet the Copenhagen criteria but do does a wide range of scholars, analysts and officials from Turkey itself as well as from other countries.

Deputy Prime Minister Mesut Yilmaz last month, in speaking of the cabinet approval of the NPPA, said that Turkey must give top priority to ensuring press freedom, cracking down on torture, reviewing the death penalty and offering more freedom of organization for trade unions.

So what else must be done for Turkish entry into Europe? The European Union has also called on Turkey to grant full cultural rights to all minorities, including allowing Turkish citizens to speak whatever language they like. After all, millions of the over 65 million people who make up this country speak it. Is it not possible to respond to their desire for a degree of cultural freedom?

I was present in New York City when your Foreign Minister, Lascarides, the Greek Foreign Minister, George Papandreou, were both honored at a dinner, a symbol of a reapproachment between Turkey and Greece in recent months that is reflected in the response in each country to earthquakes in the other.

THE CYPRUS ISSUE

Here again, I have been impressed by how both Turkish and Greek business leaders seem to be able to communicate effectively with each other, yet another example of the significant contribution that institutions of civil society can make to encourage peace in the troubled part of the world.

And, of course, Europe wants to see progress in resolving the thorny issue of Cyprus. Here again, I find encouragement, too, at the positions taken by the leadership of TUSIAD, Turkey’s major business and industrial organization.

Clearly Turkish Cypriots would be the net beneficiaries of entry into Europe but this
gain will come only if Cyprus is admitted as a single federal state, bi-zonal and bi-communal.

Accordingly, if Turkish Cypriots are not to continue to be left behind, economically and politically, the only sound answer is for Turkey and the Turkish Cypriots to accept the United Nations Security Council resolutions calling for a federal settlement.

For as The Economist has written, Cyprus represents "the main block of Turkey's hope of joining the European Union in the near future."

I turn to another matter that is clearly of concern to the European Union, the role of the armed forces in the political system of Turkey.

Now, of course, for decades, the principal link between the United States and Turkey has been strategic, specifically, military. In light of the geographical location of Turkey, the size of its armed forces and its population, such a relationship should not be surprising. Turkey is a major actor on nearly every issue of importance to the United States in this part of the world, including NATO, the Balkans, the Aegean, Iraq, sanctions, and, of course, the states of the former Soviet Union, turmoil in the Middle East and transit routes for Central Asian oil and gas.

Reuters: The Role of the Military in Turkish Politics

Yet it must be obvious to any thoughtful observer that of particular importance in opening the doors to Europe for Turkey is that steps be taken to curb the influence of the military.

I am certainly aware of the respect and admiration the Turkish people have always had for their military, and the legitimacy of many of the aspirations of the Turkish military. Nonetheless, any serious student of the place of the military in Turkish life learns very quickly that its role extends far beyond defense of the security of the Republic.

Here, rather than using my own words, let me cite those of a distinguished Turkish journalist, Cengiz Candar: "Unlike Western armies, the Turkish military is politically autonomous and can operate outside the constitutional authority of democratically elected governments. It can influence the government both directly and indirectly, controlling politicians according to its own ideas and maxims. . . . The military has become the central institution that really runs the country. . . . [T]he military has become the power behind the scenes that runs Turkey's politics. . . . The military is able to intervene at will in politics, not only determining who can form governments, but actually exercising a veto over who can contest elections. . . . ("Defining Turkey's Political Center," Journal of Democracy, October 1999, Vol. 10, No. 4)

A powerful analysis of the role of the military in Turkish politics is to be found in an essay published last December in the influential journal Foreign Affairs by Eric Rouleau, an essay published last December in the influential journal Foreign Affairs by Eric Rouleau.

Rouleau then asserts that the Copenhagen criteria "represent more than simple reforms; they mean the virtual dismantling of Turkey's entire state system . . . which is at the core of Turkey's very heart of its political life. Whether Turkey will choose to change . . . a centuries-old culture and . . . practices ingrained for decades—and whether any of these changes are even possible—may not be enough to convince the upcoming EU to relinquish its hold on the jugular of the political life of Turkey.

Rouleau then describes the ways in which the National Security Council (NSC) operates and notes the objections of the EU to the military's ownership of industries, its own court system and, above all, the military's dominance over civilian authority.

TUSIAD for Democratic Reform

What, I must tell you, seems to me a particular significant statement about the nature of the following sentence, under the heading, "Democratization and the Reform Process in Turkey," in the document prepared for the visit of the prime ministers of the European Union to Turkey, which I believe that the regime should adapt to modernity and Western norms. This group includes intellectuals . . . business circles . . . and . . . Kurds and Islamists hopeful that Brussels will ensure that their legitimate rights are recognized and guaranteed."

TUSIAD for Democratic Reform

What do we mean by the term "civil society"? Civil society is the space that exists between the state—the government—and the individual citizens. This space is where citizens act one another through non-governmental organizations (NGOs), foundations, and independent media.

For as I am sure you will agree the state cannot—and should not—in any country do everything.

Indeed, I believe it significant that last year German Chancellor Gerhard Schroeder, as you know, a Social Democrat, declared that the great liberal-longing for Demo- cratic policies has been the idea that 'more state' guarantees more justice. However, promising more and letting people take ownership and the 'classical' means of state intervention—law, power, and money—can no longer be considered sufficient solutions for a society where movement has become as important as regulation (Alain Touraine).

"Added Schroeder, "Subsidarity, giving responsibility back to those who are willing and capable of assuming this responsibility, should not be understood as a gift from the state, but, rather, as a socio-political neces- sity. These Civil Society legitimates the Re- sponsibilities of State and Society." Die neue Gesellschaft, No. 4, April, 2000, Frank- furt.)

Now I am aware that I have spoken to you very candidly about the challenges—and opportunities—for Turkey as your country moves into the 21st century. You will observe, however, that most of the voices I have cited that are pressing for reform in Turkey are Turkish! I certainly don't want to suggest that we in the United States have a perfect political system, but you know, with our eligible citizens bother to vote, and the scramble for money to finance our political campaigns, we have an ongoing threat to the integrity of American democracy. Even now, Congress is acting on measures to reform campaign fi-

Moreover, as you are all aware, the Presi- dential election in my country last year was finally determined by our Supreme Court in a decision that has caused leaders of both our Democratic and Republican Parties to call for reform of our election laws.

I have noted that the election of President Sezer seems to be regarded by Turkish chal- lengers of democracy as a great victory. Like the leaders of TESVE and TUSIAD, I have also been impressed by President Sezer's commit- ments to the rule of law and to fighting out corruption, and, by all accounts, President Sezer has won the confidence of over 80% of the citizens of Turkey.

I have said that the combination of the current economic crisis, Turkish candidacy for entry into the European Union and the increasing influence of the leaders of civil society may make this moment of extraordi-

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Of course, Turkey has a long history of philanthropy. During the Osmanian Empire, many of the services the state now provides, in health care, education, and city-planning, were financed by foundations. (Davidcm, unpublished book chapter.) I am sure that you here can tell me how NGOs gained a new prominence in Turkey through their effective relief work after the earthquake.

But you also know that NGOs have often faced intense scrutiny, and sometimes harassment, from the government. So I cannot emphasize enough the importance of philanthropic support from the business community to a strong democracy:

Certainly, education is crucial to the future of Turkey, where 30% of the population lives below the poverty line. (Religion and State: Less Rhetoric, More Challenges," by Bahadır Kaleagasi, Private View, No. 9, Autumn 2000, p. 22.)

Although I am a strong champion of both state and private support of education, I must note the growth in recent years of private universities in Turkey. As one who helped raise nearly $1 billion in private funds for New York University, I am impressed that several of your private universities have been founded with the generous help of four Turkish business leaders. I think here particularly of Bilkent University, Sabancı University and Koc University.

I add that I have accepted the invitation of one of Turkey's outstanding business leaders, Mr. Rahmi Koc, to serve on the Board of Koc University, an American professorship chain by the respected Turkish-American founder of Atlantic Records, and a good friend, Mr. Ahmet Ertegun, even as I have agreed to serve on the Board of Anatolia College and the University of Thessaloniki. And I am pleased that these two institutions are cooperating in a joint training program.

These universities also make an important contribution to emerging civil society in Turkey. Founded through acts of philanthropy and charging tuition fees, they teach students that there can be institutions, independent of the state, serving social needs.

And as I speak of universities, let me say that while it is imperative that the United States and Turkey maintain their strategic alliance, I would very much like to see our relationships broadened to include expanded educational and cultural links. For most Americans, even educated ones, don't know very much about Turkish history or culture. I shall add that in respect of another important and important policy toward Turkey, Turkish relations with Greece, I have for several years now proposed that Turkish universities establish departments of Greek studies and Greek universities create a department of Turkish studies, the better for each society to understand the other.

As I conclude this I realize that I have certainly not covered every subject relevant to my central thesis. I have not attempted to be exhaustive; I hope I have been instructive.

The Helsinki citizens' Assembly—Turkey (HCA—Turkey) has been a NED grantee since 1997.

Founded in 1990, HCA is an international coalition that works for the democratic integration of Europe and on conflict resolution in the Caucasus and the Middle East. HCA-Turkey was established by jurists, human rights activists, mayors, trade unionists, journalists, writers and academics.

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worker rights and so morally bankrupt that it requires exceptional, coordinated action on the part of all civilized nations. A case in point is the Burmese military junta that has been in power since 1968 and which continues to terrorize this nation of 48 million people to this day.

This is a despicable military dictatorship that is quite simply beyond the pale.

It uses forced labor as a normal way of conducting business and international trade.

It has kept Aung San Suu Kyi, the democratically elected national leader of Burma and Nobel Peace Prize Laureate, under house arrest and cutoff from outside communication for most of the past decade, while imprisoning, torturing, and killing tens of thousands of Burmese prodemocracy supporters.

For all of these reasons, I introduced legislation, S. 926, in late May to establish a complete U.S. trade ban with Burma. I am greatly heartened that Senator Hulsing, Leahy, Maginnis, Nunn, Feinstein, Lederman, Clinton, Torricelli, Dayton, Corzine, and Mikulski have already joined as co-sponsors of this bill to make more effective the limited sanctions enacted by a bipartisan majority in 1997.

Now we need President Bush to throw his support behind this measure as well. I am hopeful that he will follow his words with action because he wrote to many of us nearly two months ago pledging that “we strongly support the Burmese people.”

Now is the time to hesitate. We already have fresh evidence that even the threat of enactment of this legislation is making life much more difficult for the Burmese generals in several ways.

First, the Wall Street Journal on July 9th carried an in-depth story under the headline, “Myanmar Faces Dual Blow from U.S. Proposed Ban.” In this account, a ranking officer of the Myanmar Garment Manufacturing Association reports that orders from U.S. and European apparel manufacturers have already begun to decline in the country’s largest quasi-private sector industry. Not surprisingly, Burmese government officials and textile industry executives are denouncing our legislation, claiming that it will hurt tens of thousands of Burmese textile and apparel workers and their families. But, in fact, S. 926 enjoys the solid support of the Trade Union Confederation of Burma, FTUB, and it was developed in close consultation with Burmese workers at the village and farm level inside that besieged nation.

Small wonder given that the per capita GDP in Burma has now fallen to less than $550—less than 5% of what it was in Rangoon last summer cabled home that wages in the textile and apparel factories typically start at 8 cents an hour for a 48-hour work week.

Second, the Burmese military junta for the first time has recently announced that it will allow a team of investigators from the International Labor Organization (ILO) to visit Burma for three weeks in September to follow up the mountain of evidence compiled on use of forced labor. I hope this is not a cynical ploy on the part of the Burmese generals whereby ILO officials are carefully steered to sanitized work sites, after which the ILO mission issues a report stating that there is little first-hand evidence of forced labor or that it is in decline due to the government’s efforts to stop it.

To forestall this possibility, the following important precautions need to be taken now to prevent the Burmese generals from ‘whitewashing’ their longstanding use of forced labor:

There should be regular ILO fact-finding teams sent to Burma every six months for the foreseeable future, not a one-time visit.

Every ILO fact-finding team sent into Burma should include at least one of the members of the ILO Commission of Inquiry which compiled the body of evidence of widespread use of forced labor or that wages in Burma fall below the poverty line.

Before any ILO inspection team is dispatched, the Burmese generals must rescind their decree which prohibits any gathering of more than 5 Burmese civilians at one time. This will enable Burmese garment workers to see for themselves the sordid business. Last May 23rd, for example, Wal-Mart executives issued a statement that “Wal-Mart Stores, Inc. does not source products from Burma and we do not accept merchandise from our suppliers sourced in Burma and Wal-Mart—Canada will also not accept any merchandise sourced from Burma moving forward.” I hope this claim can be verified soon and that other companies that have been doing business in Burma will follow suit.

Fourth, I am also hopeful that the U.S. Customs Service will move promptly to enforce its recent rulings and make certain that no products enter the U.S. labeled only “Made in Myanmar”. Until such time that my legislation is enacted, it is very important that all American consumers be able to clearly identify whether a garment or other imported product is made in Burma.

In conclusion, Mr. President, it is uncontestable that apparel and textile imports from Burma, for example, have increased by 372 percent since supposedly “tough” sanctions were enacted in the U.S. in 1997. They increased by 118 percent last year alone, providing more than $454 million in hard currency that flows mostly into coffers of the Burmese military dictatorship. By what reasoning, do we currently have quotas on textile and apparel imports from virtually every other country in the world, but not Burma?

We need to promptly cut off the hard currency that is helping sustain the Burmese gulag.

We need to demonstrate anew our solidarity with the pro-democracy in Burma and its leaders.

We need to curb the flow of illegal drugs pouring into our country from Burma. We need to answer the call of the ILO to dissociate our country from the Burmese military junta which routinely uses forced labor and the worst forms of child labor, while defying the community of civilized nations to do anything about it.

We can accomplish all of these worthy policy objectives, the sooner we enact S. 926.

PREPARING FOR BIOTERRORISM

WHAT TO DO NEXT

Mr. AKAKA. Mr. President, I rise to address a subject on which I recently chaired a hearing in the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services concerning what the Federal Government is doing to better prepare our communities for an act of bioterrorism.

Mr. Bruce Baughman, the Director of Readiness and Planning for the Federal...
Emergency Management Agency, FEMA, testified on terrorism programs, the newly established Office of National Preparedness, and FEMA’s plans to enact a nationally coordinated plan for terrorism preparedness. Dr. Scott Lillibridge, the first Special Assistant to the Secretary of Health and Human Services, HHS, for National Security and Emergency Management, discussed the current and future bioterrorism preparedness and response programs within HHS.

The hearing was followed by two expert witnesses, whose testimony and experience were very helpful in laying out what the country should be doing, on a national, State, and local level, to respond to bioterrorism.

Dr. Tara O’Toole, of the Johns Hopkins University Center for Civilian Biodefense Studies, discussed the nature of the threat and the challenges facing response efforts. As she aptly noted, “nothing in the realm of natural catastrophes or man-made disasters rivals the complex response problems that would follow a bioweapon attack against civilian populations.”

Dr. Dan Hanfling, a physician in the Emergency Department at Inova Fairfax Hospital, and an active member in regional disaster response planning, shared his views on the ability of local emergency rooms to respond to biological agents. He explained how, with emergency room overcrowding and ambulances diversions, emergency departments and hospitals are operating in a “disaster mode” from day to day.

Throughout the hearing, I heard three recurring concerns that must be addressed to prepare properly for bioterrorism. First, the medical and hospital community is not engaged fully in bioterrorism planning. Second, the partnerships between medical and public health professionals are not as strong as they need to be. And, third, hospitals need the resources to develop surge capabilities.

All three will require long-term efforts to correct these problems. However, I believe that we can make considerable progress with some simple measures that can be implemented quickly.

First, we need to improve awareness of the threat among the medical community, thereby increasing engagement with physicians and hospitals. Dr. Hanfling and Dr. O’Toole emphasized the necessity of involving the public health and medical communities in response planning for all acts of terrorism. The medical community is always called upon for assistance in disasters by traditional first responders. For acts of bioterrorism, they become the first responders. This will require funding to provide physicians, nurses, and hospital administrators the resources and time to attend meetings, training sessions, and planning activities.

Third, we can also enhance the surveillance and monitoring capabilities of the local and state public health departments. This is crucial in order to detect outbreaks as early as possible. One step in accomplishing this would be to include veterinarians in current monitoring and surveillance networks. Dr. Lillibridge and Dr. O’Toole agreed that the veterinary community can offer many things to the bioterrorism effort.

For example, most physicians do not have clinical experience with likely bioterrorist agents, such as plague, anthrax, and smallpox. Veterinarians have field experience with anthrax and plague. Veterinarians could also help in detecting unusual biological events because many emerging diseases, such as West Nile Virus, appear in animals long before humans.

Dr. Lillibridge said HHS is considering some options to actively engage the animal health community. I would suggest creating a senior level position within the Centers for Disease Control and Prevention responsible for communicating and coordinating with the veterinary associations, local and State animal health officials, and practicing and research veterinarians on a routine basis. I hope that HHS will act quickly in determining the best course of action.

These three actions can help move bioterrorism response forward. Will they solve all the problems we face? No. But with Congressional leadership, HHS’s and FEMA’s implementation, we should be able to improve awareness and engagement by the medical and hospital community. We can also expand partnerships between the medical, public health, and veterinary communities. These are small steps to tackling a problem which, at times, may seem daunting and overwhelming.

Our bioterrorism preparedness effort will be helped by developing new activities and communicating with other interested parties. I look forward to working with the different stakeholders in their efforts to prepare our communities for a possible act of bioterrorism.

IN MEMORY OF CARROLL O’CONNOR

Mr. HATCH. Mr. President, I rise today to pay my respects to a great American, Carroll O’Connor, who died June 21, 2001 of a heart attack. Mr. O’Connor was a talented actor who is fondly remembered for his role as Archie Bunker in the television show “All in the Family,” which ran successfully from 1971–1979 and for which he won four Emmys. Everyone will agree that Mr. O’Connor’s portrayal of Archie Bunker helped start a dialogue in this country about serious issues that had until then been avoided. Issues such as racism, bigotry, and religious and gender discrimination were tackled by the cast of “All in the Family.”

Mr. O’Connor led the discussion. His loyal fans will always remember the contributions he made to changing attitudes in America.

As much as I admired Mr. O’Connor for his role in bringing social issues to the forefront of American thought, today I would like to talk about another important issue that Mr. O’Connor helped bring to the attention of the American public. Mr. O’Connor was a tireless advocate for preventing kids from using drugs. He spoke publicly about the importance of keeping illegal drugs away from our kids. He passionately pleaded for parents to get their kids off drugs and to avoid the heartache that he himself suffered while witnessing his son Hugh struggle with his own addiction to cocaine and ultimately, as a result of his addiction, commit suicide. At a time when many would retreat in their own sorrow and grief, Carroll O’Connor mustered the strength to speak out about the dangers of drug abuse. He was a true public servant who undoubtedly touched the hearts of millions through his public service announcements that intimately described how he lost his son to drug addiction. I truly believe that his moving announcements prompted many parents to talk to their children about drugs.

I was fortunate to meet several times with Mr. O’Connor to discuss our country’s drug control policy. We had many interesting and innovative ideas as to how best to solve the problem. In fact, just a few months ago he appeared via satellite at a Judiciary Committee hearing I held to testify in favor of S. 304, the “Drug Abuse Prevention, and Treatment Act of 2001,” which I introduced along with Senators Leahy, Biden, DeWine, Thurmond, and Feinstein. I want to quote from a passage of his opening statement, which I believe exemplifies his dedication to the issue of drug abuse.

We only know that there is hardly a family in America, on any level of life, that has not been wounded lightly or severely or fatally by the assault of the drug empire upon our country. The loved ones of innocent addicts, like my own poor son, write to me every day imploring my help, as if I, being well-known, might persuade our leaders to protect and defend them in this deadly war. At the very least help them care for their wounded and dying.

This Committee, by this legislation, is now directing serious attention to the care for the wounded and dying.

I deeply regret that Mr. O’Connor will not be here when the Senate passes S. 304, but importantly, his legacy is secure in the form of the contribution he has made to publicizing this issue.
and the tireless work toward the passage of this legislation. I ask unanimous consent that Mr. O'Connor's March 14, 2001 opening statement before the Judiciary Committee be printed in the RECORD.

To reject this objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY CARROLL O'CONNOR TO THE SENATE JUDICIARY COMMITTEE, MARCH 14, 2001

Good morning. My dear Senators, I am honored to be here. I am fully involved in our war on drugs but only as a wounded victim of it, without expertise in the conduct of it. I am presuming here simply to speak also about other war casualties. Or should I say ten million? Is there a true number? We only know that there is hardly a family in America, on any level of life, that has not been wounded lightly or severely or fatally by the assault of the drug empire upon our country.

The loved ones of insensate addicts, like my own poor son, write to me every day imploring my help, as if I, being well-known, might persuade our leaders to protect and defend them in this war, or at the very least help care for their wounded and dying. This committee, by this legislation, is now directing serious attention to the care of the wounded and dying. This is a good bill. This war against drug addiction is a good war, and except for some who call it a lost war, who would legalize drugs and turn the country over to the invader, the American people are not clamoring to withdraw from this war.

This war is raging in the streets around them. They tell me in their letters that they don't understand why we are not fighting this war and winning it. They understand that they are spending billions to raise blockades and sanctions against so-called enemy countries like Libya and Cuba, and to fly bomber patrols over Iraq to prevent the Iraqis from making chemical weapons to use against us, but they know that the only country in the world attacking us daily with the poisons it makes is Colombia, the key country in the drug empire; Colombia which says to us "Control your own deadly habits; we don't create them, we merely supply them. Meanwhile can you let us have two billion dollars and some American troops to deal with them here?"

If this is an unsophisticated picture of our foreign relations, it is nevertheless starkly real to our despairing people. The picture might better be presented to some other committee of the congress, but it is impossible to leave it out of any consideration of the drug war. I cannot guess how our people will receive the proposals advanced by this good legislation, and I am afraid that the expenditures here proposed for treatment and rehabilitation are not going to be enough by half. I fear that we need national, free rehabilitation centers in all of the major counties of our fifty states. How many? Two hundred, three hundred? At what cost? Perhaps a billion? a low guess? just to start the program.

Addicts cannot help themselves; they have to learn control, to re-regulate brain cells in experts' facilities. Places where we are closing facilities closely available that will receive them without delay when they are ready to offer themselves. Our people are not unmindful of what they are not well informed. Care and rehabilitation of thousands and thousands of junkies is not something they are ready to pay for on a grand scale. But that may be what we need when the flood tide of our national wealth is the only possible time to do it.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 30, 2001, the Federal debt stood at $5,733,200,036,425.98, five trillion, seven hundred thirty-three billion, two hundred million, thirty-six thousand, four hundred twenty-five dollars and ninety-eight cents.

Five years ago, July 30, 1996, the Federal debt stood at $5,183,983,000,000, five trillion, one hundred eighty-eight billion, three trillion, five hundred sixty billion, nine hundred fifty-seven million.

Ten years ago, July 30, 1991, the Federal debt stood at $3,560,957,000,000, three trillion, five hundred sixty billion, nine hundred fifty-seven million.

Fifteen years ago, July 30, 1986, the Federal debt stood at $2,071,424,000,000, two trillion, seventy-one billion, four hundred twenty-four million.

Twenty-five years ago, July 30, 1976, the Federal debt stood at $624,547,000,000, six hundred twenty-four billion, four hundred seventy-one million, two hundred forty-seven million.

This war is too important to be left to a minority of us. We have to ensure a powerful nation in the future.

ADDITIONAL STATEMENTS

TRIBUTE TO BRIGADIER GENERAL THOMAS F. GIOCONDA

Mr. DOMENICI. Mr. President, I rise today to pay tribute to a truly great American, Brigadier General Thomas F. Gioconda, USAF. General Gioconda has served this Nation with distinction for 31 years.

A native of Philadelphia, PA, General Gioconda is a graduate of St. Joseph's University, Philadelphia, PA, class of 1970. He has earned two masters degrees: in School Administration from Seton Hall University, and another in Business Administration from the University of Montana. His military career began in 1970 with an assignment to Malstrom AFB, MT, where he served as a missile launch officer. After 4 years as a wing missile operations crew instructor, he served as an AFROTC instructor at his alma mater for two years, followed by another two years at New Jersey Institute of Technology as a missile operations instructor and section chief at the 4315th Combat Crew Training Squadron, Vandenberg AFB, CA.

General Gioconda also served as the Principal Liaison Officer to Congress for both General Colin Powell (Ret) and General John Shalikashvili (Ret) during momentous times in our Nation's history—the end of the Cold War, Operations Desert Storm, Provide Promise, Provide Hope, Provide Comfort, Southern Watch, Desert Fulfillment, and Restore Democracy, and Joint Endeavor, as well as countless other military operations and deployments.

General Gioconda came to Department of Energy Defense Programs in August 1997 to serve as the Principal Deputy Assistant Secretary for Military Application (DP-2). During his 4-year tenure, General Gioconda served as the Acting Assistant for Defense Programs and later as the Acting Deputy Administrator for Defense Programs, for almost as long as he has served in the DP-2 position. Under this leadership, the Stockpile Stewardship Program, one of the country's most challenging scientific and engineering programs is delivering results of the American people, results that make this a safer country for us all. His steady hand, clear vision, dedication, candor, and sense of humor has also helped the program overcome profound challenges over the last several years.

At the conclusion of his first tour as Acting Deputy Administrator, his accomplishments included just Air Force Achievement Medal, the Combat Readiness Medal, the Outstanding Volunteer Service Medal, and the Community Missile Badge. We wish Tom, his wife Anita, and their three sons, Tom, Jr., Anthony, and Timothy, the very best.

It is a great honor and personal privilege for me to present his credentials and this tribute to General Thomas F. Gioconda before the Congress today. I have enjoyed working with the General over the years and I will miss his wise counsel. General Gioconda's extraordinary commitment has helped sustain our Nation's security during his tenure and beyond and reflects great credit upon himself, the Departments of the Air Force and Energy, and the United States of America. His actions reflect the highest professional standards of the Air Force. He is an officer of the highest honor, integrity, and purpose.

I am honored in wishing this patriotic American every success in the years ahead.

Mr. HOLLINGS. Mr. President, it is a pleasure for me to recognize the accomplishments of Dr. Fred Crawford,
chief heart surgeon at the Medical University of South Carolina. Dr. Crawford grew up in rural South Carolina and still enjoys the simple life, but his sophisticated approach to work is on par with any big-city surgeon. He has done a tremendous job of bolstering the medical profession's perception of MUSC during his more than 20 years on staff, by building a world-class team of physicians and nurses and by fostering excellence in his students. I ask that Clay Barbour’s profile of Dr. Crawford, which appeared in The Post and Courier newspaper, follows:

**SURGEON STRIVES TOWARD GOAL FOR PROGRAM**

(By Clay Barbour)

In August 1965, former New York City Mayor David Dinkins experienced severe chest pains and dizziness while on vacation in Hilton Head. When it was confirmed that the 68-year-old Dinkins needed triple bypass surgery, there were discussions over where he should receive treatment. New York, after all, offered a plethora of world-class physicians.

But after consulting physicians back home, Dinkins’ wife decided to place her husband’s heart in the very capable hands of Dr. Fred Crawford, a chief heart surgeon at MUSC.

Crawford says despite Dinkins’ high-profile status, his care was the same as the other 800 heart procedures performed at the Medical University of South Carolina that year.

But in truth, Dinkins’ decision to trust MUSC in such an important matter differed from the others in one key aspect. It was tangible proof of MUSC’s standing in the medical community and validation for Crawford and his heart surgery program.

When Crawford took over as MUSC’s chief cardiothoracic surgeon in 1979, he had one goal—to turn the oft-overlooked program into a major force in medicine.

“We were losing too many people to hospitals out of state, and I wanted that to stop,” he says. “I wanted this program to carry the weight of other high-profile programs in the country. But changing perceptions was easier said than done. And even Crawford admits his goal was the naive dream of a young, idealistic surgeon.

Yet it is here, on his farm amid the corn and sorghum that MUSC’s head of surgery is most at home.

Crawford was raised here, in the community of Providence, not far from where his 400-acre farm now sits. He met his wife of 35 years, Mary Jane, here. And his mother still lives nearby.

He bought the land 12 years ago, right after Hurricane Hugo battered the state. And though he lives in Mount Pleasant, this rural getway serves as a welcome retreat, where he can leave the stress of surgery behind and return to a simpler time.

Crawford was born in 1940 to a pair of educators. The family moved frequently, with the principal at the local high school. His mother was the principal at the local elementary school. So he knows where he developed a fondness for academics and teaching. But he’s not exactly sure what originally led him to medicine.

He remembers being impressed by an uncle who practiced medicine. And he always admired the family doctor.

In 1960, Crawford applied to, and was accepted at, Duke University. “And for a country boy in South Carolina, Duke was about as far out as you could get,” he says. “I doubt I’d even heard of any Ivy League football team.”

What started in 1960 was Crawford’s 16-year relationship with Duke.

During his freshman year, Crawford met the man who would become his lifelong mentor, Dr. Will Sealy, a respected heart surgeon and educator at Duke, had a profound influence on him.

“One week after I met him, I knew I wanted to be a surgeon,” Crawford says. “After two weeks, I knew I wanted to be a heart surgeon. And after three weeks, I knew I wanted to be an academic heart surgeon.”

Crawford finished three years under-graduate work at Duke and was then accepted to the University of South Carolina that year. After finishing medical school, he began a seven-year surgical residency at the university.

But the world would intrude on his education.

**VIETNAM**

“I think all surgeons, if they’re honest with themselves, wonder at some point if they have the hands to do the job,” Crawford says.

Any questions Crawford harbored about his ability were answered between 1969 and 1971—the years he spent in Vietnam. After finishing two years of his residency, Crawford was called to duty in the Army. He arrived at the 24th Evacuation Hospital in Long Binh, where all the young, inexperienced Crawford operated on wounded soldiers. Immersed in work, Crawford soon forgot his doubts and concentrated on his craft.

“I knew after that experience that I had what it took to do the job,” he says.

In 1971, Crawford returned to Duke and completed the last five years of his residency. Finishing in 1976, he accepted a position as chief of cardiac surgery at the University of Mississippi.

“Which tells you more about the state of that program at the time than it does about how good I was,” he says.

Crawford stayed in Mississippi for three years. Then on a fishing trip to South Carolina, he met former South Carolina Gov. James Edwards and fate stepped in.

“I was impressed with him,” Edwards says. “He was an extremely well-trained South Carolina boy. A very together and prepared person.”

Edwards asked Crawford when he was coming home. It wasn’t the first time Crawford had considered returning to the Palmetto State, but this time something clicked.

And as luck would have it, the position for MUSC’s head of cardiothoracic surgery opened up soon after the fishing trip. Crawford decided he’d make a run at it.

Edwards, after three weeks of training, heard that Crawford was not receiving the consideration due his reputation in the industry. So he stepped in.

“I checked in on him before going to bat for him,” Edwards says.

“I was told he had two of the finest hands a surgeon could have, and his decision-making skills were second to none.”

It wasn’t long before Edwards reaped the benefits of his decision to back Crawford. In 1983, the former governor accepted a position as MUSC’s president.

**HOME AGAIN, HOME AGAIN**

In 1979, Crawford accepted the MUSC job and moved home to South Carolina with the dream of turning MUSC into a world-class heart surgery program.

He knew he had to fight public perception to make his dream come true. But to do that, he needed a plan. He started by recruiting world-class physicians and building a team of talented professionals around them.

“You can’t have a world-class heart surgery program without surgeons, nurses, and world-class anesthesiologists,” he says. “It takes everybody to make it work.”

He then had to lobby for upgraded facilities, a part of the plan he’s still working on.

“We’re operating in a building that’s 55 years old,” he says. “In the very near future we’re going to have to do something about that.”

Crawford says that while he has worked hard on making a name for MUSC’s heart surgery program, he has never forgotten that he is also an educator. And that’s the part of the job he loves best.

“There is just something about knowing that you’ve played a part in turning a young student into a great surgeon,” he says. “And as they go out and succeed in the profession, they take a little of you with them.”

But just because he loves working with students doesn’t mean he’s easy on them.

“Fred has very high expectations for residents and faculty, and he lets us know when they don’t live up to what they say,” says Robert Sade, MUSC’s director of Human Values and Healthcare, a medical ethics and health policy think tank. Sade has worked with Crawford for close to 22 years, and says the diminutive surgeon can be gruff in a professional environment.

“But he’s a great guy, with a sharp sense of humor,” he says. “He expects every- one to do serious work, and Fred takes it very seriously. But without a doubt, he is probably one of the most intelligent and well-orga- nized physicians I’ve ever met.”

It’s an opinion shared by many in the surgical community. Crawford is the chairman of the American Board of Thoracic Surgery and is the president-elect of the American Association of Thoracic Surgeons, the most prestigious group of its kind in the world.

“That was an honor that really blew me away,” Crawford says.

At 58, Crawford has years left in his hands, and a job that’s not quite finished. He intends to continue his work on the same drive that led him to where he is now.

“A year ago I was diagnosed with colon cancer,” he says. “I’m better now, but that doesn’t mean I’m ako weak. I’m not 100 percent, but this disease is not who I am.”

**TRIBUTE TO JOHN CLEMSON**

Duckworth, Sr.

Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend, John Clemson Duckworth, of Tuscaloosa. A.L. Clemson Duckworth died this past Tuesday, July 24th, at the age of 94.

Clemson was born in Tuscaloosa in 1907 and attended the University of Alabama. He joined the National Guard at the age of 18 and served as his unit’s commander when they were activated in 1940 for World War II. Clemson served in several areas of the Pacific. He rose to the rank of full colonel, earned a Bronze Star and the Legion of Merit.

He returned to Tuscaloosa after World War II to his job as a loan officer at First Federal Savings and Loan. He eventually became President and
Chairman of the bank, as well as Chief Executive Officer before he retired in 1979 after 50 years of service. During his years of leadership at First Federal Savings and Loan, he encouraged home ownership among the city’s residents and guided Tuscaloosa in the city’s long-term planning. He served as the first head of the city planning commission.

In his church, First United Methodist, Clemson served as Chairman of the Administrative Board and President of the Board of Trustees. He served on committees of the North Alabama Conference of the United Methodist Church.

At the University of Alabama, he served as an adjunct professor, teaching economics and insurance. He was active in a number of philanthropic and social organizations on campus.

Clemson Duckworth definitely left a mark on the Tuscaloosa community. In addition to his service to the City Planning Commission, he was also active in the city’s Rotary Club. He was a member of the Druid City Hospital Foundation Board and played an active role in many of its fund raising projects. He served as Chairman and President of the Community Chest Drive, President of the Chamber of Commerce of West Alabama and the Junior Chamber of Commerce, and Director and Treasurer of the building fund of YMCA. For his lifetime of service to his country and community, Clemson Duckworth was honored as Tuscaloosa’s Citizen of the Year.

Clemson also found time to raise a family. He and his wife Susie raised a daughter, Virginia Duckworth Cade; and two sons, John Clemson Duckworth, Jr. and Joe Brown Duckworth. They were also blessed with seven grandchildren and 14 great grandchildren.

Clemson Duckworth was a good friend, a patriarch of the Tuscaloosa community, a decorated veteran of World War II, and a much-beloved family man. He will be greatly missed by many.

MESSAGES FROM THE HOUSE

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXE Cutive Messages Referred

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT—PM 38

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency is to continue in effect beyond August 2, 2001, to the Federal Register for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing, unusual, and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

GEORGE W. BUSH.


REPORT ON THE CONTINUATION OF THE IRAQI EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 39

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 2001, to the Federal Register for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing, unusual, and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

GEORGE W. BUSH.


MESSAGES FROM THE HOUSE

Enrolled Bill Signed

At 12:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:


At 3:34 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 100. An act to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes.

H.R. 1499. An act to amend the District of Columbia College Access Act of 1999 to permit individuals who graduated from a secondary school prior to 1998 and individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school to participate in the tuition assistance programs under such Act, and for other purposes.

H.R. 1858. An act to make improvements in mathematics and science education, and for other purposes.

H.R. 2456. An act to provide that Federal employees may retain for personal use promotional items received as a result of travel taken in the course of employment.

H.R. 2546. An act to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 2603. An act to implement the agreement establishing a United States-Jordan Free Trade Area.

H.R. 2620. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2647. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 190. Concurrent resolution supporting the goals and ideals of National
MEASURES REFERRED
The following bills were read the first and the second times by unanimous consent, and referred as indicated:
H.R. 100. An act to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.
H.R. 1858. An act to make improvements in mathematics and science education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.
H.R. 2456. An act to provide that Federal employees may retain for personal use promotional items received as a result of a travel assignment taken in the course of employment; to the Committee on Governmental Affairs.
H.R. 2540. An act to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans Affairs.
H.R. 2003. An act to implement the agreement establishing a United States-Jordan free trade area; to the Committee on Finance.
The following concurrent resolution was read, and referred as indicated:

MEASURES PLACED ON THE CALENDAR
The following bill was read the first and second times by unanimous consent, and placed on the calendar:
H.R. 2620. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS
The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:
EC–3214. A communication from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices for Streets and Highways; Corrections” (RIN1235–A907) received on July 30, 2001; to the Committee on Environment and Public Works.

EC–3215. A communication from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Policy on Audits of RUS Borrowers; GAGAS Amendments” (RIN0572–A862) received on July 27, 2001; to the Committee on Agriculture, Nutrition, and Forestry.
EC–3216. A communication from the Acting Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Policy on Audits of RUS Borrowers; Management” (RIN0572–A863) received on July 27, 2001; to the Committee on Agriculture, Nutrition, and Forestry.
EC–3217. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 737 Series Airplanes; Modified by Supplemental Certificate SA1727GL’’ (RIN2115–AA46) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.
EC–3218. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Transportation for Individuals With Disabilities (Over the Road Buses)” ((RIN2105–AC90)(2001–0001)) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.
EC–3219. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 757 Series Airplanes; Modified by Supplemental Certificate SA1727GL’’ (RIN2115–AA46) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.
EC–3220. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 737–600, –700, –700C, and –800 Series Airplanes” (RIN1210–AA64)(2001–0345) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.
EC–3221. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 737–200, –200C, –300, and –400 Series Airplanes” (RIN1210–AA64)(2001–0344) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3222. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 737–200, –200C, –300, and –400 Series Airplanes” (RIN1210–AA64)(2001–0344) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.
EC–3223. A communication from the Senior Transportation Analyst, Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled “Transportation for Individuals With Disabilities (Over the Road Buses)” ((RIN2105–AC90)(2001–0001)) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.
EC–3224. A communication from the Senior Transportation Analyst, Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled “Transportation for Individuals With Disabilities (Over the Road Buses)” ((RIN2105–AC90)(2001–0001)) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.
EC–3226. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska—Close Pelagic Shelf Rockfish Fishery in the West Yakutat District, Gulf of Alaska” received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.
EC–3227. A communication from the Acting Administrator, Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska—Close Pelagic Shelf Rockfish Fishery in the West Yakutat District, Gulf of Alaska” received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.
EC–3228. A communication from the Assistant Secretary of Commerce for Transportation, Federal Communications Commission, transmitting, pursuant to law, the report of a rule...

**PETITIONS AND MEMORIALS**

The following petitions and memorials were referred to the Senate committees to which they were referred or ordered to be inserted on the table as indicated:

POM–165. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to jurors’ compensation; to the Committee on Finance.

**HOUSE CONCURRENT RESOLUTION 104**

Whereas, While jury service is a civic duty for many Americans, extended jury service can create significant financial hardship on jurors, and for many citizens the honor and privilege of serving on a jury becomes instead a burden that not only tends to limit participation in jury service but ultimately reduces the effectiveness of juries in an increasingly diverse society; and

Whereas, Under current Texas law, jurors are entitled to reimbursement of expenses in an amount not to exceed $150 per day, and $50 for each day of jury service, with the actual amount being determined by the county commissioners court; the law also allows a presiding judge, under certain circumstances, to increase the daily reimbursement above the amount set by the commissioners court provided that reimbursement does not exceed $150 plus an additional amount of $50 per day, with the additional costs in these cases being shared equally by the parties involved; and

Whereas, Recomel笔者的 compensation often falls at the lower end of this reimbursement schedule, jury duty participation may cause undue financial hardships on citizens who incur substantial traveling and other daily expenses when responding to a jury summons; and

Resolved, Therefore, because Texas law does not require employers to pay employees for the time they take off work to perform jury service, the financial hardship falls most heavily on unemployed jurors who cannot afford the difference between the $6 per day compensation and the amount of wages lost; and

Whereas, Occasionally, minorities, young adults, and other lower-income individuals are significantly underrepresented on many Texas juries, which may potentially violate a constitutional requirement that juries represent a cross-section of the community; and

Whereas, While county commissioners courts may provide for juror compensation above the amount, courts in other communities may be hard pressed to do so, and even in those communities that do pay above the minimum, the higher compensation still does not offset the amount of wages a juror may forgo during an extended jury trial; additional incentives are needed to lessen or remove jurors’ financial burdens and to encourage increased public participation in jury service and safeguard constitutional guarantees; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to: (1) make the problem of subsidized Canadian lumber imports a top trade priority to be addressed immediately, and (2) take every possible action to end Canadian lumber subsidy practices through open and competitive sales of timber and log sales in Canada for fair market value, or, if Canada will not agree to end the subsidies immediately, provide that the subsidies be offset in the United States; and

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to pass legislation amending the Internal Revenue Code to give each person who serves on a jury the following circumstances to pay in full: (1) inordinate delays in obtaining a $40 tax credit per day of service and to give each person who is sum- moned and appears, but does not serve, a one-time $40 tax credit for that day; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–167. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to enacting the ‘Railroad Retirement and Survivors’ Improvement Act of 2001; to the Committee on Finance.

**HOUSE CONCURRENT RESOLUTION 210**

Whereas, The Railroad Retirement and Survivors’ Improvement Act of 2001 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including 20 members from the Texas delegation to the congress; and

Whereas, Even though more than 80 United States senators signed letters of support for this legislation in 2001, the bill never came up for a vote in the full senate; and

Whereas, An identical bill addressing railroad retirement reform passed the 107th Congress to modernize the financing of the railroad retirement system for its 748,000 beneficiaries nationwide, including more than 38,000 in Texas; and

Whereas, The act provides tax relief to freight railroads, Amtrak, and commuter lines; it also provides benefit improvements for retired railroad workers and their families; and

Whereas, The changes called for in this legislation as all costs relating to the reforms will come from within the railroad industry, including a full share by active employees; now, therefore, be it

Resolved, That the 77th Legislature of the States of Texas hereby respectfully urge the Congress of the United States to enact the Railroad Retirement and Survivors’ Improvement Act of 2001; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–168. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to the development of an agreement or treaty with Mexico to address health issues; to the Committee on Foreign Relations.

**SENATE CONCURRENT RESOLUTION 21**

Whereas, Border health conditions not only pose an immediate risk to those who live along either side of the United States-Mexico border, but also are a health concern for all of the United States, and unadressed health concerns in this region will only continue to worsen as the border population and its mobility increase, thereby escalating the risks to other areas of exposure and transmission of diseases; and

Whereas, While the State of Texas has attempted to address many of the health issues facing the border population in Texas, bina- tional cooperation on these issues is essential to addressing these health concerns; and
Whereas, In 1999, the Texas Legislature called for an in-depth study of the public health infrastructure and barriers to a cooperative effort between Texas and Mexico; results of the study note that differences in technology and limitations on the exchange of technology, disparities in methods of collecting data, and confidentiality provisions that restrict information sharing, and cultural differences that affect interaction between local and state health departments all combine to limit collaboration on health issues of mutual concern; and

Whereas, An example of the consequences of such barriers to cooperation occurred in 1999, when a small outbreak of dengue fever in South Texas was traced back to Mexican cities and was thought to have been brought from Nuevo Laredo, Mexico, to Laredo, Texas; and

Whereas, Despite the implications for an outbreak across the border, Mexican health officials were limited in their ability to confirm cases of the mosquito-borne illness, and provisions in the Mexican Constitution restrict sharing of the results of tests performed on Mexican citizens with Texas’ health officials; and

Whereas, Similar instances have occurred where tuberculosis, smallpox, and malaria around the United States were found to have started in the Texas-Mexico border region; and

Whereas, It is in the interest of the United States to control the spread of diseases, beginning in the places where they originate, and for health concerns along the United States-Mexico border region provide a large incubation ground for diseases; however, the efforts of one state or country alone will not address conditions that are present on both sides of the border, or legal issues that create incompatibilities between approaches, making a cooperative binational effort important; and

Whereas, The United States and Mexico have worked in concert in formulating NAFTA and related side agreements that address environmental infrastructure issues, creating the Border Environment Cooperation Commission and establishing the North American Development Bank; the success of these joint ventures suggests that forming similar international agreements to improve the public health infrastructure and finding ways to address virtually the exchange of technology and information will improve the quality of life for residents of the border region as well as reduce other health risks in the spread of disease; and

Whereas, Establishing an agreement between the United States and Mexico will show the world the issue of public health and acknowledge that the spread of disease is an international problem without boundaries; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby urge the Congress of the United States to initiate the development of an agreement or treaty with Mexico to address health issues of mutual concern; and be it further

Resolved, That the Texas secretary of state forward a copy of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

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. HATCH (for himself and Mrs. FEINSTEIN):

S. 1272. A bill to assist United States veterans who were slave laborers while held as prisoners of war by Japan during World War II, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. DASCHLE, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. EDWARDS, Mr. FRINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KOHL, Ms. LANDREI, Mr. LEAHY, Mr. LEVIN, Ms. MURKOWSKI, Mr. MURRAY, Mr. NELSON of Florida, Mr. REID, Mr. REID, Mr. SARRANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. STARKER, Mr. TORISELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. 1284. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE:

S. 1285. A bill to provide the President with flexibility to set aside the nuclear delivery system levels to meet United States national security goals; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

S. Res. 142. A resolution expressing the sense of the Senate that the United States should be an active participant in the United Nations World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself, Mr. CONRAD, Mr. GRAHAM, Mr. LEVIN, Mr. SANTORUM, Mr. AKAKA, Mr. BREAUX, Mr. KENNEDY, Mr. COCHRAN, Mr. DODD, Mr. DOMENICI, Mr. BAUCUS, Mr. BAYH, Mr. BUNNING, Mr. DORIAN, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. KERRY, Mr. INOUYE, Ms. LANDREI, Mr. LEAHY, Mr. MURKOWSKI, Mr. REID, Mr. SARRANES, Mr. BINGAMAN, Mr. BYRD, Mr. DAYTON, Mr. DURBIN, Mr. KOHL, Mr. LIEBERMAN, Mr. MCCAIN, Mr. ROCKEFELLER, Mr. BROWNBACK, Mrs. LINCOLN, Mr. WARNER, Mr. STABENOW, Mr. DOMENICI, Mr. VINOGRAD, Mrs. BOXER, Mr. CHAFEE, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOPE, Mrs. SNOWE, Mr. THURMOND, Ms. COLLINS, Mr. CARPER, Mr. STEVENS, Mr. ENSIGN, Mr. ROBERTS, Mr. SMITH of New Hampshire, and Mr. BOND):

S. Res. 143. A resolution expressing the sense of the Senate regarding the development of educational programs on veterans’ contributions to the country and the designation of the week of November 11 through November 17, 2001, as “Veterans Awareness Week”; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 144. A resolution commending James W. Ziglar for his service to the United States Senate; considered and agreed to.
S. 267
At the request of Mr. Akaka, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 267, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 275
At the request of Mr. Kyl, the names of the Senator from Oregon (Mr. Smith) and the Senator from Idaho (Mr. Craig) were added as cosponsors of S. 275, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 345
At the request of Mr. Murkowski, the name of the Senator from Utah (Mr. Bennett) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 370
At the request of Mr. Grassley, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 370, a bill to amend the Internal Revenue Code of 1966 to exempt agricultural bonds from State volume caps.

S. 145
At the request of Mr. Reid, the name of the Senator from Arizona (Mr. Kyl) was added as a cosponsor of S. 145, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provide appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the Medicare program to ensure that the Secretary does not target inadvertsent billing errors.

S. 170
At the request of Mr. Reid, the name of the Senator from Kansas (Mr. Brownback) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 234
At the request of Mr. Grassley, the names of the Senator from Virginia (Mr. Allen) and the Senator from Utah (Mr. Bennett) were added as cosponsors of S. 234, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 544
At the request of Mrs. Murray, the name of the Senator from South Dakota (Mr. Daschle) was added as a cosponsor of S. 544, a bill to amend title XVIII of the Social Security Act to expand Medicare coverage of certain self-injected biologicals.

S. 621
At the request of Mr. Hagel, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 621, a bill to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia.

S. 677
At the request of Mr. Hatch, the name of the Senator from New Hampshire (Mr. Gregg) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation on mortgage subsidy bond rules based on median family income, and for other purposes.

S. 825
At the request of Mr. Reid, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 825, a bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments or annuity payments under national retirement saving plans, and for other purposes.

S. 972
At the request of Mr. Murkowski, the name of the Senator from Arizona (Mr. Kyl) was added as a cosponsor of S. 972, a bill to amend the Internal Revenue Code of 1986 to improve electric reliability, enhance transmission infrastructure, and to facilitate access to the electric transmission grid.

S. 989
At the request of Mr. Feingold, the names of the Senator from Massachusetts (Mr. Kerry) and the Senator from California (Mrs. Boxer) were added as cosponsors of S. 989, a bill to prohibit racial profiling.

S. 1000
At the request of Mr. Reid, the name of the Senator from South Dakota (Mr. Daschle) was added as a cosponsor of S. 1000, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care.

S. 1074
At the request of Mr. Schumer, the names of the Senator from Maine (Ms. Collins) and the Senator from Minnesota (Mr. Dayton) were added as cosponsors of S. 1074, a bill to establish a commission to review the Federal Bureau of Investigation.
At the request of Mr. GRAHAM, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 1104, a bill to establish objectives for implementing certain trade agreements.

At the request of Mr. CRAIG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1111, a bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes.

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1119, a bill to require the Secretary of Defense to carry out a study of the extent to which members of the Selected Reserve of the Ready Reserve of the Armed Forces under health benefits plans and to submit a report on the study of Congress, and for other purposes.

At the request of Mr. BINGAMAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

At the request of Mr. CAMPBELL, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Kentucky (Mr. BUNNING), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 1265, a bill to amend the Immigration and Nationality Act to require the Attorney General to cancel the removal and adjust the status of certain aliens who were brought to the United States as children.

At the request of Mr. REID, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 109, a resolution designating the second Sunday in the month of December as “National Children’s Memorial Day” and the last Friday in the month of April as “Children’s Memorial Flag Day.”

At the request of Mr. FEINGOLD, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. Wisconsin and all those who served abroad her.

At the request of Mr. NICKLES, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress regarding housing affordability and ensuring a competitive North American market for softwood lumber.

At the request of Mr. THOMPSON, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. Con. Res. 31, concurrent resolution commending Clear Channel Communications and the American Football Coaches Association for their dedication and efforts for protecting children by providing a vital means for locating the Nation’s missing, kidnapped, and runaway children.

At the request of Mr. HUTCHINSON, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Con. Res. 59, a concurrent resolution expressing the sense of Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

#### By Mr. HATCH (for himself and Mrs. FEINSTEIN):

S. 1272. A bill to assist United States veterans who were treated as slave laborers while held as prisoners of war by Japan during World War II, and for other purposes; to the Committee on Veterans’ Affairs.

Mr. HATCH. Mr. President, I rise today with my co-sponsor, Senator FEINSTEIN, to introduce legislation that will help a very special cadre of Americans, a group of Americans that, over 50 years ago, paid a very dear price on behalf of our country. The in-credible sacrifice of these Americans has never properly been acknowledged, and it is high time that they receive some measure of compensation for that sacrifice.

On April 9, 1942, Allied forces in the Philippines surrendered the Bataan Peninsula to the Japanese. Ten to twelve thousand American soldiers were forced to march some 60 miles in broiling heat in a deadly trek known as the Bataan Death March. Following a lengthy internment under horrific conditions, thousands were shipped to Japan in the holds of freighters known as “Hell Ships.” Once in Japan, the survivors of the Bataan Death March were joined by hundreds of other American POWs, POWs who had been captured by the Japanese in actions throughout the Pacific theater of war, at Corregidor, at Guam, at Wake Islands, and at countless other battlefronts.

After arriving in Japan, many of the American POWs were forced into slave labor for private Japanese steel mills and other private companies until the end of the war. During their internment, the American POWs were subjected to torture, to withholding of food and medical treatment, in violation of international conventions relating to the protection of prisoners of war.

More than 50 years have passed since the atrocities occurred, yet our veterans are still waiting for accountability and justice. Unfortunately, global political and security needs of the time often overshadowed their legitimate claims for justice, and these former POWs were forced to sacrifice for their country. Following the end of the war, for example, our government instructed many of the POWs held by Japan not to discuss their experiences and treatment. Some were even asked to sign non-disclosure agreements. Consequently, many Americans remain unaware of the atrocities that took place and the suffering our POWs endured.

Finally, after more than 50 years, a new effort is underway to seek compensation for the POWs from the private Japanese companies which profited from their labor.

Let me say at the outset, that this is not a dispute with the Japanese people and these are not claims against the Japanese government. Rather, these are private claims against the private Japanese companies that profited from the slave labor of our American soldiers who they held as prisoners. These are legitimate claims raised by survivors of the Holocaust against the private German corporations who forced them into labor.

Here in the Senate, we have been doing what we can to help these former prisoners of war. In June of last year, the Senate Judiciary Committee held a hearing on the claims being made by the former American POWs against the private Japanese companies, to determine whether the executive branch had been doing everything in its power to secure justice for these valiant men.

In the fall of last year, with the invaluable assistance of Senator FEINSTEIN, we were able to pass legislation declassifying thousands of Japanese Imperial Army records held by the U.S. government, to assist the POWs in the pursuit of their claims.

We can do even more. Recently, the State of California passed legislation extending the statute of limitations, under state law, to allow the POWs to bring monetary claims against the Japanese corporations that unlawfully employed them. Other States are contemplating such legislation.
The bill we are introducing today makes clear that any claims brought in state court, and subsequently removed to Federal court, will still have the benefit of the extended statute of limitations enacted by the state legislatures.

The legislators in California, and other States, have recognized the fairness of the allowing these claims to proceed for a decision on the merits. In light of the tangled history of this issue, including the role played by the U.S. government in discouraging these valiant men from pursuing their just claims, it is simply unfair to deny these men their day in court because their claims have supposedly grown stale.

These claims are not stale in their ability to inspire admiration for the men who survived this ordeal. These claims are not stale in their ability to inspire indignation against the corporations who flouted international standards of decency.

The statute of limitations should not be permitted to cut off these claims before they can be heard on the merits. Today's bill does nothing more than ensure that these valiant men receive their day in court. I hope my fellow Senators will join with me, and with Senator FEINSTEIN, on this important legislation. These heroes of World War II have waited too long for a just resolution of their claims.

Mrs. FEINSTEIN, Mr. President, I rise alongside my colleague from Utah, Senator HATCH, to introduce the “POW Assistance Act of 2001”.

This legislation makes an important statement in support of the many members of the U.S. Armed Forces who were used as slave labor by Japanese companies during the Second World War or subject to chemical and biological warfare experiments in Japanese POW camps.

The core of this bill is a clarification that in any pending lawsuit brought by former POWs against Japanese corporations, or any lawsuits which might be filed in the future, the Federal court shall apply the applicable statute of limitations of the State in which the action was brought.

This legislation is important because a recently enacted California law enables victims of WWII slave labor to seek to remove to Federal court against responsible Japanese companies, just as any citizen can sue a private company. Seventeen lawsuits have been filed on behalf of former POWs who survived forced labor, beatings, and starvation at the hands of Japanese companies. But asking Federal judges to look to the State statute of limitation, this legislation sends a clear message to the courts that we believe that suits with merit should not be precluded.

Today, too many Americans and Japanese do not know that American POWs performed forced labor for Japanese companies during the war. American POWs, including those who were forced through the Bataan Death March, were starved and denied adequate medical care and were forced to perform slave labor for private Japanese companies. American POWs toiled in mines, factories, shipyards, and steel mills. Many POWs worked virtually every day for 10 hours or more, often under extremely dangerous working conditions. They were starved and denied adequate medical care. Even today, many survivors still suffer from health problems directly tied to their slave labor.

It is critical that we do not forget the heroism and sacrifice of the POWs, and that the United States government does not stand in the way of their pursuit of recognition and compensation. They have never received an apology or payment from the companies that enslaved them, many of which are still in existence today.

The bill that Senator HATCH and I have introduced today does not prejudice the outcome of the lawsuits which are pending one way or another. The legislation we have introduced today simply holds that the lawsuits filed in California, or any which may still be filed under the California statute of limitations, should be allowed to go forward so that this issue can be settled definitively, without impeding the right of the POWs to pursue justice.

One of my most important goals in the Senate has been to see the development of a Pacific Rim community that is peaceful and stable. And I am pleased that the Government of Japan today is a close ally and good friend of the United States, and a responsible member of the international community.

And I want to clarify that this legislation is not directed at the people or government of Japan. The POWs and veterans are only seeking justice from the private companies that enslaved them, and this legislation has been designed in the interest of allowing these claims to move forward.

But I also believe that if Japan is to play a greater role in the international community it is important for Japan, the United States, and other countries in the Asia-Pacific region to be able to reconcile interpretations of memory and history, especially of the Second World War. If, as Gerrit Gong has written, Japan aspires to be a normal country, this issue of “remembering and forgetting” is critical if Japan hopes to forge an environment in which its neighbors “do not object to that country’s engaging in a full range of international activities and capabilities.”

The goal of this legislation is to remove this issue of jurisdiction in U.S.-Japan relations, and to try to heal wounds that still remain. I hope that the Senate will see fit to support this bill.

By Mr. HARKIN:

S. 1273. A bill to amend the Public Health Service Act to provide for rural health services outreach, rural health network planning and implementation, and small health care provider quality improvement grant programs, and telehomecare demonstration projects; to the Committee on Health, Education, Labor, and Pensions.

I am proud to stand today to introduce the “Improving Health Care in Rural America Act” that continues a rural health outreach program that I worked to establish as a part of the fiscal year 1991 Labor, Health and Human Services Appropriations bill. This act began this innovative program to demonstrate the effectiveness of outreach programs to populations in rural areas that have trouble obtaining health and mental health services. Too often, these people are not able to obtain health care until they are acutely ill and need extensive and expensive hospital care.

Indeed, rural Americans are at triple jeopardy, they are more often poor, more often uninsured, and more often without access to health care. Rural America is home to a disproportionately large segment of older citizens who more often require long-term care for their illnesses and disabilities. And rural America is not immune from the social stresses of modern society. This is manifest by escalating needs for mental health services to deal with necessary alcohol- and drug-related treatment, and by the significantly higher rate of suicide in rural areas. Yet, rural Americans are increasingly becoming commuters for their health care. Rural Americans deserve to be treated equitably and the legislation that I rise to describe today helps bring high quality health care to rural communities to meet their specific needs.

This grant program has proven itself highly successful because it responds to local community needs and is directed by the people in the community. These innovative grants bring needed primary and preventive care to those people who have few other options. These grants also help to link health and social services, thereby reaching the people that most need these services.

This program has received overwhelmingly positive response from all fifty States because it has had a tremendous impact on improving coordination between health care providers and expanding access to needed health care.

In Iowa, the Ida County Community Hospital receives funds to improve the quality of life for older people who are chronically ill by making home visits, providing pain management, and telmonitoring, and other needed services.

In Maquoketa, IA, every school-age child is being given timely, high quality care because the local school district sponsored their grant with almost every health care provider in the county to provide services.

In Mason City, IA, the North Iowa Mercy Health Center is collaborating
with the Easter Seals Society of Northern Iowa, Rockwell Community Nursing, and the Pony Express Riders of Iowa to make sure seniors have access to physician, therapy, and dental services. This program also recycles and repairs assistive technology equipment to help seniors who are unable to afford new equipment.

The "Improving Health Care in Rural America Act" also establishes a telehomecare demonstration program for five separate projects to allow home health care professionals to provide some services through telehealth technologies. This program will allow rural residents to have better access to daily health care services and will reduce health care costs. This program is designed to improve patient access to care, quality of care, patient satisfaction with care while reducing the costs of providing care. Nurses and other health care professionals will be trained in how to use this advanced technology to provide better, more effective care. This programs applies the highly effective telehealth technology to an area of health care that will benefit greatly.

As ranking member and as chairman of the Labor-HHS Appropriations Subcommittee, I have been pleased to be able to provide funding for this program during the previous decade. This bill will extend this highly successful program for 5 more years and I look forward to providing its funding. Programs that work this well deserve the support of Congress.

I urge my colleagues to join me in supporting this important legislation and ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1273

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 "Improving Health Care in Rural America Act".

SEC. 2. GRANT PROGRAMS.

Section 330A of the Public Health Service Act (42 U.S.C. 254c) is amended to read as follows:

"SEC. 330A. RURAL HEALTH SERVICES OUTREACH, RURAL HEALTH NETWORK DEVELOPMENT, AND SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANT PROGRAMS.

(a) Purpose.—The purpose of this section is to provide grants for expanded delivery of health services in rural areas, for the planning and implementation of integrated health care networks in rural areas, and for the planning and implementation of small health care provider quality improvement activities.

(b) Definitions.—

(1) Director.—The term "Director" means the Director of the Office of Rural Health Policy of the Health Resources and Services Administration, in consultation with State offices of rural health or other appropriate State government entities.

(2) Federally Qualified Health Center; Rural Health Clinic.—The terms "Federally qualified health center" and "rural health clinic" have the meanings given the terms in section 1861(aa) of the Social Security Act (42 U.S.C. 1395(aa)).

(3) Health Professional Shortage Area.—The term 'health professional shortage area' means a health professional shortage area designated under section 332.

(4) Health Services.—The term 'health services' includes mental and behavioral health services and substance abuse services.

(5) Medically Underserved Area.—The term 'medically underserved area' has the meaning given the term in section 729B.

(6) Medically Underserved Population.—The term 'medically underserved population' has the meaning given the term in section 330A(b)(3).

(c) Program.—The Secretary shall establish, under section 301, a small health care provider quality improvement grant program.

(d) Administration.—

(1) Programs.—The rural health services outreach, rural health network development, and small health care provider quality improvement grant programs established under section 301 shall be administered by the Director of the Office of Rural Health Policy of the Health Resources and Services Administration, in consultation with State offices of rural health or other appropriate State government entities.

(2) Grants.—

(A) In general.—In carrying out the program described in paragraph (1), the Director may award grants to an entity—

(i) that include 3 or more health care providers or providers of services; and

(ii) that may be nonprofit or for-profit entities; and

(C) shall not previously have received a grant under this subsection or section 330A for the project.

(2) Eligibility.—To be eligible to receive a grant under this subsection, an entity—

(A) shall be a rural public or nonprofit private entity;

(B) shall represent a network composed of members—

(i) that include 3 or more health care providers or providers of services; and

(ii) that may be nonprofit or for-profit entities; and

(C) shall not previously have received a grant (other than a 1-year grant for planning activities) under this subsection or section 330A for the project.

(3) Applications.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

(A) a description of the project that the applicant will carry out using the funds provided under the grant;

(B) an explanation of the reasons why Federal assistance is required to carry out the project;

(C) a description of—

(i) the history of collaborative activities carried out by the participants in the network;

(ii) the degree to which the participants are ready to integrate their functions; and

(iii) how the local community or region to be served will benefit from and be involved in the activities carried out by the network;

(D) a description of how the local community or region to be served will be involved in the development and ongoing operations of the project;

(E) a plan for sustainability of the project after Federal support for the project has ended; and
“(F) a description of how the project will be evaluated.

(g) SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANTS.—

(1) GRANTS.—A Director may award grants to provide for the planning and implementation of small health care provider quality improvement activities. The Director may award the grants for periods of 1 to 3 years.

(2) ELIGIBILITY.—In order to be eligible for a grant under this subsection, an entity—

(A) shall be a rural or nonprofit private health care provider, such as a critical access hospital or a rural health clinic;

(B) shall be another rural provider or network of such providers identified by the Secretary as a key source of local care;

(C) shall not previously have received a grant under this subsection for the project.

(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

(A) a description of the project that the applicant will carry out using the funds provided under the grant;

(B) an explanation of the reasons why Federal assistance is required to carry out the project;

(C) a description of the manner in which the project funded under the grant will assure continuous quality improvement in the provision of health care by the entity;

(D) a description of how the local community or region to be served will experience increased access to quality health services across all levels of care as a result of the activities carried out by the entity;

(E) a plan for sustainability of the project after Federal support for the project has ended;

(F) a description of how the project will be evaluated.

(4) PREFERENCE.—In awarding grants under this subsection, the Secretary shall give preference to entities that—

(A) are located in health professional shortage areas or medically underserved areas, or serve medically underserved populations; or

(B) propose to develop projects with a focus on primary care, and wellness and preventive strategies.

(h) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate activities carried out under grant programs described in this section, to the extent practicable, with Federal and State agencies and nonprofit organizations that are operating similar grant programs, to maximize the effect of public dollars in funding meritorious proposals.

(1) AUTHORIZATION OF APPROPRIATIONS.—There shall be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.

SEC. 3. CONSOLIDATION AND REAUTHORIZATION OF PROVISIONS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 256 et seq.) is amended by adding at the end the following:

SEC. 3301. TELEHOMECARE DEMONSTRATION PROJECT.

(a) DEFINITIONS.—In this section:

(1) DISTANT SITE.—The term ‘distant site’ means a site at which a certified home care provider is located at the time at which a health service (including a health care item) is provided through a telecommunications system.

(2) TELEHOMECARE.—The term ‘telehomecare’ means the provision of health services through technology relating to the use of electronic information, or through telemedicine, telecommunication technology, to support and promote, at a distant site, the monitoring and management of home health services for a resident of a rural area.

(3) ESTABLISHMENT.—Not later than 9 months after the date of enactment of the Health Care Safety Net Amendments of 2001, the Secretary may establish and carry out a telehomecare demonstration project.

(c) GRANTS.—In carrying out the demonstration project referred to in subsection (b), the Secretary shall award to not more than 5 grants to eligible certified home care providers, individually or as a part of a network of home health agencies, for the provision of telehomecare to improve patient care, prevent health care complications, improve patient outcomes, and achieve efficiencies in the delivery of care to patients who reside in rural areas.

(d) PERIODS.—The Secretary shall make the grants for periods of not more than 3 years.

(e) APPLICATIONS.—To be eligible to receive a grant under this section, a certified home health care provider shall submit to the Secretary a written application, at such time, in such manner, and containing such information as the Secretary may require.

(f) USE OF FUNDS.—A provider that receives a grant under this section shall use the funds made available through the grant to carry out objectives that include—

(1) improving access to care for home care patients served by home health care agencies, improving the quality of that care, increasing patient satisfaction with that care, and reducing the cost of that care through direct telecommunications links that connect the provider with information networks;

(2) developing effective care management practices and educational curricula to train home care registered nurses and increase their general level of competency through that training; and

(3) developing curricula to train health care professionals, including nurses, serving home care agencies in the use of telecommunications.

(g) COVERAGE.—Nothing in this section shall be construed to modify or exclude from coverage under section 1862(a) of the Social Security Act (§2 of U.S.C. 1395y(a)), the provisions relating to the amount payable to a home health agency under section 1895 of that Act (42 U.S.C. 1395f).

(h) REPORT.—

(1) INTERIM REPORT.—The Secretary shall submit to Congress an interim report describing the results of the demonstration project.

(2) FINAL REPORT.—Not later than 6 months after the end of the last grant period for a grant made under this section, the Secretary shall submit to Congress a final report—

(A) describing the results of the demonstration project; and

(B) including an evaluation of the impact of the use of telehomecare, including telemedicine and telecommunications, on—

(i) access to care for home care patients; and

(ii) the quality of, patient satisfaction with, and the cost of, that care.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this project such sums as may be necessary for each of fiscal years 2002 through 2006.

By Mr. KENNEDY (for himself, Mr. FRIST, Mr. DODD, Mr. HUTCHINSON, Mr. JEFFORDS, Ms. COLLINS, Mr. BINGAMAN, Mr. EDWARDS, Mrs. MURRAY, and Mr. SESSIONS):

S. 1274. A bill to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. HUTCHINSON, Mr. DODD, Ms. COLLINS, Mr. BINGAMAN, Ms. FEINGOLD, Mrs. MURRAY, Mr. EDWARDS, and Mr. CORZINE):

S. 1275. A bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today with Senator KENNEDY to introduce two pieces of legislation, the STOP Stroke Act and the Community Access to Emergency Transportation Act. These bills represent our next step in the battle against cardiac arrest and stroke and are critical to increasing access to timely, quality health care.

The first bill we are introducing today focuses attention on stroke, the third leading cause of death and the leading cause of serious, long-term disability in the United States, through the implementation of a prevention and education campaign, the development of the Paul Coverdell Stroke Registry and Clearinghouse, and the provision of grants for statewide stroke care systems and for medical professional development. The untimely death of Senator Paul Coverdell points to the need to provide more comprehensive stroke care and to take the steps to provide better quality care to the more than 700,000 Americans who experience a stroke each year. Our first step in doing so is the introduction of the Stroke Treatment and Ongoing Prevention Act (STOP Stroke Act).

One of the most significant factors that affects stroke survival rates is the speed with which one obtains access to health care services. About 47 percent of stroke deaths occur out of the hospital. Many patients do not recognize the signs of a stroke and attribute the common symptoms, such as dizziness, loss of balance, confusion, severe headache or numbness, to other less severe ailments. To increase awareness of this public health problem, the Secretary of Health and Human Services will implement a national, multimedia campaign to promote stroke prevention and encourage those with the symptoms of stroke to seek immediate treatment. This crucial legislation also provides for special programs to target high risk populations. For the professional community, continuing education grants are included to train physicians in
newly-developed diagnostic approaches, technologies, and therapies for prevention and treatment of stroke. With a more informed public and up-to-date physicians, our ability to combat the devastating effects of a stroke will be enlarged.

The Paul Coverdell National Acute Stroke Registry and Clearinghouse, authorized in the STOP Stroke Act, establish mechanisms for the collection, analysis, and dissemination of valuable information about real-world best practices relating to stroke care and the development of stroke care systems. In order to facilitate the process of implementing statewide stroke prevention, treatment, and rehabilitation systems that reflect the research gathered by the Registry and Clearinghouse, grants will be made available to States that will ensure that stroke patients have access to quality care.

These legislative efforts have already proved successful. Lives are being saved across the country.

Therefore, we are moving today to expand on these successes by introducing the Community Access to Emergency Defibrillation Act. This important legislation will provide $50 million over 5 years to establish public access defibrillation programs that will train emergency medical personnel, purchase AEDs for placement in public areas, ensure proper maintenance of defibrillators, and evaluate the effectiveness of the programs. Each year, over 250,000 Americans suffer sudden cardiac arrest. Sudden cardiac arrest is a common cause of death during which the heart suddenly stops functioning. Most frequently, cardiac arrest occurs when the electrical impulses that regulate the heart become rapid, ventricular tachycardia, or chaotic, ventricular fibrillation, causing the heart to stop beating altogether. As a result, the individual collapses, gasping and groaning, and stops breathing. Often, the heart can be shocked back into a normal rhythm with the aid of a defibrillator. This is exactly what happened when I resuscitated a patient using cardiopulmonary resuscitation, CPR, and electrical cardioversion in the Dirksen Senate Office Building in 1995.

When a person goes into cardiac arrest, time is of the essence. Without defibrillation, his or her chances of survival fall 10 percent every minute that passes. Thus, having an automated external defibrillator, AED, accessible is not only important, but also could save lives. AEDs are portable, lightweight, easy to use, and are becoming an essential part of the equipment used by medical personnel to treat victims of sudden cardiac arrest.

We have seen that in places where AEDs are readily available, survival rates can increase by 20-30 percent. In some settings, survival rates have even reached 70 percent. Therefore, Congress has taken several important steps to increase access to AEDs over the past two Congresses.

In the 105th Congress, I authored the Aviation Medical Assistance Act. This bill directed the Federal Aviation Administration to decide whether to require AEDs on aircraft and in airports. As a result of this law, many airlines now carry AEDs on board, and some airports are providing them in their terminals. At Chicago O'Hare, just four months after AEDs were placed in that airport, four victims were resuscitated using the publicly available AEDs.

In the 106th Congress, I passed two important bills expanding the availability of AEDs: the Cardiac Arrest Survival Act and the Rural Access to Emergency Devices Act. Respectively, these bills address the placement of automated external defibrillators, AEDs, in Federal buildings and provide liability protection to persons or organizations who use AEDs, as well as grants to community partnerships to enable them to purchase AEDs. The bills also provide defibrillator and basic life support training.

I am pleased to introduce these important pieces of legislation and I look forward to their ultimate enactment into law. I want to thank my colleagues, Senator KENNEDY, for his work on the EMT support training.

Mr. KENNEDY, Mr. President, it is a privilege to join my colleague, Senator FRIST, to introduce the Stroke Treatment and Ongoing Prevention Act. Stroke is a cruel affliction that takes the lives and blights the health of millions of Americans. Senator FRIST and I have worked closely on legislation to establish new initiatives to reduce the grim toll taken by stroke, and I commend him for his leadership. We are joined in proposing this important legislation by our colleagues on the Health Committee, Senators DODD, HUTCHINSON, JEFFORDS, COLLINS, BINGAMAN, EDWARDS, and MURRAY.

The STOP Stroke Act is also supported by a broad coalition of organizations representing patients and the health care community.

Stroke is a national tragedy that leaves no American community unscathed. Stroke is the third leading cause of death in the United States. Every minute of every day, somewhere in America, a person suffers a stroke. Every three minutes, a person dies from one. Strokes take the lives of nearly 100,000 Americans every year. Even for those who survive an attack, stroke can have devastating consequences. Over half of all stroke survivors are left with a disability.

Since few Americans recognize the symptoms of stroke, crucial hours are often lost before patients receive medical care. The average time between the onset of symptoms and medical treatment is a shocking 13 hours. Emergency medical technicians are often not taught how to recognize and manage stroke. Rapid administration of clot-dissolving drugs can dramatically improve the outcome of stroke, yet fewer than 3 percent of stroke patients now receive such medication. If this lifesaving medication were delivered promptly to all stroke patients, as many as 90,000 Americans could be spared the disabling aftermath of stroke.

In hospitals, stroke patients often do not receive the care that could save their lives. Treatment of patients by specially trained health care providers increases survival and reduces disability due to stroke, but a neurologist is the attending physician for only about 10 percent of stroke victims. To save lives, reduce disabilities and improve the quality of stroke care, the Stroke Treatment and Ongoing Prevention, STOP Stroke Act, authorizes important public health initiatives to help patients with symptoms of stroke receive timely and effective care.

The Act establishes a grant program for States to implement systems of stroke care that will give health professionals the equipment and training they need to treat stroke. The initial point of contact between a stroke patient and medical care is usually an emergency medical technician. Grants authorized by the Act may be used to train emergency medical personnel to provide effective care to stroke patients in the crucial first few moments after an attack.

The Act provides important new resources for States to improve the standard of care given to stroke patients in hospitals. The legislation will assist States in increasing the quality of stroke care available in rural hospitals through improvements in telemedicine.

The Act directs the Secretary of Health and Human Services to conduct a national media campaign to inform the public about the symptoms of stroke, so that patients receive prompt medical care. The bill also creates the Paul Coverdell Stroke Registry and Clearinghouse, a database that will assist States in increasing the quality of stroke care available in rural hospitals through improvements in telemedicine.

Finally, the STOP Stroke Act establishes continuing education programs for medical professionals in the use of new techniques for the prevention and treatment of stroke.

These important new initiatives can make a difference in the lives of the thousands of American who suffer a stroke every year. Even for those experiencing a stroke, even a few minutes’ delay in receiving treatment can make the difference between healthy survival and disability or death. The Act will help make certain that those precious minutes are not wasted.

Increased public information on the symptoms of stroke will help stroke patients and their families know to seek medical care promptly. Better training of emergency medical personnel will help ensure that stroke patients receive the clot-dissolving medications when they are most effective. Improved systems of stroke care will help patients receive the quality treatment they need to treat this disorder. The bill also provides defibrillator and basic life support training.
July 31, 2001

CONGRESSIONAL RECORD — SENATE

S8471

needed to save lives and reduce disability.

This legislation can make a real difference to every community in America, and I urge my colleagues to join Senator Frist and myself in supporting the STOP Stroke Act.

I seek unanimous consent that additional material and letters of support relating to this bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

**The Stroke Treatment and Ongoing Prevention Act of 2001**

**BACKGROUND AND NEED FOR LEGISLATION**

Stoke is the third leading cause of death in the United States, claiming the life of one American every three and a half minutes. Those who survive stroke are often disabled and have extensive health care needs. The economic cost of stroke is staggering. The United States spends over $30 billion each year on caring for persons who have experienced stroke.

Prompt treatment of patients experiencing stroke can save lives and reduce disability, yet thousands of stroke patients do not receive proper therapy during the crucial window of time when it is most effective. Rapid admission to hospitals delivering clot-dissolving medication can dramatically improve the outcome of stroke, yet fewer than 3 percent of stroke patients now receive such medication. Treatment of patients by specially trained health care providers increases survival and reduces disability due to stroke, but a neurologist is the attending physician for only about one in ten stroke patients. Most Americans cannot identify the signs of stroke and even emergency medical technicians are often not taught how to recognize and manage its symptoms. Even in hospitals, stroke patients often do not receive the care that could save their lives. To save lives, reduce disability and improve the quality of stroke care, the Stroke Treatment and Ongoing Prevention, STOP Stroke, Act authorizes the following important public health initiatives.

**Stoke prevention and education campaign**


**Medical professional development**


**A 1993 study of the American Heart Association of 500 San Francisco residents, 65 percent of whom had an initial stroke die within one year on caring for persons who have experienced stroke.**

**KEY STROKE FACTS**

**The devastating effects of stroke**

There are roughly 700,000–750,000 strokes in the U.S. each year.

**Stroke is the 3rd leading cause of death in the U.S.**

Almost 160,000 Americans die each year from stroke.

Every minute in the U.S., an individual experiences a stroke. Every 3.3 minutes an individual dies from one.

Over the course of a lifetime, four out of every five families in the U.S. will be touched by stroke.

Roughly 13 of stroke survivors have another stroke or other disabling event, and one in five have some level of disability.

Currently, there are four million Americans living with the effects of stroke.

15 percent to 30 percent of stroke survivors are affected by disabling stroke.

40 percent of these patients feel they can no longer visit people; almost 70 percent report that they cannot read; 50 percent need day-hospital services; 40 percent need home care; 40 percent have no one to help them with their care; and 14 percent need Meals on Wheels.

22 percent of men and 25 percent of women who have an initial stroke die within one year.

**The staggering costs of stroke**

Stroke costs the U.S. $30 billion each year.

The average cost per patient for the first 90 days following a stroke is $57,000.

The lifetime costs of stroke exceed $90,000 per patient for ischemic stroke and over $252,000 per patient for subarachnoid hemorrhage.

Improvements can be made.

When a stroke unit was first established at Mercy General Hospital in Sacramento, CA in December of 1990, the average length of stay for a Medicare stroke patient in the immediate care setting was 7 days and total hospital charges per patient were $14,076. By June of 1994, the average length of stay was 4.6 days and the charges per patient were $10,740. Overall, in the three and a half years during which the stroke unit was in operation, Mercy General’s charges to Medicare for stroke patients decreased by 39 percent, or more than the average cost for hospitalization of stroke patients.

**STROKE PATIENTS OFTEN DO NOT RECEIVE EFFECTIVE TREATMENTS**

Nationally, only 2 percent to 3 percent of patients with stroke are being treated with the clot-busting drug, tPA.

In the year following FDA approval of tPA, it was determined that only 1.5 percent of patients who might have been candidates for tPA therapy actually received it.

A study of North Carolina’s stroke treatment facilities, 66 percent of hospitals did not have stroke protocols and 82 percent did not have rapid identification for patients experiencing acute stroke.

A recent study of Cleveland, OH found that only 1.8 percent of area patients with ischemic stroke received tPA.

A 1995 study of the Ohio Emergency Medical Services System EMS, almost half of all stroke patients who went through the EMS system were delayed to receiving care, with some waiting more than 4 hours for the first prescription of tPA.

A 1993 study of patients who had a stroke while they were inpatient found a median delay between stroke recognition and neurologic evaluation of 2.5 hours.

Neurologists are the treating physicians for only 11 percent of acute stroke patients.

**PUBLIC AWARENESS OF STROKE SYMPTOMS IS POOR**

In a 1989 survey by the American Heart Association of 500 San Francisco residents, 65 percent of those surveyed were unable to correctly identify any of the early stroke warning signs given to them.

In a national survey conducted by the American Heart Association, 29 percent of respondents could not name the brain as the site of a stroke and a quarter of all patients identified as having stroke by paramedics were later discovered to have another cause for their illness.

A 1998 study of 1000 training for paramedics in Cincinnati, only 1 percent is devoted to recognition and management of acute stroke.

A 1993 study of patients who had a stroke while they were inpatient found a median delay between stroke recognition and neurologic evaluation of 2.5 hours.

Neurologists are the treating physicians for only 11 percent of acute stroke patients.
A seminal NIH study found an 11 to 13 percent increase in the number of tPA-treated patients exhibiting minimal or no neurological improvement compared with placebo-treated patients. That same study reported a 30 to 55 percent relative improvement in clinical outcome for tPA-treated patients compared with placebo-treated patients.

**National Organizations Supporting the STOP Stroke Act of 2001**

- American Academy of Neurology
- American Academy of Physical Medicine and Rehabilitation
- American Association of Neurological Surgeons
- American College of Chest Physicians
- American College of Emergency Physicians
- American College of Preventive Medicine
- American Heart Association
- American Stroke Association
- American Physical Therapy Association
- American Society of Interventional and Therapeutic Neuroradiology
- American Society of Neuroradiology
- Association of American Colleges of State and Territorial Chronic Disease Programs
- Association of State and Territorial Directors of Health Promotion and Public Health Education
- Boston Scientific
- Brain Injury Association
- Congress of Neurological Surgeons
- Emergency Nurses Association
- Genentech, Inc.
- National Association of Public Hospitals and Health Systems
- National Stroke Association
- North American Society for Pacing and Electrophysiology
- Partnership for Prevention
- Society of Cardiovascular and Interventional Neuroradiology
- Stroke Belt Consortium
- The Brain Attack Coalition
- American Academy of Neurology
- American Association of Neurological Surgeons
- American Association of Neuroscience Nurses
- American College of Emergency Physicians
- American Heart Association
- American Stroke Association
- American Society of Neuroradiology
- National Stroke Association
- Stroke Belt Consortium

**American Heart Association, Dallas, TX, July 20, 2001.**

**Hon. EDWARD KENNEDY, U.S. Senate, Washington, D.C.**

**Dear Chairman Kennedy:** On behalf of the American Heart Association, our American Stroke Association division and our more than 22.5 million volunteers and supporters, thank you for leading the fight against stroke, the nation’s third leading cause of death.

It has been our privilege to work with you and your staff to draft the Stroke Treatment and Ongoing Prevention Act (STOP Stroke Act). This vital legislation will help raise public awareness about stroke and dramatically improve our nation’s stroke care. More specifically, the legislation will conduct a national stroke education campaign; provide critical resources for states to implement statewide stroke care systems; establish a clearinghouse to support communities aiming to improve stroke care; offer medical professionals and patient programs in new stroke therapies; and conduct valuable stroke care research.

Stroke touches the lives of almost all Americans. Today, 4.5 million Americans are stroke survivors, and as many as 30 percent of them are permanently disabled, requiring ongoing medical care. Alone, stroke kills more than 3,300 people every year. Unfortunately, most Americans know very little about this disease. On average, stroke patients wait 22 hours after the onset of symptoms before receiving medical care. In addition, many health facilities are not equipped to treat stroke aggressively like other critical emergencies.

Your legislation helps build upon our successful stroke programs. In 1998, the American Heart Association launched a bold initiative—Operation Stroke—to improve stroke care in targeted communities across the country by strengthening the stroke Chain of Survival. The Chain is a series of events that must occur to improve stroke care and includes rapid public recognition and reaction to stroke warning signs; rapid assessment and pre-hospital care; rapid hospital transport; and rapid diagnosis and treatment.

The STOP Stroke Act will help ensure that the stroke Chain of Survival is strengthened in every community across the nation and that every stroke patient has access to quality care. We strongly support this legislation and look forward to continuing to work with you and Senator Frist to fight this devastating disease. Thank you again for your leadership and vision!

**Sincerely,**

**LAWRENCE B. SADWIN, Chairman of the Board**

**DAVID P. FAXON, M.D., President, American Heart Association,**

**Englewood, CO, March 8, 2001.**

**Hon. EDWARD KENNEDY, Russell Senate Office Building, Washington, DC.**

**Dear Senator Kennedy:** I am writing on behalf of the National Stroke Association (NSA) to express our strong commitment to helping you bring attention to, and secure passage of, the “Stroke Treatment and Ongoing Prevention Act of 2001” (the “STOP Stroke Act”).

NSA is a leading, independent, national nonprofit organization which dedicates 100 percent of its resources to stroke including prevention, treatment, rehabilitation, research, and advocacy. Care of stroke survivors and their families. Our mission is to reduce the incidence and impact of stroke—the number one cause of adult disability and third leading cause of death in America.

NSA believes that your proposed legislation is historic—never before has comprehensive legislation been introduced to address this misunderstood public health problem. In fact, stroke has not been given the level of attention, focus or resources commensurate with the terrible toll it takes on Americans in both human and economic terms. We are grateful for your leadership in bringing this issue to the top of the public health agenda.

The STOP Stroke Act clearly recognizes an urgent need to build more effective systems of patient care and to increase public awareness about stroke. We are hopeful that the Stroke Prevention and Education Campaign which it authorizes will go a long way toward disseminating the most accurate and timely information regarding stroke prevention, treatment and prompt treatment. NSA is encouraged that the state grant program will facilitate the establishment of a comprehensive network of stroke centers to respond to the overwhelming disparity in personnel, technology, and other resources and target assistance to some of the smaller, less advanced facilities. We also believe that the research program is a necessary component of the STOP Stroke Act in order to assess and monitor barriers to access to stroke prevention, treatment, and rehabilitation services, and to ultimately raise the standard of care for those at risk, suffering or recovering from stroke.

Over the past few months NSA has convened leaders in medicine, nursing, rehabilitation, and community organizations to work with your staff on developing this important legislation. NSA is pleased to have contributed its ideas and expertise on this critical public health issue. We look forward to working in partnership with you and your colleagues on getting the legislation passed by Congress.

Please count on us to work with you in any way possible to ensure we STOP stroke.

Sincerely,

**PATTI SHWAYDER, Executive Director/CEO, National Stroke Association, Washington, DC, March 5, 2001.**

**Hon. TED KENNEDY, U.S. Senate, Russell Senate Office Building, Washington, DC.**

**Dear Senator Kennedy:** The American Association of Neurological Surgeons (AANS) and the Congress of Neurological Surgeons (CNS), representing over 4,500 neurosurgeons in the United States, thank you for your leadership and vision in crafting the “STOP Stroke Act (Stroke Treatment and Ongoing Prevention Act of 2001)” We strongly endorse this bill and pledge to work with you to ensure its passage. Your legislation would not only educate the public about the burden of stroke and stroke-related disability, but would encourage states to develop stroke planning systems through the matching grant concept.

Stroke is the nation’s third leading cause of death and is the leading cause of disability in our country creating a huge human and financial burden associated with this disease. The advances in research and treatment related to stroke over the last decade have been truly remarkable. For example, surgical techniques such as carotid endarterectomy have been proven effective and safe. As well, the discovery of therapeutic drugs that can be administered within three hours of the onset of a stroke have allowed many survivors to recover in a way that was impossible to imagine in even recent years.

What was once viewed as an untreatable and devastating disease has the potential to become as commonly treatable as heart attacks if appropriate resources are directed to the problem. Senator Kennedy, your legislation will allow all Americans to take advantage of these rapid advances in stroke treatment and prevention.

Once again, we strongly endorse this legislation. On behalf of all neurosurgeons and the patients we serve, thank you for your leadership on this issue. Please feel free to contact us should you need further assistance.

Sincerely,

**STEWART B. DUNSKER, MD, President, American Association of Neurological Surgeons, Issam A. Awad, MD, President, Congress of Neurological Surgeons.**
We thank you for your ongoing leadership in developing legislation to preserve and improve our nation’s public health systems and the healthy care safety net. We look forward to working with you to develop solutions to the problems of our nation’s poor and uninsured.

Sincerely,

LARRY S. GAGE,
President.

PARTNERSHIP FOR PREVENTION,


HON. EDWARD KENNEDY,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: We commend the introduction of the Stroke Treatment and Ongoing Prevention Act of 2001 (STOP Stroke Act). As you well know, stroke is the third leading cause of death in the United States, a principal cause of cardiovascular disease death, and a major cause of disability for Americans.

The STOP Stroke Act creates a framework for the nation to begin systematically addressing some important tertiary stroke prevention and treatment. We concur that much more can and should be done to ensure stroke patients are treated according to guidelines based on up-to-date scientific evidence.

Investing in primary and secondary prevention is the best strategy for stopping stroke. Hypertension is the top contributor to stroke, followed by heart disease, diabetes, and cigarette smoking. According to the National Institutes of Health and the Centers for Disease Control and Prevention (CDC), prevention of stroke requires addressing the critical risk factors.

To prevent or delay hypertension, experts at both agencies recommend community-based interventions that promote healthy diets, regular physical activity, tobacco cessation, and limited alcohol intake. The Public Health Service’s clinical guidelines on treating tobacco use and dependence is another resource to help Americans kick the habit. Lifestyle modifications for hypertension prevention not only contribute to overall cardiovascular health, but also reduce risk factors associated with other chronic diseases (e.g., obesity, diabetes, and cancer).

A second essential step is to improve management of hypertension once it develops. Recent studies indicate effective hypertension treatment can cut stroke incidence and fatality rates by at least a third. To advance hypertension treatment, we must invest in disease management systems that enable healthcare providers to prescribe the most effective therapies and assist patients with pharmacological regimens and healthy lifestyles.

The main prevention components in the STOP Stroke Act (i.e., the proposed research program and national stroke awareness campaign) should be coordinated with—and even integrated into—the CDC comprehensive cardiovascular disease program. Involving nearly every state, this program offers an integrated network that is addressing the underlying causes of stroke and other cardiovascular diseases.

Partnership welcomes the STOP Stroke Act and its intent to address stroke, a serious but preventable disease. We also encourage strengthened primary and secondary prevention policies to protect health before strokes happen.

Sincerely yours,

ASHLEY B. COFFIELD,
President.

AMERICAN PHYSICAL THERAPY ASSOCIATION,

HON. EDWARD KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to express the strong support of the American Physical Therapy Association (APTA) for the ‘‘Stroke Treatment and Ongoing Prevention Act of 2001,’’ which you plan to introduce soon.

As you know, stroke is the third leading cause of death in the United States, and is one of the leading causes of adult disability. APTA believes your legislation is critical to establishing a comprehensive system for stroke prevention, treatment and rehabilitation in the United States. We appreciate your modification to the legislation to highlight the important role physical therapists play in stroke prevention and rehabilitation.

Every day, physical therapists across the nation help approximately 1 million people alleviate pain, prevent the onset and progression of impairment, functional limitation, disability, or changes in physical function and health status resulting from injury, disease, or other causes. Essential participants in the health care delivery system, physical therapists assume leadership roles in rehabilitation services, prevention and health maintenance programs. They also play important roles in developing health care policy and appropriate standards for the various elements of the rehabilitation practice to ensure accessibility, importance, and excellence in the delivery of physical therapy services.

Again, thank you for your leadership on this issue. Please call upon APTA to assist in the passage of this important legislation.

Sincerely,

BEN F. MASSEY, PT,
President.

BRAIN ATTACK COALITION,

HON. EDWARD KENNEDY,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: The Brain Attack Coalition is a group of professional, volunteer and government organizations dedicated to reducing the occurrence of disabilities and death associated with stroke.

Stroke is our nation’s third leading cause of death. Stroke is also the leading long-term disability. Recent advances in stroke treatment can lead to improved outcomes if stroke patients are treated shortly after symptom onset. Currently, three percent of stroke patients who are candidates for thrombolytic therapy receive this. This must be remedied.

We urgently need to educate the public about stroke symptoms and the importance of seeking medical attention immediately. We also need to provide training to medical personnel in the new approaches for treating and preventing stroke. The Stroke Treatment and Ongoing Prevention Act of 2001 (STOP Stroke Act) is designed to address these issues and to establish a grant program to provide funding to states to help ensure that stroke patients in each state have access to high-quality stroke care.

The members of the Brain Attack Coalition strongly support the STOP Stroke Act and the prompt introduction of this legislation. Please note that the National Institute of Neurological Disorders and Stroke and the Centers for Disease Control and Prevention are not included in this endorsement because the Administration has not taken a position on the legislation.

Sincerely,

MICHAEL D. WALKER, M.D.,
Chair, Brain Attack Coalition.

WASHINGTON, DC.

CONGRESSIONAL RECORD—SENATE
S8473

PARTNERSHIP FOR PREVENTION,
Washington, DC.

HON. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

CONGRESSIONAL RECORD—SENATE
S8473

Congressional Record - Senate
S8473

We thank you for your ongoing leadership in developing legislation to preserve and improve our nation’s public health systems and the healthy care safety net. We look forward to working with you to develop solutions to the problems of our nation’s poor and uninsured.

Sincerely,

LARRY S. GAGE,
President.
The good news is that 90 percent of cardiac arrest victims who are treated with a defibrillator within one minute of arrest can be saved. In addition, cardiac arrest victims who are treated within four minutes and defibrillation within ten minutes have up to a 40 percent chance of survival. However, few communities have programs to make emergency defibrillation widely accessible to cardiac arrest victims. Communities that have implemented public access programs have achieved average survival rates for out-of-hospital cardiac arrest as high as 50 percent.

Automated external defibrillators, AEDs, have a 50 percent success rate in terminating ventricular fibrillation. Use of AEDs could save as many as 50,000 lives nationally each year, yet fewer than half of the nation’s ambulance services, 10–15 percent of emergency services personnel, and less than 1 percent of police vehicles are equipped with AEDs.

The Community Access to Emergency Defibrillation Act of 2001 provides for the following public health initiatives to increase public awareness of emergency defibrillation and to expand public access to lifesaving AEDs:

1. The Community Access to Emergency Defibrillation Act of 2001 (Community AED Act) provides $50 million for community-based demonstration projects. The Community AED Act provides for the following public health initiatives to increase public awareness of emergency defibrillation and to expand public access to lifesaving AEDs:

   - **Community Grants Program to establish comprehensive initiatives to increase public access to AEDs**

     *The Community AED Act also provides $5 million for community-based demonstration projects. Grantees will develop innovative AED access programs that will increase community awareness of the importance of defibrillation and train personnel in places where cardiac arrests are likely to occur. The AED Act also provides for the following public health initiatives to increase public awareness of emergency defibrillation and to expand public access to lifesaving AEDs:

     1. **Community demonstration projects to develop innovative AED access programs**

     *The Community AED Act provides $5 million for community-based demonstration projects. Grantees will develop innovative approaches to maximize community access to AEDs, including automated external defibrillation and provide emergency defibrillation to cardiac arrest victims in unique settings. Communities receiving these grants will train local emergency medical services personnel to administer immediate CPR and automated external defibrillation to cardiac arrest victims; purchase and place automated external defibrillators in public places and train employees in CPR and emergency defibrillation; and collect data to evaluate the effectiveness of the program in decreasing the out-of-hospital cardiac arrest survival rate in the community.

     **Community demonstration projects to develop innovative AED access programs**

     *The Community AED Act provides $5 million for community-based demonstration projects. Grantees will develop innovative approaches to maximize community access to AEDs, including automated external defibrillation and provide emergency defibrillation to cardiac arrest victims in unique settings. Communities receiving these grants will train local emergency medical services personnel to administer immediate CPR and automated external defibrillation to cardiac arrest victims; purchase and place automated external defibrillators in public places and train employees in CPR and emergency defibrillation; and collect data to evaluate the effectiveness of the program in decreasing the out-of-hospital cardiac arrest survival rate in the community.

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by the absence of nuclear testing and with the need to recruit new scientific experts to replace an aging workforce. I should note that these staff concerns are not expressed about drug testing, which many already must take. They simply are concerned with entrusting their career to a procedure with questionable, in their minds, scientific validity.

A study is in progress by the National Academy of Sciences that will go a long way toward addressing this question about scientific credibility of polygraphs when they are used as a tool for screening large populations. By way of contrast, this use of polygraphs is in sharp contrast to their use in a targeted criminal investigation. That Academy's study will be completed in June 2002. Therefore, this bill sets up an interim program before the Academy's study is done and requires that a final program be established within 6 months after the study's completion.

This bill addresses several concerns with the way in which polygraphs may be administered by the Department. For example, some employees are concerned that individual privileges, like medical conditions, are not being protected. These are careful procedures developed for drug testing. And facility managers are concerned that polygraphs are sometimes administered without enough warning to ensure that work can continue in a safe manner in the event an employee is administered a polygraph.

And of greatest importance, the bill ensures that the results of a polygraph will not be the sole factor determining an employee's fitness for duty.

With this bill, we can improve worker morale at our national security facilities by stopping unnecessarily broad application of polygraphs, while still providing the Secretary and General with enough flexibility to utilize polygraphs where reasonable. In addition, it provides a plan that will be based on the scientific evaluation of the National Academy, to implement an optimized plan to protect our national security.

Mr. BINGAMAN. Mr. President, I am pleased to cosponsor legislation being introduced by Senator DOMENICI that will help correct what I consider to be overzealous action on the part of the Congress to address security problems at our Department of Energy national laboratories, all aware of an emerging security concerns that grew out of the Wen Ho Lee case. That case, and other incidents that have occurred since then, quite rightly prompted the Department of Energy and the Congress to assess security problems at the laboratories and seek remedies. Last year, during the conference between House and Senate on the Defense Authorization bill, a provision was added, Section 3135, that significantly expanded requirements for administering polygraphs to Department of Energy contractor employees at the laboratories. That legislative action presumed that polygraph testing is an effective, reliable tool to reveal spies or otherwise identify security risks to our country.

The problem is that the Congress does not have the full story about polygraph testing. I objected when Section 3135 was included in the Senate's amendment to the Defense bill last year, but it was too late in the process to effectively protest its worthiness. It has since become clear that the provision has had a chilling effect on current and potential employees at the laboratories in a way that could risk the future health of the workforce at the laboratories. The laboratory directors have expressed to me their deep concerns about recruitment and retention, and I'm certain that the polygraph issue is a contributing factor. Indeed, I've heard directly from many laboratory employees who question the viability of polygraphs and who have raised legitimate questions about its accuracy, reliability, and usefulness.

In response to these questions and concerns, I requested that the National Academy of Sciences undertake an effort to review the scientific evidence regarding polygraph testing. Needless to say, there are many difficult scientific issues that so the study will require considerable effort and time. We are expecting results next June. Once the Congress receives that report, I am hopeful that the Department of Energy, the National Nuclear Security Administration, and the national laboratories will be better able to consider the worthiness of polygraph testing to its intended purposes and determine whether and how to proceed with a program.

Until that time, however, the Congress has levied a burdensome requirement on the national laboratories to use polygraph testing broadly at the laboratories with the negative consequences to which I have alluded. I believe the time has come for the leadership of Senator DOMENICI and I are introducing today will provide a more balanced, reasoned approach in the interim until the scientific experts report to the Congress with its findings on this very complex matter. The bill being introduced will provide on an interim basis the security protection that many believe is afforded by polygraphs, but will limit its application to those Department of Energy and contractor employees at the national laboratories who have access to Restricted Data or Sensitive Compartmented Information containing the nation's most sensitive nuclear secrets. It specifically excludes employees who may operate in a classified environment, but who do not have access to the critical security information we are seeking to protect.

Other provisions in the bill would protect individual rights by extending guaranteed protections included under part 40 of Title 49 of the Code of Federal Regulations and by requiring procedures to preclude adverse personnel action related to "false positives" or individual physiological reactions that may occur during testing. The bill also seeks to ensure the safe operations of DOE facilities by requiring advance notice for polygraph exams to enable management to undertake adjustments necessary to maintain operational safety.

Let me emphasize once again, that this legislation is intended as an interim measure that will meet three critical objectives until we have heard from the scientific community. This bill will ensure that critical secret information will be protected, that the rights of individual employees will be observed, and that the ability of the laboratories to do their job will be maintained. I thank Senator DOMENICI for his work on this bill, and urge my colleagues to support its passage. I yield the floor.

By Mr. DOMENICI (for himself and Mr. LUGAR):

S. 1277. A bill to authorize the Secretary of Energy to guarantee loans to the Russian Federation for the sale of nuclear material to the Russian Federation and for other purposes; to the Committee on Foreign Relations.

Mr. DOMENICI. Mr. President, I rise to introduce the Fissile Material Loan Guarantee Act of 2001. This Act is intended to increase the suite of programs that reduce proliferation threats from the Russian nuclear weapons complex. I'm pleased that Senator LUGAR joins me as a co-sponsor of this Act.

This Act presents an unusual option, which I've discussed with the leadership of some of the world's largest private banks and lending institutions. I also am aware that discussions between Western lending institutions and the Russian Federation are in progress and that discussions with the International Atomic Energy Agency or IAEA have helped to clarify their responsibilities.

This Act would enable the imposition of international protective safeguards on, among other things, large stocks of Russian weapons-grade materials in a way that enables the Russian Federation to gain near-term financial resources from the materials. These materials would be used as collateral to secure a loan, for which the U.S. Government would provide a loan guarantee. The loan proceeds be used in either debt retirement for the Russian Federation or in support of Russian non-proliferation or energy programs. It also requires that the weapons-grade materials used to collateralize these loans must remain under international IAEA safeguards forevermore and thus should serve to remove them from concern as future weapons materials.

This Act does not replace programs that currently are in place to ensure that these materials can never be used in weapons in the future. Specifically, it does not displace materials already committed under earlier
agreements. The Highly Enriched Uranium or HEU Agreement is moving toward elimination of 500 tons of Russian weapons-grade uranium. The Plutonium Disposition Agreement is similarly working on elimination of 34 tons of weapons-grade plutonium, primarily by its use in MOX fuel.

The HEU agreement removes material usable in 20,000 nuclear weapons, while the plutonium disposition agreement similarly removes material for more than 16 weapons. Both of these agreements enable the transition of Russian materials into commercial reactor fuel, which, after use in a reactor, destroys its “weapons-grade” attributes. There should be no question that both these agreements remain of vital importance to both nations.

But estimates are that the Russian Federation has vast stocks of weapons-grade materials in addition to the amount we’ve already declared as surplus to their needs in these earlier agreements.

If we can provide additional incentives to Russia to encourage transition of more of these materials into configurations is not available for diversion or re-use in weapons, we’ve made another significant step toward global stability. And furthermore, this proposed mechanism provides a relatively low-cost approach to reduction of threats from these materials.

Senator Lugar and I introduced a similar bill near the end of the 106th Congress, to provide time for discussion of its features. Those discussions have ended, and this bill has some slight refinements that grew out of those discussions. Since then, we have received additional assurances that this bill provides a useful route to reduce proliferation threats, and thus we are reintroducing this bill in the 107th Congress.

Within the last few months, former Senator Howard Baker and former White House Counsel Lloyd Cutler completed an important report outlining the importance of the nonproliferation programs accomplished jointly with Russia. They noted, as their top recommendation, that:

The most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weaponsusable material in Russia could be stolen and sold to terrorists or hostile nation states, or used against American troops or citizens at home. This threat is a clear and present danger to the international community as well as to American lives and liberties.

This new Act provides another tool toward reducing these threats to national, as well as global, security.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. BREAUX, and Ms. LANDRIEU):

S. 1278. A bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I rise today to introduce the U.S. Independent Film and Television Production Incentive Act of 2001, a bill designed to address the problem of “runaway” film and television production. I am joined by Senators SNOWE, DURBIN, BREAUX, and LANDRIEU.

Over the past decade, production of American film projects has fled our borders for foreign locations, migration that results in a massive loss for the U.S. economy. My legislation will encourage producers to bring feature film and television production projects to cities and towns across the United States, thereby stemming that loss.

In recent years, a number of foreign governments have offered tax and other incentives designed to entice production of U.S. motion pictures and television programs to their countries. Certain countries, such as Australia, Canada, New Zealand, and several European countries, have been particularly successful in luring film projects to their towns and cities through offers of large tax credits.

These governments understand that the benefits of hosting such productions do not flow only to the film and television industry. These productions create ripple effects, with revenues and jobs generated by other local businesses. Hotels, restaurants, catering companies, equipment rental facilities, transportation vendors, and many others benefit from these ripple effects.

What began as a trickle has become a flood, a significant trend affecting both the film and television industry as well as the smaller businesses that they support.

Many specialized trades involved in film production and many of the secondary industries that depend on film production, such as equipment rental companies, require consistent demand in order to operate profitably. This production migration has forced many small- and medium-sized companies out of business during the last ten years.

Earlier this year, a report by the U.S. Department of Commerce estimated that runaway production drains as much as $10 billion per year from the U.S. economy.

These losses have been most pronounced in made-for-television movies and miniseries productions. According to the report, out of the 306 U.S.-developed television projects produced in 1998, 139 were produced abroad. That’s a significant increase from the 50 produced abroad in 1990.

The report makes a compelling case that runaway film and television production has eroded important segments of a vital American industry. According to official labor statistics, more than 270,000 jobs in the U.S. are directly involved in film production. By industry estimates, 70 to 80 percent of these workers are hired at the location where the production is filmed.

And while people may associate the problem of runaway production with California, the problem has seriously affected the economies of cities and States across the country, given that film production and distribution have been among the highest growth industries in the last decade. It’s an industry with a reach far beyond Hollywood and the west coast.

For example, my home State of Arkansas has been proud to host the production of a number of feature and television films, with benefits both economic and cultural. Our cinematic history includes the opening scenes of “Gone With the Wind,” and civil war epics like “the Blue and the Gray” and “North and South.” It also includes “A Soldier’s Story,” “Biloxi Blues,” “the Legend of Boggy Creek,” and, most recently, “Sling Blade,” an independent production written by, directed by, and starring Arkansas’ own Billy Bob Thornton. So even in our rural State, there is a great deal of local interest and support for the film industry. My bill will make it possible for us to continue this tradition, and we hope to encourage more of these projects to come to Arkansas.

But to do this, we need to level the playing field. This bill will assist in that effort. It will provide a two-tiered wage tax credit, equal to 25 percent of the first $25,000 of qualified wages and salaries and 35 percent of such costs if incurred in a “low-income community”, for productions of films, television or cable programming, mini-series, episodic television, pilots or movies of the week that are substantially produced in the United States.

This credit is targeted to the segment of the market most vulnerable to the impact of runaway film and television production. It is, therefore, only available if total wage costs are more than $20,000 and less than $10 million (indexed for inflation). The credit is not available to any film subject to reporting requirements of 18 USC 2257 pertaining to films and certain other media with sexually explicit content.

My legislation enjoys the support of a broad alliance of groups affected by the loss of U.S. production, including the following: national, State and local film commissions, under the umbrella organization Film US as well as the Entertainment Industry Development Corporation; film and television producers, Academy of Television Arts and Sciences, the Association of Independent Commercial Producers, the American Film Marketing Association, the Producers Guild; organizations representing small businesses such as the post-production facilities, The Southern California Chapter of the Association of Imaging Technology and Sound, and equipment rental companies (Production Equipment Rental Association); and organizations representing the creative participants in the entertainment industry, such as the Screen Producers Guild of America, the Screen Actors Guild and Recording Musicians Association. In addition, the United States Conference
of Mayors formally adopted the “Runaway Film Production Resolution” at their annual conference in June.

Leveling the playing field through targeted tax incentives will keep film production, and the jobs and revenues it generates, in the United States. I urge my colleagues to join me in supporting this bill in order to prevent the further deterioration of one of our most American of industries and the thousands of jobs and businesses that depend on it.

By Mr. BREAUX:

S. 1279. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition under section 355; to the Committee on Finance.

Mr. BREAUX. Mr. President, I rise today to introduce tax legislation which proposes only a small technical modification of current law, but, if enacted, would provide significant simplification of corporate reorganizations. The legislation is identical to S. 773 which I introduced on April 13 of last year.

This proposed change is small but very important. It would not alter the substance of the law in any way. It would, however, greatly simplify a common corporate transaction. This small technical change will alone save corporations millions of dollars in unnecessary expenses and economic costs that are incurred when they divide their businesses.

Past Treasury Departments have agreed, and I have no reason to believe the current Treasury Department will feel any differently, that this change would bring welcome simplification to section 355 of the Internal Revenue Code. Indeed, the Clinton Administration in its last budget submission to the Congress had proposed this change. The last scoring of this proposal showed no loss of revenue to the U.S. Government, and I am aware of no opposition to its enactment.

Corporations, and affiliated groups of corporations, often find it advantageous, or even necessary, to separate two or more businesses. The division of AT&T from its local telephone companies is an example of such a transaction. The reasons for these corporate divisions are many, but probably chief among them is the ability of management to focus on one core business.

At the same time, when a corporation divides, the stockholders simply have the stock of two corporations, instead of one. The Tax Code recognizes this is not an event that should trigger tax, as it includes corporate divisions among the tax-free reorganization provisions.

One requirement the Tax Code imposes on corporate divisions is very awkwardly drafted, however. As a result, an affiliated group of corporations that wishes to divide must often engage in more preliminary reorganizations in order to accomplish what, for a single corporate entity, would be a rather simple and straightforward spinoff of a business to its shareholders. The small technical change I propose today would eliminate the need for these unnecessary transactions, while keeping the statute true to Congress’s original purpose.

More specifically, section 355, and related provision of the Code, permits a corporation or an affiliated group of corporations to divide on a tax-free basis into two or more separate entities with separate businesses. There are numerous requirements for tax-free treatment of corporate division or “spinoff,” including continuity of historical shareholder interest, continuity of the business enterprises, business purpose, and absence of any device to distribute earning and profits. In addition, section 355 requires that each of the divided corporate entities be engaged in the active conduct of a trade or business. The proposed change would alter none of these substantive requirements of the Code.

Section 355(b)(2)(A) currently provides an attribution or “look through” rule for groups of corporations that operate active businesses under a holding company, which is necessary because a holding company, by definition, is not itself engaged in a business. This lookthrough rule inexplicably requires, however, that “substantially all” of the assets of the holding company consist of stock of active controlled subsidiaries. The practical effect of this requirement is to prevent holding companies from engaging in spinoffs if they own almost any other assets. This is in sharp contrast to corporations that operate businesses directly, which can own substantial assets unrelated to the business and still engage in tax-free spinoff transactions.

In the real world, of course, holding companies may, for many sound business reasons, hold other assets, such as non-controlling, less than 80 percent, subsidiaries that are not controlled subsidiaries that have been owned for less than five years, which are not considered “active businesses” under section 355, or a host of non-business assets. Such holding companies routinely undertake spinoff transactions, but because of the awkward language used in section 355 (b)(2)(A), they must first undertake one or more, often a series of, preliminary reorganizations solely for the purpose of complying with this inexplicable language of the Code.

Such preliminaryizations are at best costly, burdensome, and without any business purpose, and at worst, they seriously interfere with business operations. In a few cases, they may be so costly as to be prohibitive, and force the company to abandon an otherwise sound business transaction that is clearly in the best interest of the corporation and the businesses it operates.

There is no tax policy reasons, tax advisors agree, to require the reorganization of a consolidated group that is clearly engaged in the active conduct of a trade or business, as a condition to a spinoff. Nor is there any reason to treat affiliated groups differently than single operating companies. Indeed, no one had ever suggested one. The legislative history indicates Congress was concerned about non-controlled subsidiaries, which is elsewhere adequately addressed, no consolidated groups.

For many purposes, the Tax Code treats affiliated groups as a single corporation. Therefore, the simple remedy I am proposing today for the problem caused by the awkward language of section 355 (b)(2)(A) is to apply the active business test to an affiliated group as if it were a single entity.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1279

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

SECTION 1. MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.

(a) IN GENERAL.—Section 355(b) of the Internal Revenue Code of 1986 (defining active conduct of a trade or business) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULES RELATING TO ACTIVE BUSINESS REQUIREMENT.—

“(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirements of paragraph (2)(A), all members of such corporation’s separate affiliated group shall be treated as one corporation. For purposes of the preceding sentence, a corporation’s separate affiliated group is the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

“(B) CONTROL.—For purposes of paragraph (2)(D), all distributee corporations which are members of the same affiliated group (as defined in section 1504(a) without regard to section 1504(b)) shall be treated as one distributee corporation.”

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 356(b)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(A) it is engaged in the active conduct of a trade or business.”.

(2) Section 355(b)(2) of such Code is amended by striking the last sentence.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

(2) EFFECTIVE DATE.—

(1) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(2) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) ELECTION TO HAVE AMENDMENTS APPLY.—

Paragraph (2) shall not apply if the distributing corporation elects not to have such paragraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.
I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, bill was ordered to be printed in the RECORD, as follows:

S. 1280

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 ‘‘Veterans’ Hospital Emergency Realignments Act of 2001’’.

SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS FOR PATIENT CARE IMPROVEMENTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs is authorized to carry out major medical facility projects in accordance with this section, using funds appropriated for fiscal year 2002 or fiscal year 2003 pursuant to section 3. The cost of any such project may not exceed $25,000,000.

(b) PROJECTS CARRIED OUT UNDER THIS SECTION.—Projects carried out under this section are not subject to section 8104(a)(2) of title 38, United States Code.

(c) PURPOSE OF PROJECTS.—A project carried out pursuant to subsection (a) may be carried out at any time if the Secretary of Veterans Affairs medical center and only for the purpose of improving, renovating, and updating to contemporary standards patient care facilities for adult medical centers for projects under subsection (a), the Secretary shall select projects to improve, renovate, or update facilities to achieve one or more of the following:

(1) Seismic protection improvements related to patient safety.
(2) Fire safety improvements.
(3) Improvements to utility systems and ancillary patient care facilities.
(4) Improved accommodation for persons with disabilities, including barrier-free access.
(5) Improvements to facilities carrying out specialized programs of the Department, including the following:
   (A) Blind rehabilitation centers.
   (B) Facilities carrying out inpatient and residential programs for seriously mentally ill veterans, including mental illness research, education, and clinical centers.
   (C) Facilities carrying out residential and rehabilitation programs for veterans with substance-use disorders.
   (D) Facilities carrying out physical medicine and rehabilitation activities.
   (E) Facilities providing long-term care, including geriatric research, education, and clinical centers, adult day care centers, and nursing home care facilities.
   (F) Facilities providing amputation care, including facilities for prosthetics, orthotics programs, and sensory aids.
   (G) Spinal cord injury centers.
   (H) Facilities carrying out traumatic brain injury programs.
   (I) Facilities carrying out women veterans’ health programs (including particularly programs involving privacy and accommodation for female patients).
   (J) Facilities for hospice and palliative care programs.

(d) REVIEW PROCESS.—(1) Before a project is submitted to the Secretary with a recommendation that it be approved as a project to be carried out under the authority of this section, the project shall be reviewed by an independent board within the Department of Veterans Affairs constituted by the Secretary to evaluate capital investment projects. The board shall review each project to determine the project’s relevance to the medical care mission of the Department and whether the project improves, renovates, and updates patient care facilities of the Department in accordance with this section.

(2) In selecting projects to be carried out under the authority of this section, the Secretary shall consider the recommendations of the board under paragraph (1). In any case in which the Secretary’s project to be carried out under this section that was not recommended for approval by the board under paragraph (1), the Secretary shall include in the report of the Secretary under section 4(b) notice of such selection and the Secretary’s reasons for not following the recommendation of the board with respect to the project.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for the Construction Projects, account for projects under section 2—

(1) $250,000,000 for fiscal year 2002; and
(2) $300,000,000 for fiscal year 2003.

(b) LIMITATIONS.—Projects may be carried out under section 2 only using funds appropriated pursuant to the authorization of appropriations in subsection (a).

SEC. 4. REPORTS.

(a) GAO REPORT.—Not later than April 1, 2003, the Comptroller General shall submit to the Committees on Veterans’ Affairs and on Appropriations of the Senate and House of Representatives a report evaluating the advantages and disadvantages of congressional authorization for projects of the type described in section 2. The report shall include a description of the actions of the Secretary of Veterans Affairs during fiscal year 2002 and fiscal year 2003, a description of projects authorized under this Act, the estimated cost of each project, and a statement attesting to the review of the project under section 2(c), and, if the project was not recommended by the board, the Secretary’s justification under section 2(d) for not following the recommendation of the board.

(b) COMMITTEE REPORT.—Not later than 120 days after the date on which the site for the final project under section 2 is selected, the Secretary shall submit to the committees referred to in subsection (a) a report on the authorization process under section 2. The Secretary shall include in the report the following:

(1) A listing by project of each project selected by the Secretary under that section, including a description of the purposes of the project, the estimated cost of the project, and a statement attesting to the review of the project under section 2(c), and, if the project was not recommended by the board, the Secretary’s justification under section 2(d) for not following the recommendation of the board.

(2) An assessment of the utility to the Department of Veterans Affairs of the authorization process.

(3) Such recommendations as the Secretary considers appropriate for future congressional policy for authorizations of major and minor medical facility construction projects for the Department.

(4) Any other matter that the Secretary considers to be appropriate with respect to oversight by Congress of capital facilities projects of the Department.

By Mr. CLELAND:

S. 1280. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgages obligations; to the Committee on Finance.

By Mr. HATCH:

S. 1282. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgages obligations; to the Committee on Finance.
a flaw in the tax code that unfairly harms homeowners who sell their home at a loss.

Today, our Nation has achieved an amazing 67.5 percent rate of homeownership, the highest rate in our history. It is noteworthy that, in recent years, the largest category of first-time homebuyers has been comprised of immigrants and minorities. This is a great success story. Homeownership is still the most important form of wealth accumulation in our society.

From time to time, however, the value of housing in a whole market goes down through no fault of the homeowner. A plant closes, environmental degradations are found nearby, a regional economic slump hits hard. This happened during the 1980s in the oil patch and in Southern California and New England at the beginning of the 1990s. A general housing market downturn can be devastating to what is very often a family’s largest asset. Unfortunately, in value to the family home may not be the worst of it. Sometimes when people must sell their homes during a downturn, they get a nasty surprise from the tax law.

For example, suppose Keith and Mary Turner bought their home for $120,000 with a five percent down payment and a mortgage of $114,000. Four years later, the local housing market experiences a downturn. While the market is down, the Turners sell the home because Keith has accepted a job in another city. The house sells for $105,000. However, the Turners still owe $112,000 on their mortgage. They are $7,000 short on what they owe on the mortgage, but have no equity and received no cash.

Often, homeowners who must sell their home at a loss are able to negotiate with their mortgage holder to forgive all or part of the mortgage balance that exceeds the selling price. However, when the tax on this amount forgiven is taxable income to the seller, taxed at ordinary rates.

In the case of the Turner family, the mortgage holder agreed to forgive the $7,000 excess of the mortgage balance over the sales price. However, under current law, this means the Turners will have to recognize this $7,000 as taxable income at a time when they can least afford it. This is true even though the family suffered a $15,000 loss on the sale of the home.

It is not only the amount forgiven that is both ironic and unfair. If this same family, under better circumstances, had been able to sell their house for $150,000 instead of $105,000, then they would owe nothing in tax on the gain under current tax law because gains on a principal residence are tax-exempt up to $500,000. I believe that this discrepancy creates a tax inequity that begs for relief.

It is simply unfair to tax people right at the time they have had a serious loss but have no cash with which to pay the tax. The bill I introduce today, the Mortgage Cancellation Relief Act, will relieve this unfair tax burden so that in the case where the lender forgives part of the mortgage, there will be no taxable event.

Who are the people that are most vulnerable to this mortgage forgiveness tax dilemma? Unfortunately, people who have a very small amount of equity in their homes are most likely to experience this problem. Today, about 4.6 million households have low equity in their homes. Of those, about 2 million have no equity in their homes, which is defined as less than 10 percent of the home’s value. In a housing value downturn, these people will be wiped out first if they had to sell.

Sixty-seven percent of these low-equity owners are first-time homebuyers, and 26 percent of them have less than $30,000 of annual family income. The median value of their homes is $70,000, while the median value of all homes nationally is $108,000. More than half of these low equity owners live in the South or in the West. I want to emphasize that now is the time to correct this inequity. Today, the National Association of Realtors reports that there are no markets that are in the woeful condition of having homes for sale for $100,000.

I hope my colleagues will take a careful look at this bill and support it. Today, we have an opportunity to fix this unfairness. The bill applies only to the circumstance in which a lender actually forgives some portion of a mortgage debt and is not intended to be an insurance policy against economic loss. My bill provides safeguards against abuse and will help families at a time when they are most in need of relief.

The estimated revenue effect of this bill is not large. The Joint Committee on Taxation last year estimated that this correction would result in a loss to the Treasury of only about $27 million over five years and $64 million over ten years. Again, it is important to note that if we wait to correct this problem until it becomes more widespread, and thus more expensive, it will be much more difficult to find the necessary offsets.

I hope my colleagues will take a close look at this small, but important, bill, and join me in sponsoring it and pushing for its inclusion in the next appropriate tax cut bill the Senate considers.

I ask unanimous consent that a copy of the bill be printed in the Record. There being no objection, bill was ordered to be printed in the Record, as follows:

S. 1392
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 “Mortgage Cancellation Relief Act of 2001”.

SEC. 2. EXCLUSION FROM GROSS INCOME FOR CERTAIN FORGIVEN MORTGAGE OBLIGATIONS. —

(a) IN GENERAL. — Paragraph (1) of section 108(a) of the Internal Revenue Code of 1986 (relating to exclusion from gross income) is amended by striking “or” at the end of each of subparagraphs (A) and (C), by striking the period at the end of subparagraph (D) and inserting “or”, and by striking “or” and inserting “and” at the end of subparagraph (D) the following new subparagraph:

“(E) in the case of an individual, the indebtedness discharged is qualified residential indebtedness.”.

(b) QUALIFIED RESIDENTIAL INDEBTEDNESS SHORTFALL. — Section 108 of the Internal Revenue Code of 1986 (relating to discharge of indebtedness) is amended by adding at the end the following new subsection:

“(2) QUALIFIED RESIDENTIAL INDEBTEDNESS. —

“(i) LIMITATIONS.—The amount excluded under subparagraph (E) of subsection (a)(1) with respect to any qualified residential indebtedness shall not exceed the excess (if any) of—

“(A) the outstanding principal amount of such indebtedness (immediately before the discharge), over

“(B) the sum of—

“(ii) the amount realized from the sale of the real property securing such indebtedness reduced to the extent of the cost of the real property, and

“(iii) with respect to which such taxpayer makes an election to have this paragraph apply.

“(B) REFINANCED INDEBTEDNESS.—Such term shall include indebtedness resulting from the refinancing of indebtedness under subparagraph (A)(ii), but only to the extent that the refinanced indebtedness does not exceed the amount of the indebtedness being refinanced.

“(C) EXCEPTIONS.—Such term shall not include qualified farm indebtedness or qualified real property business indebtedness.

“(C) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 108(a) of the Internal Revenue Code of 1986 is amended—

(A) in subparagraph (A) by striking “and” and inserting “, or”;

(B) by amending subparagraph (B) to read as follows:

“(B) INSOLVENCY EXCLUSION TAKEN PRECEDENCE OVER QUALIFIED FARM EXCLUSION, QUALIFIED REAL PROPERTY BUSINESS EXCLUSION, AND QUALIFIED RESIDENTIAL SHORTFALL EXCLUSION.—Subparagraphs (C), (D), and (E) of paragraph (1) shall not apply to a discharge of the extent the taxpayer is insolvent.”;

(2) Paragraph (1) of section 108(b) of such Code is amended by striking “or (C)” and inserting “, (C), or (E)”;

(3) Subsection (c) of section 121 of such Code is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE RELATING TO DISCHARGE OF INDEBTEDNESS.—The amount of gain which (but for this paragraph) would be excluded from gross income under subsection (a) with respect to a principal residence shall be reduced by the amount excluded from gross income under section 108(a)(1)(E) with respect to such residence.”.
By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. DASCHELLE, Mr. AKAKA, Mr. Baucus, Mr. BAYH, Mr. BINGMAN, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. CORZINE, Mr. DAVITON, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REID, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. STABENOW, Mr. TORRICEILLI, Mr. WELLSTONE, and Mr. WYDEN):

S. 1284. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY, Mr. President, it’s a privilege to introduce the Employment Non-Discrimination Act.

Civil rights is the unfinished business of the Nation. The Civil Rights Act of 1964 has long prohibited job discrimination based on race, ethnic background, gender, or religion. It is long past time to prohibit discrimination based on sexual orientation, and that is what the Employment Non-Discrimination Act will do.

Its provisions are straightforward and limited. It prohibits employers from discriminating against individuals because of their sexual orientation when making decisions about hiring, firing, promotion and compensation. It does not require employers to provide domestic partnership benefits, and it does not apply to the armed forces or to religious organizations. It also prohibits the use of quotas and preferential treatment.

Too many hard-working Americans are being judged today on their sexual orientation, rather than their ability and qualifications. For example, after working at Red Lobster for several years and receiving excellent reviews, Kendall Hamilton applied for a promotion of the general manager who knew he was gay. The application was rejected after a co-worker disclosed Kendall’s sexual orientation to the management team, and the promotion went instead to an employee of nine months whom Kendall had trained. Kendall was told that his sexual orientation “was not compatible with Red Lobster’s belief in family values,” and that being gay had destroyed his chances of becoming a manager. Feeling he had no choice, Kendall left the company.

Fireman Steve Morrison suffered similar discrimination. His co-workers saw him on the local news protesting an anti-gay initiative, and incorrectly assumed he was gay. He soon lost workplace responsibilities and was the victim of harassment, including hate mail. After lengthy administrative proceedings, he was finally able to have the false charges removed from his record, but he was transferred to another station.

The overwhelming majority of Americans oppose this kind of flagrant discrimination. Businesses of all sizes, labor unions, and a broad religious coalition all strongly support the Employment Non-Discrimination Act. America will not achieve its promise of true justice and equal opportunity for all until we end all forms of discrimination.

Mr. LIEBERMAN, Mr. President, I am delighted to join with Senators KENNEDY, SPECTER, JEFFORDS and many other colleagues as an original cosponsor of this important legislation, the Employment Non-Discrimination Act of 2001. By guaranteeing that American workers cannot lose their jobs simply because of their sexual orientation, this bill would extend the bedrock American values of fairness and equality to a group of our fellow citizens who too often have been denied the benefits of those basic values.

Two hundred and twenty-five years ago this month, Thomas Jefferson laid out a vision of America as dedicated to the simple idea that all of us are created equal, endowed by our Creator with the inalienable rights to life, liberty and the pursuit of happiness. As Jefferson knew, our society did not in his time live up to that ideal, but since his time, we have been trying to. In succeeding generations, we have worked ever harder to ensure that our society removes unjustified barriers to individual achievement and that we judge each other solely on our merits and not on characteristics that are irrelevant to the task at hand. We are still sometimes far from having made much progress, especially over the past few decades, guaranteeing equality and fairness to an increasing number of groups that traditionally have not had the benefits of those values and of those protections. To African-Americans, to women, to disabled Americans, to religious minorities and to others we have extended a legally enforceable guarantee that, with respect to their ability to earn a living at least, they will be judged solely on their merits and not on characteristics unrelated to their ability to do their jobs.

It is time to extend that guarantee to gay men and lesbians, who too often have been denied the most basic of rights: the right to obtain and maintain a job. A collection of one national survey and twenty city and State surveys found that as many as 44 percent of gay, lesbian and bisexual workers faced job discrimination in the workplace at some time in their careers. The toll this discrimination takes extends far beyond its effect on the individuals who live without full employment opportunities. It also takes an unacceptable toll of America’s definition of itself as a land of equality and opportunity, as a place where we judge each other on our merits, and as a country that teaches its children that anyone can succeed here as long as they are willing to do their job and work hard.

This bill provides for equality and fairness, that and no more. It says only what we already have said for women, people of color and for others: that you are entitled to have your ability to earn a living depend only on your ability to do the job and nothing else.

This bill would bring our Nation one large step closer to realizing the vision that Thomas Jefferson eloquently expressed 225 years ago when he wrote that all of us have a right to life, liberty and the pursuit of happiness. I urge my colleagues to join me in supporting this important legislation.

Mr. SMITH of Oregon, Mr. President, I rise today to give my support for the Employment Non-Discrimination Act of 2001 or ENDA. I believe that every American should have the opportunity to work without being denied that opportunity for jobs they are willing to fill. In both my private and public life I have hired without regard to sexual orientation and have found both areas to be enriched by this decision. ENDA would provide basic protection against job discrimination based on sexual orientation. Civil Rights progress over the years has slowly extended protection against discrimination in the workplace based on race, gender, national origin, handicap and disability. It is time now to extend these protections to cover sexual orientation, the next logical step to achieve equality of opportunity in the workplace.

As a Republican, I do not believe that this discrimination in the workplace can be categorized as a conservative/liberal issue. Barry Goldwater once wrote:

I am proud that the Republican Party has always stood for individual rights and liberties. The positive role of limited government has always been the defense of these fundamental principles. Our Party has led the way in the fight for freedom and a free market economy, a society where competition and the Constitution matter, and sexual orientation should not.

Indeed my Republican predecessor in this seat, Mark Hatfield was also a strong supporter of ENDA and viewed discrimination as a serious societal injustice, in both human and economic terms. As this Nation turns the corner toward the 21st century, the global nature of our economy is becoming more and more apparent. If
we are to compete in this marketplace, we must break down the barriers to hiring the most qualified and talented person for the job. Prejudice is such a barrier. It is intolerable and irrational for it to color decisions in the workplace.

I believe that ENDA is a well thought-out approach to rectifying discrimination in the workplace. ENDA contains broad exemptions for religious organizations, the military and small businesses. It specifically rules out preferential treatment or ‘quotas’ and does not affect our nation’s armed services. I am confident that this bill will pass this Senate by a bipartisan majority.

ENDA is a simple, narrowly-crafted solution to a significant omission in our civil rights law. I strongly believe that no one should be denied employment on the basis of sexual orientation or any other factor not related to ability to do a particular job. I look forward to working with my colleagues to pass ENDA and strengthen fundamental fairness in our society.

By Mr. CORZINE:

S. 1285. A bill to provide the President with flexibility to set strategic nuclear delivery system levels to meet United States national security goals; to the Committee on Armed Services.

Mr. CORZINE. Mr. President, today I am introducing legislation, the Strategic Arms Flexibility Act of 2001, that would restore the President’s authority to maintain the size of our Nation’s nuclear stockpile by repealing an obsolete law that now prevents him from reducing the number of nuclear weapons. The Strategic Arms Flexibility Act of 2001 would reduce the risk of a catastrophic accident or terrorist incident, reduce tensions throughout the world, and save substantial taxpayer dollars.

We have far more nuclear weapons than would ever be necessary to win a war. Based on START counting rules, we have 7,300 strategic nuclear weapons. Yet, as Secretary of State Colin Powell has said, we could eliminate more than half of these weapons and still, “have the capability to deter any actor.” Furthermore, the U.S. nuclear arsenal is equipped with sophisticated guidance and information systems that make our nuclear weapons much more accurate and effective than those of our adversaries. This is one reason why we should not be overly influenced by calls for maintaining strict numerical parity.

While the huge number of nuclear arms in our arsenal is not necessary to fight a war, maintaining these weapons actually presents significant risks to national security.

First, it increases the risk of a catastrophic accident. The more weapons that exist, the greater chance that a sensor failure or other mechanical problem, or an error in judgment, will lead to the detonation of a nuclear weapon. In fact, there have been many times when inaccurate sensor readings or other technical problems have forced national leaders to decide within minutes whether to launch nuclear weapons. In one incident, a Russian commander deviated from standard procedures by refusing to launch, even though an early detection system was reporting an incoming nuclear attack, a report that was incorrect.

The second reason why maintaining excessive numbers of nuclear weapons poses national security risks is that it encourages other nations to maintain large stockpiles as well. The more nuclear weapons held by other countries, the greater the risk that a rogue faction in one such country could gain access to nuclear weapons and threaten to use them, actually use them, or transfer them to others. Such a faction could obtain weapons through force. For example, there are many poorly guarded intercontinental ballistic missiles that are easy targets for terrorists. Senator Bob Kerrey, who introduced this legislation in the last Congress, forecasted that a small, well-trained group could overtake the few personnel who guard some of the smaller installations in Russia.

Alternatively, a hostile group might be able to simply purchase ballistic missiles on the black market. This risk may be especially relevant in Russia, where many military personnel are poorly paid and a few may feel financial pressure to collaborate with those hostile to the United States. In addition, some have speculated that the high cost of maintaining a large nuclear stockpile could encourage some nuclear powers themselves to sell weapon technologies as a means of financing their nuclear infrastructure.

By reducing our own stockpile, we can encourage Russia to reduce its stockpile and discourage other nuclear states from expanding theirs. In particular, Russia is faced with the exorbitant annual cost of maintaining thousands of redundant warheads. The present state of Russia’s economy leaves it ill-equipped to handle these costs, a fact readily admitted by Russian Defense Minister Igor Sergeyev. Russia has expressed an interest in reducing its stockpile dramatically, from about 6,000 weapons to fewer than 1,000. However, Russia is unlikely to make such reductions without a commensurate reduction by the United States. If the United States takes the first step, some have speculated that the high cost of maintaining a large nuclear stockpile could encourage some nuclear powers themselves to sell weapon technologies as a means of financing their nuclear infrastructure.

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threat that can be accomplished quickly and without the controversy associated with a national missile defense system.

There are few issues more important than reducing the risks posed by nuclear weapons. For the past half century, the world has lived with these weapons, and it is easy to underestimate the huge threat they represent. Yet it is critical that we remain vigilant and do everything in our power to reduce that threat. The fate of the world, quite literally, is at stake.

I urge my colleagues to support this simple but powerful measure.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 142—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD BE AN ACTIVE PARTICIPANT IN THE UNITED NATIONS WORLD CONFERENCE ON RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Mr. DODD submitted the following resolution which was referred to the Committee on Foreign Relations:

S. Res. 142

1. the United States should attend and participate fully in the United Nations World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance;
2. the delegation sent by the United States should reflect the racial and geographic diversity of the United States; and
3. the President should support the conference and should act in such a way as to facilitate substantial United States involvement in the conference.

Mr. DODD. Mr. President, I rise today to discuss the possibility that the United States will not send a full delegation to the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance. I believe this is both a worthwhile and important endeavor, and I am greatly troubled by the prospect that the United States may not attend.

According to a Washington Post article last week, the Bush Administration is considering the conference stem from concerns regarding certain proposed items on the agenda. The Administration’s concerns are legitimate ones, but it is my belief that the conference organizers are so anxious to have U.S. participation in Durban that contentious issues can be resolved prior to the August event, provided the United States signals its genuine interest in participating. Clearly the overarching objectives of the conference are of great importance to people and to peoples throughout the planet. As members of the global community, and as a global leader and vocal advocate for human rights, it would be tragic if the United States could not find a way to support the conference’s honorable ambitions.

I do not need to list for my colleagues all the many injustices that occur each day, worldwide, that can be attributed to racism and ignorance, racism’s frequent collaborator. As we all know, despite the best efforts of the international community, the effects of racial discrimination, ethnic conflict, and xenophobia continue to threaten and victimize people the world over. We have seen the violent devastations of racism in the former Yugoslavia, in Indonesia, and, sadly, at home in America as well. The hateful term “ethnic cleansing” is now all too often used to describe violent intercommunity conflicts. Certainly, international humanitarian relief efforts focus on the tides of refugees fleeing persecution based on skin color, religion, and ethnic heritage. The task that lays before all nations therefore, is to peer deeply into the corners of our societies that are filled with devastating and harmful, and to shine some light honestly onto the devastation that racism has inflicted.

In my view, the United Nations World Conference on Racism is the place to begin this difficult, but crucial process of racial introspection. It is not enough for the United States to pay lip service to the ideals of racial equality.

We should attend this conference, and lend our full support to this worthy cause. I believe that in the conference we have a unique opportunity to work with other nations, our neighbors and partners, to begin the process of addressing the many crimes caused by racism, and the underlying societal causes of racism itself. This conference has the power to raise awareness about these issues, to form international consensus on best to combat racism, and to educate the international community on the ravages of racially motivated persecution and conflict.

It is my hope, that the Bush Administration will conclude that our presence at the United Nations Conference on Racism, Racial Discrimination, Xenophobia, and Related Intolerance is vital and appropriate, and will work to ensure that problems related to U.S. participation are resolved before the conference convenes next month. I would also hope that the President would designate Secretary of State Colin Powell to lead a racially and geographically diverse delegation from the United States to the conference in South Africa. Toward that end, I am submitting a resolution which urges the active participation of the United States in the conference, and it is my hope that my colleagues will support this resolution.


Mr. BIDEN (for himself, Mr. CONRAD, Mr. GRAHAM, Mr. LEVIN, Mr. SANTORINON, Mr. AKSAKAL, Mr. BREAUX, Mr. KENNEDY, Mr. COCHRAN, Mr. DODD, Mr. NELSON OF FLORIDA, Mr. BAUCUS, Mr. BAYH, Mr. BUNNING, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. KERRY, Mr. INOUYE, Ms. LANDRIEU, Mr. LEAHY, Mr. MILLER, Mr. MURKOWSKI, Mr. REDD, Mr. SARBANES, Mr. BINGHAMAN, Mr. BYRD, Mr. DAYTON, Mr. DURBIN, Mr. KOHL, Mr. LIEBERMAN, Mr. MCCAIN, Mr. ROCKEFELLER, Mr. BROWNBACK, Mrs. LINCOLN, Mr. WARNER, Ms. STabenow, Mr. DOMENICI, Mr. DORGAN, Mrs. BOXER, Mr. CHAFEE, Mr. DeWIT, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Ms. SNOWE, Mr. THURMOND, Ms. COLLINS, Mr. CARPER, Mr. STEVENS, Mr. ENSIGN, Mr. ROBERTS, Mr. SMITH OF NEW HAMPSHIRE, and Mr. BOND) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 143

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;
Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas our system of civilian control of the Armed Forces makes it essential that the Nation's future leaders understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas on June 14, 2001, the Senate adopted an amendment to the Better Education for Students and Teachers Act expressing the sense of the Senate that the Secretary of Education should work with the Secretary of Veterans Affairs, the Veterans Day National Committee, and the veterans service organizations to encourage, prepare, and disseminate educational materials and activities for elementary and secondary school students aimed at increasing awareness of the contributions of veterans to the prosperity and freedoms enjoyed by United States citizens: Now, therefore be it,

Resolved, That it is the sense of the Senate that—

(1) the week of November 11 through November 17 shall be designated as "National Veterans Awareness Week" for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans; and

(2) the President should issue a proclamation calling on the people of the United States to observe such week with appropriate educational activities.

Mr. BIDEN. Mr. President, today I have the honor of joining with 51 of my colleagues in submitting a resolution expressing the sense of the Senate that the week that includes Veterans' Day this year be designated as "National Veterans Awareness Week" for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans.

This lack of understanding about military veterans' important role in our society can have potentially serious repercussions. In our country, civilian control of the armed forces is the key tenet of military governance. A citizenry that is not exposed to the capabilities, limitations of the armed forces, and to its critical role throughout our history, can make decisions that have unexpected and unwanted consequences. Even more important, general recognition of the importance of those individual character traits that are essential for military success, such as patriotism, selflessness, sacrifice, and heroism, is vital to maintaining these key aspects of citizenship in the armed forces and even throughout the population at large.

Among today's young people, a generation that has largely been exposed to peacetime as well as in conflict; both groups work unending hours and spend long periods away from their families. This lack of understanding about military veterans' important role in our society can have potentially serious repercussions. In our country, civilian control of the armed forces is the key tenet of military governance. A citizenry that is not exposed to the capabilities, limitations of the armed forces, and to its critical role throughout our history, can make decisions that have unexpected and unwanted consequences. Even more important, general recognition of the importance of those individual character traits that are essential for military success, such as patriotism, selflessness, sacrifice, and heroism, is vital to maintaining these key aspects of citizenship in the armed forces and even throughout the population at large.

Among today's young people, a generation that has largely been exposed to peacetime as well as in conflict; both groups work unending hours and spend long periods away from their families under conditions of great discomfort so that we all can live in a land of freedom and plenty.

Earlier this year, the Senate adopted my amendment to the education bill calling on the Department of Education to assist in the development of educational programs to enlighten our country's students about the contributions of veterans. Last year, my Resolution designating National Veterans Awareness Week had 60 cosponsors and was approved in the Senate by unanimous consent. I ask my colleagues to continue this trend of support for our veterans by endorsing this resolution again this year. Our children and their children's children will need to be well informed about what we have accomplished in order to make appropriate decisions as they confront the numerous worldwide challenges that are sure to face in the future.
SENATE RESOLUTION 144—COMMENDING JAMES W. ZIGLAR FOR HIS SERVICE TO THE UNITED STATES SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. Res. 144

WHEREAS James W. Ziglar was elected the 35th Sergeant at Arms and Doorkeeper of the United States Senate on October 15, 1998;

WHEREAS Jim Ziglar always performed his duties with unfailing good humor and bipartisanship;

WHEREAS as Sergeant at Arms and Doorkeeper of the Senate Jim Ziglar has utilized his previous 23 years in the public financial industry to the benefit of the entire Senate in implementing new and innovative programs in an efficient and effective manner.

Resolved, That the United States Senate commends James W. Ziglar for his service to the United States Senate, and wishes to express its deep appreciation and gratitude.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to James W. Ziglar.

SENATE CONCURRENT RESOLUTION 62—CONGRATULATING UKRAINE ON THE 10TH ANNIVERSARY OF THE RESTORATION OF ITS INDEPENDENCE AND SUPPORTING ITS FULL INTEGRATION INTO THE EURO-ATLANTIC COMMUNITY OF DEMOCRACIES

Mr. HELMS (for himself, Mr. BIDEN, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 62

WHEREAS August 24, 2001, marks the tenth anniversary of the restoration of independence in Ukraine;

WHEREAS the United States, having recognized Ukraine as an independent state on December 23, 1991, since then has established diplomatic relations with Ukraine on January 2, 1992, recognizes that fulfillment of the vision of a Europe whole, free, and secure requires a strong, stable, democratic Ukraine fully integrated in the Euro-Atlantic community of democracies;

WHEREAS, during the fifth anniversary of the President's Inauguration and Naturalization: Now, therefore, be it

RESOLVED, That the Senate:

(1) recognizes the substantial progress Ukraine has made since its independence in 1991 in promoting democracy, the rule of law, and human rights;

(2) congratulates Ukraine's leaders, particularly President Leonid Kuchma, for their commitment to fostering political and economic reform;

(3) notes the strong support provided to Ukraine by the United States and the international community;

(4) reaffirms its support for Ukraine's membership in the Partnership for Peace and the North Atlantic Treaty Organization;

(5) recognizes the United States' role as a key partner and ally of Ukraine;

(6) recognizes that Ukraine is playing a vital role in the fight against terrorism and transnational crime;

(7) reaffirms its commitment to assisting Ukraine in its efforts to achieve nuclear non-proliferation, stabilization, and democratization;

(8) supports Ukraine's efforts to improve its human rights record, particularly in the areas of freedom of speech, religion, and the press;

(9) recognizes the importance of Ukraine's role in promoting peace and security in the region;

(10) supports Ukraine's efforts to integrate into the European Union and NATO;

(11) recognizes the United States' role as a key partner and ally of Ukraine;

(12) recognizes that Ukraine is playing a vital role in the fight against terrorism and transnational crime.

SEC. 2. TRANSMITTAL OF THE RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States.

SENATE CONCURRENT RESOLUTION 63—RECOGNIZING THE IMPORTANT CONTRIBUTIONS OF THE YOUTH FOR LIFE: REMEMBERING WALTER PAYTON INITIATIVE AND ENCOURAGING PARTICIPATION IN THIS NATION-WIDE EFFORT TO EDUCATE YOUNG PEOPLE ABOUT ORGAN AND TISSUE DONATION

Mr. DURBIN (for himself, Mr. FRIST, Mr. ALLEN, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:
Walter Payton broke Jim Brown’s all-time rushing record on October 7, 1984, and the Youth for Life: Remembering Walter Payton program organizers have decided to launch their efforts on October 9, 2001 to commemorate this accomplishment. While his record-breaking performance was a highlight of the football field as a Chicago Bear set him apart from his competitors, his struggle to find a suitable organ donor is all too common today. 

More than 2,300 individuals suffering from a condition serious enough to place them on the waiting list for an organ or tissue transplant are under the age of 18. Last year, 641 of those patients were between the ages of 11 and 17. The Youth for Life: Remembering Walter Payton program highlights the fact that Americans of all ages need organ and tissue transplants. Many factors influence whether or not a transplant will be successful, and matching donor and recipient age is one of the major outcomes. Anyone can become an organ and tissue donor, and I would also like to emphasize how important it is that young people both learn about organ and tissue donation and share that knowledge with their family.

I am submitting a resolution that will support the purposes and objectives of the Youth for Life: Remembering Walter Payton program and encourage more individuals to sign their donor card, will receive an autograph from a Chicago Bear. The Youth for Life: Remembering Walter Payton program encourages students to discuss this decision with their family and register to be organ donors; and

(2) encourages all young people to learn about the importance of organ, tissue, bone marrow, and blood donations and to discuss these donations with their families and friends.

Mr. DURBIN. Madam President, I stand before my colleagues today to acknowledge the contributions made by a dedicated group of young people from my home State of Illinois. Mayor McCaskey, Erin Kinseala and Mark Pendleton have initiated a unique program to raise awareness among young adults about organ donation. Youths for Life: Remembering Walter Payton works in partnership with the National Football League, NFL, to urge students to become organ donors. Informational school forums will acquaint students with the issue and those who decide to sign an organ donor card will receive an autograph from an NFL player. Program organizers call it “an autograph for an autograph,” and to date, they have enlisted the help of players, coaches and alumni from every NFL team.

The program honors Walter Payton, the Illinois football star who brought to the Nation’s attention the difficulties patients faced while on the waiting list for a donated organ. The NFL’s all-time rushing leader, Payton died two years ago while waiting for a liver transplant at age 46.

Youths for Life: Remembering Walter Payton is committed to educating young adults about organ donation and encourages students to discuss this decision with their family and register to be organ donors; and

(2) encourages all young people to learn about the importance of organ, tissue, bone marrow, and blood donations and to discuss these donations with their families and friends.

Mr. DURBIN. Madam President, I stand before my colleagues today to acknowledge the contributions made by a dedicated group of young people from my home State of Illinois. Mayor McCaskey, Erin Kinseala and Mark Pendleton have initiated a unique program to raise awareness among young adults about organ donation. Youths for Life: Remembering Walter Payton works in partnership with the National Football League, NFL, to urge students to become organ donors. Informational school forums will acquaint students with the issue and those who decide to sign an organ donor card will receive an autograph from an NFL player. Program organizers call it “an autograph for an autograph,” and to date, they have enlisted the help of players, coaches and alumni from every NFL team.

The program honors Walter Payton, the Illinois football star who brought to the Nation’s attention the difficulties patients faced while on the waiting list for a donated organ. The NFL’s all-time rushing leader, Payton died two years ago while waiting for a liver transplant at age 46.
urges young people to learn more about
the value of organ and tissue donation
and share that information with family
members. I commend the program’s founders for all the good work they
have done thus far, and ask that my
colleagues join me in recognizing their
efforts.

AMENDMENTS SUBMITTED AND
PROPOSED

SA 1190. Mr. LUGAR proposed an amend-
ment to the bill S. 1246, to respond to the continuing economic cri-
sis adversely affecting American agri-
cultural producers; as follows:

SEC. 1. MARKET LOSS ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Sec-
retary of Agriculture (referred to in this Act
as the “Secretary”) shall, to the maximum
extent practicable, use $4,622,240,000 of funds
for the Commodity Credit Corporation to make a market loss assistance payment to
owners and producers on a farm that are eli-
gible for a final payment for fiscal year 2001
under a production flexibility contract for
the farm under the Agriculture Market
Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT.—The amount of assistance
made available to owners and producers on a
farm under this section shall be propor-
tionate to the amount of the total contract
payments received by the owners and pro-
ducers for fiscal year 2001 under a production
flexibility contract for the farm under the
Agricultural Market Transition Act.

SEC. 2. SUPPLEMENTAL OILSEEDS PAYMENT.

The Secretary shall use $423,510,000 of funds
for the Commodity Credit Corporation to
make a supplemental payment under section
202 of the Agricultural Risk Protection
note) to producers of the 2000 crop of oilseeds
that previously received a payment under such section.

SEC. 3. SUPPLEMENTAL PEANUT PAYMENT.

The Secretary shall use $54,210,000 of funds
for the Commodity Credit Corporation to
make a supplemental payment under section
204(a) of the Agricultural Risk Protection
note) to producers of the 2000 crop of peanuts
that previously received a payment under such section.

SEC. 4. SUPPLEMENTAL TOBACCO PAYMENT.

(a) SUPPLEMENTAL PAYMENT.—The Sec-
retary shall use $129,000,000 of funds of the
Commodity Credit Corporation to provide a supplemental payment under section
204(b) of the Agricultural Risk Protection
note) to eligible persons (as defined in such sec-
tion) that previously received a payment under such section.

(b) SPECIAL RULE FOR GEORGIA.—The Sec-
retary may make payments under this sec-
tion to eligible persons in Georgia only if the State of Georgia agrees to use the sum of
$13,000,000 to make payments at the same per-
table rate per acre, to the same persons in the same manner as provided for the Fed-
eral payments under this section, as required by section 204(b)(6) of the Agricultural Risk

SEC. 5. SUPPLEMENTAL WOOL AND MOHAIR PAY-
MENT.

The Secretary shall use $16,940,000 of funds of the Commodity Credit Corporation to pro-
vide a supplemental payment under section
814 of the Agriculture, Rural Development,
Food and Drug Administration, and Related
Agencies Appropriations Act, 2001 (as en-
acted by Public Law 106–387), to producers of
wool, and producers of mohair, for the 2000
marketing year that previously received a payment under such section. The Secretary
shall adjust the payment rate specified in such section to reflect the amount made
available for payments under this section.

SEC. 6. SUPPLEMENTAL COTTONSEED ASSIST-
ANCE.

The Secretary shall use $84,700,000 of funds of the Commodity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico to support activities that promote agriculture. The amount of the grant shall be—

(1) $500,000 to each of the several States; and

(2) $1,000,000 to the Commonwealth of Puer-
to Rico.

SEC. 7. SPECIALTY CROP GRANTS.—The Secretary
shall use $26,000,000 of funds of the Com-
modity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico to support activities that promote agriculture. The amount of the grant shall be—

(1) $500,000 to each of the several States; and

(2) $1,000,000 to the Commonwealth of Puer-
to Rico.
SEC. 701. NORTHEAST INTERSTATE DAIRY COMPACT.

Notwithstanding section 101(c) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 101(c)(3) of that Act that a person may be entitled to receive for one or more milk under contract commodities and oilseeds under the Agricultural Market Transition Act (7 U.S.C. 7251 et seq.) during the 2001 crop year may not exceed $150,000.

SEC. 11. TIMING OF, AND LIMITATION ON, EXPENDITURES.

(a) DEADLINE FOR EXPENDITURES.—All expenditures required by this Act shall be made not later than September 30, 2001. Any funds made available by this Act and not expended not later than September 30, 2001 may not exceed $5,500,000,000. If the payments required by this Act would result in expenditures in excess of such amount, the Secretary shall reduce such payments on a pro rata basis as necessary to ensure that such expenditures do not exceed such amount.

SEC. 12. REGULATIONS.

(a) PROMULGATION.—As soon as practicable after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this Act and the amendments made by this Act. The promulgation of the regulations and administration of this Act shall be made without regard to (1) the notice and comment provisions of section 553 of title 5, United States Code; (2) the Statement of Policy of the Secretary of Agriculture of July 31, 1997 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (3) chapter 5 of title 5, United States Code (commonly known as the “Paperwork Reduction Act”).

(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SA 1191. Mr. SPECTER (for himself, Ms. LANDRIEU, Ms. COLLINS, Mr. SCHUMER, Ms. SNOWE, Mr. LEAHY, Mr. ALLEN, Mr. BIDEN, Mr. BOND, Mr. Breaux, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Mr. DODD, Mr. EDWARDS, Mr. FISRT, Mr. GREGG, Mr. HELMS, Mr. HOLLINGS, Mr. JEFFFORDS, Ms. KENNEDY, Mr. LIEBERMAN, Ms. LINDON, Ms. MIKULSKI, Mr. MILLER, Mr. REED, Mr. ROCKEFELLER, Mr. SARABANES, Ms. SESSIONS, Mr. SHELY, Mr. SMITH of New Hampshire, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, and Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers as follows:

On page 45, after line 25, insert the following:

TITLE VII—DAIRY CONSUMERS AND PRODUCERS PROTECTION

SEC. 702. SOUTHERN DAIRY COMPACT.

(a) GRANTS TO STATES.—In accordance with the Southern Dairy Compact entered into among the States of Alabama, Arkansas, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia, subject to the following conditions:

(1) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Southern Dairy Compact Commission may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1987 (referred to in this section as a “Federal milk marketing order”) unless Congress has first consented to and approved such authority by a law enacted after the date of enactment of this joint resolution.

(2) ADDITIONAL STATES.—Florida, Nebraska, and Texas are the only additional States that may join the Southern Dairy Compact, individually or otherwise.

(3) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year for which a supplement to such a resolution is in effect, the Southern Dairy Compact Commission shall compensate the Commodity...
Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year and by the Secretary (after consultation with the Commission) using notice and comment procedures provided in section 533 of title 5, United States Code. 

(4) Compact Order Administrator.—At the request of the Southern Dairy Compact Commission, the Administrator of the applicable Federal milk marketing order, or the United States Department of Agriculture, shall provide any assistance the Administrator deems necessary to ensure the continued viability of dairy farming in the South, and to assure consumers of an adequate, local supply of pure and wholesome milk.

The participating states find and declare that dairy farming is an essential cultural activity of the South. Dairy farms, and associated suppliers, marketers, processors and retailers are an integral component of the region’s economy. Their ability to provide a stable, local supply of pure, wholesome milk is a matter of great importance to the health and welfare of the region.

The participating states further find that dairy farms are essential and they are an integral part of the region’s rural communities. The farms preserve land for agricultural purposes and provide needed economic stimuli for rural communities.

In establishing their constitutional regulatory authority over the region’s fluid milk market by this compact, the participating states declare their purpose that this compact shall neither displace the federal order system nor encourage the merging of federal orders. The purpose of this compact is to recognize the interstate character of the southern dairy industry and the prerogative of the states under the United States Constitution to form an interstate commission for the southern pricing of milk for the public benefit.

In today’s regional dairy marketplace, cooperatives, rather than individual states or one or more federal marketing orders, are needed to more effectively address the market disarray. Under our constitutional system, properly authorized states are more likely to have the power to regulate interstate commerce than they may assert individually without such authority. For this reason, the participating states find and declare, in common agreement, with the consent of Congress, under the compact clause of the Constitution.

**ARTICLE II. DEFINITIONS AND RULES OF CONSTRUCTION**

**§ 2. Definitions**

For the purposes of this compact, and of any supplemental or concurrent legislation enacted pursuant thereto, except as may be otherwise required by the context:

1. ‘Class I milk’ means milk disposed of in fluid form or as a fluid milk product, subject to further definition in accordance with the principles expressed in subdivision (b) of section three.

2. ‘Commission’ means the Southern Dairy Compact Commission established by this compact.

3. ‘Commission marketing order’ means regulations adopted by the commission pursuant to sections nine and ten of this compact in place of a federal marketing order or state dairy marketing regulation. Such order may apply throughout the region in any part or parts thereof as defined in the regulations of the commission. Such order may establish minimum prices for any or all classes of milk.

4. ‘Compact’ means this interstate compact.

5. ‘Compact over-order price’ means a minimum price required to be paid to producers for Class I milk established by the commission in regulations adopted pursuant to sections nine and ten of this compact, which is above the price established in federal marketing orders or by state farm price regulations in the regulated area. Such price may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission.

6. ‘Milk’ includes the milk secretion of cows and includes all skim, butterfat, or other constituents obtained from separation or any other process. The term is used in its broadest sense as defined by the commission for regulatory purposes.

7. ‘Partially regulated plant’ means a milk plant not located in a regulated area but having Class I distribution within such area. Commission regulations may exempt plants having such distribution or receipts in amounts less than the limits defined therein.

8. ‘Region’ means the territorial limits of the states which are parties to this compact.

9. ‘Pool plant’ means any milk plant located in a regulated area which has become a party to this compact by the enactment of concuring legislation.

10. ‘Regulated area’ means any area within the region governed by and defined in regulations establishing a compact over-order price or commission marketing order. The establishment of a regulated area does not affect any state regulation of dairy prices, and associated assessments, whether by statute, marketing order or otherwise.

**§ 3. Rules of Construction**

A. This compact shall not be construed to displace existing federal milk marketing orders or state dairy regulation in the region but to supplement them. In the event some or all federal orders in the region are discontinued, the compact shall be construed to provide the commission the option to replace them with federal milk marketing orders pursuant to this compact. These rules shall be construed in accordance with rules that provide the option to adopt a federal marketing order or otherwise.

B. The compact shall be construed literally in order to achieve the purposes and powers conferred by this compact. The commission may adopt such rules and regulations as it deems necessary to effectuate the purposes of this compact. In accordance with this intent, the technical terms which are associated with market order regulation and which have acquired commonly understood general meanings are not defined herein but the commission may further define the terms used in this compact and develop additional definitions as it deems appropriate.

C. Article III, section thirty, of the compact shall be construed to provide the commission the option to replace a terminated federal marketing order with one or more commission marketing orders in place of a terminated federal marketing order, and the adoption, amendment or rescission of the commission’s by-laws, shall be determined and paid by each state, but their expenses shall be paid by the commission.

**§ 5. Voting requirements**

All actions taken by the commission, except for the appointment of one member elected by each delegation from each state in the region. The commission shall be known as the Southern Dairy Compact Commission. A delegation shall include at least one dairy farmer who is engaged in the production of milk at the time of appointment or reappointment, and one consumer representative. Delegation members shall be residents and voters of, and subject to the laws of the state represented. The compensations, if any, of the members of a state delegation shall be determined and paid by the state, but their expenses shall be paid by the commission.

**§ 6. Administration and management**

(a) The commission shall elect annually from among the members of the participating states a chairperson, a vice-chairperson, and a treasurer. The commission shall appoint an executive director and fix his or her duties and compensation. The executive director shall serve at the pleasure of the commission, and together with the treasurer, shall be bonded in an amount determined by the commission. The commission may establish bylaws for the conduct of the commission’s business.
§ 1. Definitions

1. The commission shall adopt by-laws for the conduct of its business by a two-thirds vote, and shall have the power by the same vote to amend and rescind these by-laws.

2. The commission shall publish its by-laws and regulations in convenient form with the appropriate agency or officer in each of the participating states. The by-laws shall provide for appropriate delegation of all commission meetings and hearings and of the business to be transacted at such meetings or hearings. Notice also shall be given to other agencies or officers of participating states as provided by the laws of those states.

(c) The commission shall file an annual report with the Secretary of Agriculture of the United States, and with each of the participating states by submitting copies to the governor, both houses of the legislature, and the head of the state department having responsibilities for agriculture.

(d) In addition to the powers and duties elsewhere prescribed in this compact, the commission shall have the power:

1. To sue and be sued in any state or federal court;

2. To have a seal and alter the same at pleasure;

3. To acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or other similar manner, for its corporate purposes;

4. To borrow money and issue notes, to provide for the rights of the holders thereof and to pledge the revenue of the commission as security therefor, subject to the provisions of section eighteen of this compact;

5. To appoint such officers, agents, and employees as it may deem necessary, prescribe their powers, duties and qualifications; and

6. To create and abolish such offices, employments and positions as it deems necessary to carry out the purposes of this compact and provide for the removal, term, tenure, compensation,fringe benefits, pension, and retirement rights of its officers and employees. The commission may also retain personal services on a contract basis.

§ 7. Rulemaking power

1. In addition to the power to promulgate a compact over-order price or commission marketing orders, the commission, by resolution provided by this compact, the commission is further empowered to make and enforce such additional rules and regulations as it deems necessary to implement the purposes of this compact, or to effectuate in any other respect the purposes of this compact.

ARTICLE IV. POWERS OF THE COMMISSION

§ 8. Powers to promote regulatory uniformity, simplicity, and interstate cooperation

The commission is hereby empowered to:

1. Investigate or provide for investigations of regulatory joint or cooperative programs designed to improve industry relations, or a better understanding of problems.

2. Report and release periodic reports on activities and results of the commission's efforts to the participating states.

3. Review the existing marketing system for milk and recommend any changes in the existing structure for assembly and distribution of milk which may assist, improve or promote more efficient assembly and distribution.

4. Investigate costs and charges for producing, hauling, handling, processing, distributing, selling and for all other services performed by the handlers.

5. Examine current economic forces affecting producers, probable trends in production and consumption, the level of dairy farmers' income, the farm income and financial conditions of dairy farmers, and the need for an emergency order to relieve critical conditions on dairy farms.

§ 9. Advisory form prices

(a) The powers granted in this section and section ten shall apply only to the establishment of a compact over-order price, so long as federal milk marketing orders remain in effect in the region. In the event that any or all such orders are terminated, this article shall authorize the commission to establish one or more commission marketing orders, as herein provided for this region or parts thereof as defined in the order.

(b) A compact over-order price established pursuant to this section shall apply only to classes of milk. Each compact over-order price shall not exceed one dollar and fifty cents per gallon at Atlanta, Ga., however, this compact over-order price shall be adjusted upward or downward at other locations in the region to reflect differences in minimum federal order prices. Beginning in nineteen hundred ninety-nine and ending in nineteen hundred ninety-nine, and using that year as a base, the dollar and fifty cents per gallon maximum shall be adjusted annually by the rate of change in the Consumer Price Index as reported by the Bureau of Labor Statistics of the United States Department of Labor. For purposes of the pooling and equalization of an over-order price, the value of milk used in other use classifications shall be calculated at the appropriate class price established pursuant to the applicable federal order or state dairy regulation and the value of unregulated milk adjusted to the nearest dollar of the prevailing class price in accordance with and subject to such adjustments as the commission may prescribe.

(c) A commission marketing order shall apply to all classes and uses of milk.

(d) The commission is hereby empowered to establish a method for determining the purchase price for Class I milk to be paid by pool plants and partially regulated plants. The commission is also empowered to establish a compact over-order price to be paid by all other handlers receiving milk from producers located in a regulated area. This price shall be established either as a compact over-order price or by one or more commission marketing orders. Whenever such a price has been established by either type of regulation, the legal obligation to pay such price shall be determined solely by the terms and purpose of the regulation without regard to the situs of the transfer of title, possession or any other factors not related to the purposes of the regulation. The commission is also empowered to declare as defined in an applicable federal market order shall not be subject to a compact over-order price. The commission shall provide for similar marketing orders under commission marketing orders.

(e) In determining the price, the commission shall consider the balance between producer and handler interests and the quality and class of milk products in the regulated area, the costs of production including, but not limited to the price of feed, the cost of labor including the reasonable value of the producer's own labor and management, machinery expense, and interest expense, the prevailing price for milk products to the public, the purchasing power of the public and the price necessary to yield a reasonable return to the producer and distributor.

When establishing a compact over-order price, the commission shall take such other action as is necessary and feasible to help ensure that the over-order price does not cause or compense producers so as to generate a local production of milk in excess of the quantities necessary to assure consumers of an adequate supply for fluid purposes.

(g) The commission shall whenever possible enter into agreements with state or federal agencies for exchange of information or services for the purpose of reducing regulatory burden and cost of administering the compact. The commission may reimburse other agencies for the reasonable cost of providing these services.

§ 10. Optional provisions for pricing order

1. Regulations establishing a compact over-order price or a commission marketing order may contain, but shall not be limited to any of the following:

(a) Provisions classifying milk in accordance with the form in which or purpose for which it is used, or creating a flat pricing program.

(b) With respect to a commission marketing order, only provisions establishing or providing for the establishment of separate minimum prices for each use classification prescribed by the commission, or a single minimum price for milk purchased from producers, associations of producers, or cooperatives.

(c) With respect to an over-order minimum price, provisions establishing or providing a method for establishing such minimum price for Class I milk.

2. Provisions for establishing either an over-order price or a commission marketing order may make use of any reasonable method for establishing such price or prices including flat pricing and formula pricing. Provision may also be made for location adjuncts, zone differentials, or competitive credits with respect to regulated handlers who market outside the regulated area.

3. Provisions for the payment to all producers and associations of producers delivering milk to all handlers of uniform prices for all milk so delivered, irrespective of the uses made of such milk by the handler to whom it is delivered, or for the payment of producers delivering milk to the same handler of uniform prices for all milk delivered by them.

A. With respect to regulations establishing a compact over-order price, the commission may establish one equalization pool to perform the sole purpose of equalizing returns to producers throughout the regulated area.

B. With respect to any commission marketing order, the commission may establish three subdivisions - subdivisions one and two, which each receives one or more terminated federal orders or state dairy regulations, the marketing area of which is separate from the whole of the nation, and subdivision three, which receives one or more terminated federal orders or state dairy regulations, the marketing area of which is separate from the marketing area in subdivisions one and two.

6. Provisions requiring persons who bring Class I milk into the regulated area to make compensatory payments with respect to all milk purchased from producers in the excess of the cost of milk purchased by handlers subject to a compact over-order price or
commission marketing order. No such provisions shall discriminate against milk producers outside the regulated area. The provisions for compensatory payments may require adjustment to take into account the difference between the Class I price required to be paid for such milk in the state of production by a federal milk marketing order or state dairy regulation and the payment required to be made to producers of such milk in the regulated area and for manufacturing adequate supply of milk for the inhabitants served by the establishment of minimum statement of basis and purpose required by consumer or public interest groups, and local, its sole discretion act upon the petition of the commission may commence a rulemaking proceeding. Before the initial adoption of regulations establishing an over-order price shall be adjusted for any over-order price shall be governed by section four of the Federal Administrative Procedure Act, as amended (5 U.S.C. §553).

ARTICLE VI. ENFORCEMENT

§15. Recordkeeping and reporting requirements

(a) The commission may by rule and regulation prescribe record keeping and reporting requirements for all regulated persons. For purposes of the administration and enforcement of the provisions of this Act, the commission is authorized to examine the books and records of any regulated person relating to his or her milk business and for that purpose, the commission may examine the books, accounts, and records of any person, including any cooperative association of producers, qualified under the provisions of the Capper–Volstead Act, amend, known as the Capper–Volstead Act, bona fide engaged in marketing milk, or in rendering services for or advancing the interests of producers of such commodity, as the approval or disapproval of the order or contract with, approved by the commission, have been engaged in the production of milk the price of which would be regulated under the proposed order or amendment.

(b) Information furnished to or acquired by the commission, officers, employees, or its agents pursuant to this section shall be confidential and not subject to the extent that the commission deems disclosure to be necessary in any administrative or judicial proceeding involving the commission, an over-price, a compact market order, or other regulations of the commission. The commission may promulgate regulations to define the confidentiality of information pursuant to this section. Nothing in this section shall be deemed to prohibit (i) the issuance of general statements based upon the number of handlers, which do not identify the information furnished by any person, or (ii) the publication by direction of the commission of the name of any person violating any regulation of the commission, together with a statement of the particular provisions violated by such person.

(c) No officer, employee, or agent of the commission shall intentionally disclose information, by inference or otherwise, which is made confidential pursuant to this section, and any person violating any provisions of this section shall, upon conviction, be subject to a fine of not more than one thousand dollars or to imprisonment for not more than one year, or to both, and shall be removed from office. The commission shall refer any allegation of a violation of this section to the appropriate state enforcement authority or United States Attorney.
of any such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall have an opportunity for a hearing upon such petition, in accordance with regulations made by the commission. After such hearing, the commission shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(c) The district courts of the United States in any district in which such handler is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling, provided a complaint for that purpose is filed within thirty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the commission by delivering to it a copy of such complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the commission with directions either (1) to modify such ruling as the court may prescribe by an order in writing of the withdrawal is given to the commission from obtaining relief pursuant to section seventeen. Any proceedings brought by way of counterclaim except where brought by way of counterclaim in proceedings instituted pursuant to this section, shall abate whenever a final decree has been rendered in the proceedings by the same parties, and covering the same subject matter, instituted pursuant to this section.

§ 19. Audit and accounts

(1) The commission shall keep accurate accounts of all receipts and disbursements, which shall be subject to the audit and accounting procedures established by its rules. In addition, disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(2) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the participating states or of the United States.

§ 20. Entry into force; additional members and withdrawal

The compact shall enter into effect on a date determined by the commission to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings pursuant to this section shall not impede, hinder, or delay the commission from obtaining relief pursuant to section seventeen. Any proceedings brought by way of counterclaim except where brought by way of counterclaim in proceedings instituted pursuant to this section, shall abate whenever a final decree has been rendered in the proceedings by the same parties, and covering the same subject matter, instituted pursuant to this section.

§ 21. Withdrawal from compact

Any participating state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until thirty days have elapsed from the date of the withdrawal is given to the commission and the governors of all other participating states. No withdrawal shall affect any liabilities incurred by or chargeable to a participating state prior to the time of such withdrawal.

§ 22. Severability

If any part or provision of this compact is adjudged invalid, such judgment shall be confined in its operation to the part or provision directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact. In the event Congress consents to this compact subject to conditions, said conditions shall be enforceable against the commission under this compact when said conditions are accepted by three or more compacting states. A compacting state may accept the conditions of Congress by implementation of this compact.

SEC. 703. PACIFIC NORTHWEST DAIRY COMPACT.

(a) The Secretary (in consultation with the Commissioner of the Pacific Northwest Dairy Compact proposed for the States of California, Oregon, and Washington, subject to the following conditions:

(1) The Compact price regulation during the fiscal year preceding the enactment of this Act shall be changed to "Intermountain".

(2) The Dairy Compact Commission shall be identical to the text of the Southern Dairy Compact, except as follows:

(A) References to "south", "southern", and "Southern" shall be changed to "Pacific Northwest".

(B) In section 9(b), the reference to "Atlanta, Georgia" shall be changed to "Seattle, Washington".

(C) In section 20, the reference to any three and all that follows shall be changed to "California, Oregon, and Washington".

(2) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Dairy Compact Commission established to administer the Pacific Northwest Dairy Compact (referred to in this section as the "Commission") may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted by amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a "Federal milk marketing order").

(3) EFFECTIVE DATE.—Congressional consent under this section takes effect on the date (not later than 3 years after the date of enactment of this Act) on which the Pacific Northwest Dairy Compact is entered into by the second of the 3 States specified in the matter preceding paragraph (1).

(4) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year, the smaller of the prices paid by the Corporation for the cost of any purchases of milk and milk products resulting from the operation of the Pacific Northwest Dairy Compact, the Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

§ 5. MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Commission and be compensated for that assistance.

SEC. 704. INTERMOUNTAIN DAIRY COMPACT.

Congress consents to an Intermountain Dairy Compact proposed for the States of Colorado, Nevada, and Utah, subject to the following conditions:

(1) TEXT.—The text of the Intermountain Dairy Compact shall be identical to the text of the Southern Dairy Compact, except as follows:

(A) In section 1, the references to "south", "southern", and "Southern" shall be changed to "Intermountain" and "Intermountain region", respectively.

(B) References to "Southern" shall be changed to "Intermountain".

(C) In section 9(b), the reference to "Atlanta, Georgia" shall be changed to "Salt Lake City, Utah".

(D) In section 20, the reference to "any three" and all that follows shall be changed to "Colorado, Nevada, and Utah".

(2) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Dairy Compact Commission established to administer the Intermountain Dairy Compact (referred to in this compact
section as the “Commission”) may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined in the Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 696c), reenacted with amendments by the Agricultural Marketing Act of 1985 (7 U.S.C. 701). This order is referred to in this section as a “Federal milk marketing order”. 

(3) EFFECTIVE DATE.—Congressional consent under this section takes effect on the date by later than 3 years after the date of enactment of this Act on which the Intermountain Dairy Compact is entered into by the second of the 3 States specified in the matter preceding paragraph (1). 

(4) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year in which a price regulation is in effect under the Intermountain Dairy Compact, the Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commissi

SEC. 7. CORPORATE AVERAGE FUEL ECONOMY STANDARDS. 

Section 520 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (114 Stat. 1356, 1356A-28), is repealed.

SEC. 103. PEANUTS. 

Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 7, strike the entire following section:

"SEC. 104. SUGAR."

Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 13 through 19, strike the entire following section:

"SEC. 112. TOBACCO."

Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 47, between lines 2 and 3, insert the following:

"SEC. 101. LIMITATIONS. 

(a) INCOME LIMITATION.—Notwithstanding any other provision of this Act, a person that is not an eligible family and that is not at a comparably high risk of being economically disadvantaged shall, in the fiscal year beginning in the second year after the date of enactment of this section, and biennially thereafter, the Secretary of Agriculture shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives an assessment of the impact of the legislation amended by this Act on the farm labor market and the income generation of American agricultural producers.

(b) ACTIVE FARMERS.—Notwithstanding any other provision of this Act, a person that is not an eligible family and that is not at a comparably high risk of being economically disadvantaged shall, in the fiscal year beginning in the second year after the date of enactment of this section, and biennially thereafter, the Secretary of Agriculture shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives an assessment of the impact of the legislation amended by this Act on the farm labor market and the income generation of American agricultural producers.

On page 7, strike line 5 and all that follows through page 42, line 5.

Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

Beginning on page 37, strike line 15 and all that follows through page 42, line 5.

Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

Beginning on page 26, strike line 3 and all that follows through page 27, line 17.

Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

Beginning on page 7, strike line 11 and all that follows through page 8, line 16, and insert the following:

SEC. 104. SUGAR.

On page 47, between lines 2 and 3, insert the following:
apply with respect to the 2001 crop of sugar-
cane and sugar beets.

SA 1205. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was or-
dered to lie on the table; as follows:

On page 47, between lines 2 and 3, insert the following:

SEC. 703. REPORT ON EFFECT OF HIGH ENERGY PRICE ON FERTILIZER PRICES.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agri-
culture shall submit to the Committee on Agriculture of the House of Representa-
tives and the Committee on Agriculture, Nutri-
tion, and Forestry of the Senate a report on the effect of high energy and fertilizers prices on farm income and the cost of production of agricultural commodities.

SA 1206. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American ag-
cultural producers; which was or-
dered to lie on the table; as follows:

On page 46, strike lines 2 through 21 and in-
sert the following:

SEC. 701. RESEARCH ON HUMAN ALTERNATIVES TO FORCED MOLTING FOR EGG PRO-
DUCTION.

The Secretary shall use $3,500,000 of funds of the Commodity Credit Corporation to pro-
vide grants to conduct research on humane alternatives to the production of eggs using forced molting.

SA 1207. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American ag-
cultural producers; which was or-
dered to lie on the table; as follows:

On page 37, strike lines 6 through 14 and in-
sert the following:

SEC. 501. RESEARCH ON HUMAN ALTERNATIVES TO FORCED MOLTING FOR EGG PRO-
DUCTION.

The Secretary shall use $3,000,000 of funds of the Commodity Credit Corporation to pro-
vide grants to conduct research on humane alternatives to the production of eggs using forced molting.

SA 1208. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American ag-
cultural producers; which was or-
dered to lie on the table; as follows:

On page 22, strike lines 13 through 25.

SA 1209. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricul-
tural producers; as follows:

At the appropriate place, insert the fol-
lowing:

SEC. ___ . PROTECT SOCIAL SECURITY SUR-

(a) SHORT TITLE.—This section may be cited as the ‘‘Protect Social Security Sur-
pluses Act of 2001’’.

(b) REVISION OF ENFORCING DEFICIT TAR-
GETS.—Section 253(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 903) is amended—

(1) by striking subsection (b) and inserting the follow-
ing:

(b) EXCESS DEFICIT; MARGIN.—The excess deficit if greater than zero, the esti-
matative deficit for the budget year, minus the margin for that year. In this subsection, the margin for each fiscal year is 0.5 percent of esti-
minated total current fiscal years.

(2) by striking subsection (c) and inserting the fol-
lowing:

(c) ELIMINATING EXCESS DEFICIT.—Each non-exempt account shall be reduced by a dollar amount calculated by multiplying the baseline level of sequesterable budgetary re-
ources in that account by the uniform percentage necessary to eliminate an excess deficit.”;

and

(3) by striking subsections (g) and (h).

(c) MINIMUM BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985 is amended—

(1) in section 253(e)(3)(A), by striking clause (i); and

(2) in section 256, by striking subsection (d).

(d) ECONOMIC AND TECHNICAL ASSUMP-
TIONS.—Notwithstanding section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(c)), the Office of Management and Budget shall use the eco-
nomical and technical assumptions underlying the report issued pursuant to section 1106 of title 31, United States Code, to determine the excess deficit under section 253(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, as added by sub-
section (b),

(e) APPLICATION OF SEQUESTRATION TO BUDGET ACCOUNTS.—Section 256(k) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(k)) is amend-
ed by—

(1) striking paragraph (2); and

(2) redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

(f) STRENGTHENING SOCIAL SECURITY POINTS OR ORDER.—

(1) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by inserting at the end the fol-
lowing:

‘‘(g) STRENGTHENING SOCIAL SECURITY Point of Order.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or con-
ference report thereon) or any bill, joint resolu-
tion, amendment, or conference report that would violate or amend section 13301 of the Budget Enforcement Act of 1990.’’.

(2) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 906(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ‘‘312(g),’’ after ‘‘410(d),’’.

(B) WAIVER.—Section 906(d)(2) of the Con-
gressional Budget Act of 1974 is amended by inserting ‘‘312(g),’’ after ‘‘310(d),’’.

(3) ENFORCEMENT IN EACH FISCAL YEAR.—

The Congressional Budget Act of 1974 is amended in—

(A) section 301(a)(7) (2 U.S.C. 623(a)(7)), by stri-
kling ‘‘for the fiscal year’’ through the period and inserting ‘‘for each fiscal year covered by the resolution’’; and

(B) section 311(a)(3) (2 U.S.C. 624(a)(3)), by stri-
kling beginning with ‘‘for the first fiscal year’’ through the period and the fol-
lowing ‘‘for any of the fiscal years covered by the resolution’’.

(g) EFFECTIVE DATE.—This section and the amend-
ements made by this section shall apply to fiscal years 2004, 2005, and 2006.

SA 1210. Mr. AKAKA (for himself, Mr. GRAHAM, Mr. SMITH of New Hampshire, Mr. CLELAND, Mr. SCHUMER, Mr. DURB-
IN, Mr. LEVIN, and Mrs. STEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricul-
tural producers; which was or-
dered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVE-
STOCK.

(a) IN GENERAL.—Title III of the Packers and Stockyards Act, 1921 (7 U.S.C. 261 et seq.) is amended by adding at the end the fol-
lowing:

SEC. 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVE-
STOCK.

(a) DEFINITIONS.—In this section:

‘‘(1) HUMANELY EUTHANIZE.—The term ‘hu-
manely euthanize’ means to kill an animal by mechanical, chemical, or other means or-
erwise, with this state remaining until the animal’s death.

‘‘(2) NONAMBULATORY LIVESTOCK.—The term ‘nonambulatory livestock’ means any live-
stock that is unable to stand and walk unass-
isted.

‘‘(3) UNLAWFUL PRACTICES.—It shall be un-
lawful for any stockyard owner, packer, market agency, or dealer to buy, sell, give, receive, transfer, market, hold, or drag any non-
ambulatory livestock unless the non-
ambulatory livestock has been humanely euthanized.’’.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) takes effect 1 year after the date of enactment of this Act.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to carry out the amendment.

SA 1211. Mr. McCaIN submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricul-
tural producers; which was or-
dered to lie on the table; as follows:

On page 47, between lines 3 and 4, insert the fol-
lowing:

SEC. 801. INCOME LIMITATION.

Notwithstanding any other provision of this Act, a person that has qualifying gross revenues (as defined in section 190(b)(1) of the Agricultural Market Transition Act (7 U.S.C. 7351 et seq.)) derived from for-profit farming, ranching, and forestry operations in excess of $1,000,000 during a taxable year (as deter-
mained by the Secretary) shall not be eligible to receive a payment, loan, or other assist-
ance under this Act.

SA 1212. Mr. LUGAR proposed an amendment to the bill S. 1246, to re-
spend to the continuing economic crisis adversely affecting American agricul-
tural producers; as follows:

Strike everything after the enacting clause and insert the follow-
ning:

SECTION 1. MARKET LOSS ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Sec-
retary of Agriculture of the United States (as the ‘‘Secretary’’) shall, to the maximum extent practicable, use $6,222,240,000 of funds of the Commodity Credit Corporation to make a market loss assistance payment to owners and producers on a farm that are eli-
gible for a final payment for fiscal year 2001 under a production flexibility contract for the farm under the Agriculture Market Transition Act (7 U.S.C. 7201 et seq.).
CONGRESSIONAL RECORD — SENATE

July 31, 2001

S3494

(b) AMOUNT.—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the total contract payments received by the owners and producers for fiscal year 2001 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

SEC. 2. SUPPLEMENTAL OILSEEDS PAYMENT.

The Secretary shall use $225,510,000 of funds of the Commodity Credit Corporation to make a supplemental payment under section 204(a) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 7 U.S.C. 1421 note) to producers of the 2000 crop of oilseeds that previously received a payment under such section.

SEC. 3. SUPPLEMENTAL PEANUT PAYMENT.

The Secretary shall use $54,210,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(a) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 7 U.S.C. 1421 note) to producers of quota peanuts or additive peanuts for the 2000 crop year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 4. SUPPLEMENTAL TOBACCO PAYMENT.

(a) SUPPLEMENTAL PAYMENT.—The Secretary shall use $129,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 7 U.S.C. 1421 note) to eligible persons (as defined in such section) that previously received a payment under such section.

(b) SPECIALTY TOBACCO FOR GEORGIA.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use the sum of $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000.

SEC. 5. SUPPLEMENTAL WOOL AND MOHAIR PAYMENT.

The Secretary shall use $16,940,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106-387), to producers of wool, and producers of mohair, for the 2000 marketing year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 6. SUPPLEMENTAL COTTONSEED ASSISTANCE.

The Secretary shall use $84,700,000 of funds of the Commodity Credit Corporation to provide supplemental assistance under section 204(e) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 7 U.S.C. 1421 note) to producers and first-handlers of the 2000 crop of cottonseed that previously received assistance under such section.

SEC. 7. SPECIALTY CROPS.

(a) BASE STATE GRANTS.—The Secretary shall use $26,000,000 of funds of the Commodity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico, for the purpose of funding specialty crop support activities that promote agriculture. The amount of the grant shall be—

(1) $50,000,000 to each of the several States; or

(2) $1,000,000 to the Commonwealth of Puerto Rico.

(b) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $133,400,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the proportion of the value of specialty crop production in the State in relation to the national value of specialty crop production, as follows:

(1) California, $15,860,000.

(2) Florida, $15,860,000.

(3) Washington, $9,610,000.

(4) Idaho, $3,670,000.

(5) Arkansas, $3,250,000.

(6) Michigan, $3,250,000.

(7) Oregon, $3,220,000.

(8) Georgia, $2,730,000.

(9) Texas, $2,730,000.

(10) New York, $2,660,000.

(11) Wisconsin, $2,570,000.

(12) North Carolina, $1,540,000.

(13) Colorado, $1,510,000.

(14) North Dakota, $1,380,000.

(15) Minnesota, $1,320,000.

(16) Hawaii, $1,150,000.

(17) New Jersey, $1,100,000.

(18) Pennsylvania, $980,000.

(19) New Mexico, $900,000.

(20) Maine, $880,000.

(21) Ohio, $870,000.

(22) Indiana, $690,000.

(23) Nebraska, $690,000.

(24) Massachusetts, $640,000.

(25) Virginia, $640,000.

(26) Maryland, $500,000.

(27) Louisiana, $460,000.

(28) South Carolina, $460,000.

(29) Tennessee, $370,000.

(30) Illinois, $400,000.

(31) Oklahoma, $390,000.

(32) Alabama, $390,000.

(33) Delaware, $390,000.

(34) Mississippi, $250,000.

(35) Kansas, $210,000.

(36) Arkansas, $210,000.

(37) Missouri, $210,000.

(38) Connecticut, $180,000.

(39) Utah, $140,000.

(40) Montana, $140,000.

(41) New Hampshire, $120,000.

(42) Nevada, $120,000.

(43) Vermont, $120,000.

(44) Iowa, $120,000.

(45) West Virginia, $90,000.

(46) Wyoming, $70,000.

(47) Kentucky, $65,000.

(48) South Dakota, $60,000.

(49) Rhode Island, $40,000.

(50) Alaska, $20,000.

(c) SPECIALTY CROP PRIORITY.—As a condition on the receipt of a grant under this section, a State of specialty crops shall agree to give priority to the support of specialty crops in the use of the grant funds.

(d) SPECIALTY CROP DEFINED.—In this section, the term ‘specialty crop’ means any agricultural crop, except wheat, feed grains, soybeans, oilseeds, cotton, rice, peanuts, and tobacco.

SEC. 8. COMMODITY ASSISTANCE PROGRAM.

(a) CONDITIONS ON PAYMENT TO STATE.—Subsection (b) of section 1211 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105-277 (7 U.S.C. 1421 note), and as amended by section 754 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106-387; 114 Stat. 1549A–42), is amended to read as follows:

(b) CONDITIONS ON PAYMENT TO STATE.—

(1) The Secretary of Agriculture shall make the payment to the State of Georgia under subsection (a) only if the State—

(1) contributes $5,000,000 to the indemnity fund and agrees to expend all amounts in the indemnity fund by not later than January 1, 2001 (as soon as administratively practical thereafter), to provide compensation to cotton producers as provided in such subsection;

(2) is deemed to be unexpendable, and the authority provided by this Act to expend such payments is rescinded effective on that date.

(b) ADDITIONAL DISBURSEMENTS FROM THE INDEMNITY FUND.—Subsection (d) of such section is amended to read as follows:

(‘‘(d) ADDITIONAL DISBURSEMENT TO COTTON GINNERS.—The State of Georgia shall use funds remaining in the indemnity fund, after the provision of compensation to cotton producers in Georgia under subsection (a) (including cotton producers who file a contingent claim, as defined and provided in section 51 of chapter 19 of title 2 of the Official Code of Georgia), to compensate cotton ginning (as defined as provided in such section).’’

(1) Inured a loss as the result of—

‘‘(A) the business failure of any cotton buyer doing business in Georgia; or

(B) the failure or refusal of any such cotton buyer to pay the contracted price that had been agreed upon by the ginner and the buyer for cotton grown in Georgia on or after January 1, 1997, and had been purchased or contracted by the ginner from cotton producers in Georgia;’’

(2) paid cotton producers the amount which the cotton ginner had agreed to pay for such cotton received from such cotton producers in Georgia; and

(c) COMFORMING AMENDMENT.—Subsection (c) of such section is amended by striking ‘‘Upon the establishment of the indemnity fund, and not later than October 1, 1999, the’’ and inserting ‘‘The’’.

SEC. 10. INCREASE IN PAYMENT LIMITATIONS REGARDING EFFICIENT PAYMENTS AND MARKETING MARKET LOAN GAINS.

Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1908(1)), the total amount of the payments specified in section 1001(3) of that Act that a person shall be entitled to receive for one or more commodities and oilseeds under the Agriculture Market Transition Act (7 U.S.C. 7201 et seq.) during the 2001 crop year may not exceed $150,000.

SEC. 11. TIME OF, AND LIMITATION ON, EXPENDITURES.

(a) DEADLINE FOR EXPENDITURES.—All expenditures required by this Act shall be made not later than September 30, 2001. Any funds made available by this Act and remaining unexpended by October 1, 2001, shall be deemed to be unexpendable, and the authority provided by this Act to expend such funds is rescinded effective on that date.
Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, to consider the nominations of Robert Bonner to be Commissioner of Customs; Rosario Marin to be Treasurer of the United States; Jon Huntsman, Jr., to be Deputy United States Trade Representatives; Alex Azar II, to be General Counsel of the Department of Health and Human Services; and Janet Rehnquist to be Inspector General of the Department of Health and Human Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 11 a.m., to hold a nomination hearing.

Nominees: The Honorable R. Nicholas Burns, of Massachusetts, to be United States Permanent Representative on Council of NATO with rank of Ambassador; the Honorable Daniel R. Coats, of Indiana, to be Ambassador to the Federal Republic of Germany; Mr. Craig R. Stapleton, of Connecticut, to be Ambassador to the Czech Republic; the Honorable Johnny Young, of Maryland, to be Ambassador to the Republic of Slovenia; and Mr. Richard J. Egan, of Massachusetts, to be Ambassador to Ireland.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 11 a.m., to hold a nomination hearing.

Nominees: The Honorable Edmund J. Hull, of Virginia, to be Ambassador to the Hashemite Kingdom of Jordan; the Honorable Richard H. Jones, of Nebraska, to be Ambassador to the State of Kuwait; the Honorable Theodore H. Kattouf, of Maryland, to be Ambassador to the Syrian Arab Republic; and Ms. Maureen Quinn, of New Jersey, to be Ambassador to the State of Qatar.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 2 p.m., to hold a nomination hearing.

Nominees: Ms. Carole Brooks, of Indiana, to be United States Executive Director of the International Bank for Reconstruction and Development; Mr. Ross J. Connelly, of Maine, to be United States Executive Director of the International Monetary Fund; and Mr. Patrick M. Cronin, of the District of Columbia, to be an Assistant Administrator (for Policy and Program Coordination) of the United States Agency for International Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 2:30 p.m., to consider the nomination of Daniel Levinson to be Inspector General, General Services Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health Education, Labor, and Pensions be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 4 p.m., to conduct a business meeting on pending committee business, to be followed immediately by a hearing on Indian Health Care Improvement and a focus on urban Indian Health Care Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 31, at 2:30 p.m., to conduct a hearing. The subcommittee will receive testimony on S. 689, to convey certain Federal properties on Governors Island, NY, S. 1175, to modify the boundary of Vicksburg National Military Park to include the property known as Pemberton’s Headquaters, and for other purposes; S. 1227, to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes; and H.R. 601, to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

Mr. REID, Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 2:30 p.m., in open session to receive testimony on Navy shipbuilding programs, in review of the Defense authorization request for fiscal year 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE, Madam President, I ask unanimous consent that Stephanie Zawistowski—I cannot believe I am having trouble with this; my mother’s name was Mencha Daneshevsky—I be granted floor privileges during the rest of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS, Mr. President, I ask unanimous consent that during the remainder of the debate and consideration of the Emergency Agriculture Assistance Act, Matt Howe, a member of my staff, be granted floor privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I ask unanimous consent that Sarah Zessar and Jason Klug be allowed floor privileges during debate on S. 1246.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFIED ORDERS FOR WEDNESDAY, AUGUST 1, 2001

Mr. REID. Mr. President, I ask unanimous consent that the previous convening order for tomorrow be modified and provide for the convening of the Senate at 10 a.m., with the remainder of the orders still in effect, and when the Senate resumes consideration of the Agriculture supplemental bill, Senator DASCHLE or his designee be recognized, and that at 11:00 a.m. the motion to proceed and the motion to reconsider the failed cloture vote on H.R. 2299 be agreed to, and the Senate vote without any intervening action on the motion to reconsider on H.R. 2299; and that the time prior to the vote be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican leader, pursuant to 22 U.S.C. 2761, as amended, appoints the Senator from Mississippi (Mr. COCHRAN) as Vice Chairman of the Senate Delegation to the British-American Interparliamentary Group during the 107th Congress.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Oregon (Mr. SMITH) as Vice Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 107th Congress.

The PRESIDING OFFICER. Mr. President, I further ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 144, which is on the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 144) commending James W. Ziglar for his service to the United States Senate.

The preamble was agreed to.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 144) was agreed to.

The preamble was agreed to.

The text of the resolution is printed in today’s Record under “Statements on Submitted Resolutions.”

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 45) expressing the sense of the Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 45) expressing the sense of the Senate.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 45) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. Con. Res. 45

Whereas public demand for passage of Public Law 85–765 (commonly known as the ‘Humane Methods of Slaughter Act of 1958’) (7 U.S.C. 1901 et seq.) was so great that when President Eisenhower was asked at a press conference if he would sign the bill, he replied, “If I went by mail, I’d think no one was interested in anything but humane slaughter”;

Whereas the Act requires that animals be slaughtered in an insensible state of pain:

...
WHEREAS it is the responsibility of the Secretary of Agriculture to enforce the Act fully; Now, therefore, be it
Resolved by the Senate (the House of Representatitives concurring),

SECTION 1. HUMANE METHODS OF ANIMAL SLAUGHTER.
It is the sense of Congress that—
(i) the Secretary of Agriculture should—
(A) resume tracking the number of violations of Public Law 85–765 (7 U.S.C. 1901 et seq.) and report the results and relevant trends annually to Congress; and
(B) fully enforce Public Law 85–765 by ensuring that humane methods in the slaughtering of livestock—
1) prevent needless suffering;
2) result in safer and better working conditions for persons engaged in the slaughtering of livestock;
3) bring about improvement of products and economies in slaughtering operations; and
4) produce other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce; and
(ii) it should be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

ORDER OF BUSINESS
Mr. REID. Mr. President, based on what the majority leader has said and what he has done and the orders that have been entered in the last few minutes, we will convene tomorrow at 10 a.m. and resume consideration of the Agriculture supplemental authorization bill. At 11, Senator Daschle will be recognized and the Senate will vote on cloture on the Transportation Appropriations Act.

ADJOURNMENT UNTIL 10 A.M. TOMORROW
Mr. REID. Mr. President, there being no further business, I ask unanimous consent the Chair adjourn the Senate.
There being no objection, the Senate, at 7:28 p.m., adjourned until Wednesday, August 1, 2001, at 10 a.m.

NOMINATIONS
Executive nominations received by the Senate July 31, 2001:

DEPARTMENT OF STATE
JOHN F. TURNER, OF WYOMING, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS. VICE DAVID B. SANDALOW.

Martin J. Silverstein, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uruguay.

John K. Palmer, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.


ORDER OF BUSINESS

DEPARTMENT OF JUSTICE
John W. Sutherlin, of Colorado, to be United States Attorney for the District of Colorado for the Term of Four Years, Vice Thomas Lee Strickland, resigned.
Anna Mills Wagoner, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the Term of Four Years, Vice Walter Clinton Holton, Jr., resigned.
Thomas K. Mosby, of Ohio, to be United States Attorney for the District of Idaho for the Term of Four Years, Vice Betty Hansen Richardson, resigned.
William Walter Mercer, of Montana, to be United States Attorney for the District of Montana for the Term of Four Years, Vice Sherry Scheel Matsuoka, resigned.
Michael G. Heavican, of Nebraska, to be United States Attorney for the District of Nebraska for the Term of Four Years, Vice Thomas Justin Massad, resigned.

to be major general

Edward F. Reilly, of Kansas, to be a Commissioner of the United States Parole Commission for a Term of Six Years, Vice Michael John Craver, resigned.

DEPARTMENT OF JUSTICE

DEPARTMENT OF DEFENSE
Cranston J. Mitchell, of Missouri, to be a Commissioner of the United States Parole Commission for a Term of Six Years. (Reappointment)

FARM CREDIT ADMINISTRATION
Grace Trujillo Daniel, of California, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, Vice Clyde Arlie Wherle, Jr.

FOREIGN SERVICE

B. Sandalow.

CONFIRMATION
Executive nomination confirmed by the Senate July 31, 2001:

DEPARTMENT OF JUSTICE
James W. Ziglar, of Mississippi, to be Commissioner of Immigration and Naturalization.
EXTENSIONS OF REMARKS

INDIAN DuplicITY EXPOSED; INDIA MUST LIVE UP TO DEMOCRATIC PRINCIPLES

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2001

Mr. BURTON of Indiana. Mr. Speaker, the duplicity of India is clearer after the collapse of its talks with Pakistan. Pakistani President Musharraf went home abruptly because India was not dealing in good faith. Although much discussion focused on the Kashmir issue, India’s spokesman never even acknowledged that Kashmir was on the agenda. India refused to go along with three drafts of a joint statement approved by both leaders. Instead, India insisted on including its unfounded accusations that Pakistan is fomenting terrorism in Kashmir and other places that India controls. India has a long record of supporting terror- ism against the people within its borders. The most recent incident took place last month when Indian military troops tried to burn down a Gurdwara and some Sikh homes in Kashmir, but were stopped by Sikh and Mus- lim residents of the town. There are many other incidents. The massacre in Chithisinghpura is very well known by now. It’s also well known that India paid out over 41,000 cash bounties to police officers for kill- ing Sikhs. It’s well known that India holds tens of thousands of political prisoners, Sikhs and other minorities, in illegal detention with no charges and no trial. Some of them have been held since 1984. Is this how a democratic state conducts its affairs?

It is India that introduced the specter of nuclear terrorism into South Asia with its nuclear tests. Can we blame Pakistan for responding? Although it claims that the nuclear weapons are to protect them from China, the majority of them are pointed at Pakistan. Unfortunately, if there is a war between India and Pakistan, it is the minority peoples in Punjab and Kashmir who will suffer the most and bear most of the cost.

The United States must become more engaged in the subcontinent. We should con- tinue to encourage both India and Pakistan to reduce their nuclear stockpiles. However, we should not remove the sanctions against India for its introduction of nuclear weapons into this region. In addition, we should end all aid to India until the most basic human rights are re- spected and not violated. Finally, we should publicly declare support for a free and fair vote in Kashmir, as promised in 1948 and as Presi- dent Musharraf was pushing for, and in Pun- jab, Khalistan, in Nagaim, and in all the 17 nations under Indian occupation where free- dom movements are ongoing. Only by these means can we strengthen America’s hand in South Asia, ensure that a violent breakup like that of Yugoslavia does not occur in the sub- continent, and let the glow of freedom shine for all the people of that troubled region.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDE- PENDENT AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF
HON. JANICE D. SCHAKOWSKY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 2620) making app- propriations for the Departments of Vet- erans Affairs and Housing and Urban Devel- opment, and for sundry independent agencies, boards, commissions, corporations, and of- fices for the fiscal year ending September 30, 2002, and for other purposes:

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong support for the Bonior-Waxman-Obey- Brown (OH)-Kildee amendment. I don’t think there is one person out there in America who, if asked, wouldn’t state a preference for dan- gerous levels of arsenic in their drinking water. The Republican majority and President Bush clearly haven’t asked the American public or just don’t care because tougher protections from arsenic are long overdue.

In 1996, the Congress instructed EPA to up- date the Arsenic standard of 50 parts per bil- lion no later than January of 2001. In 1999, the National Academy of Sciences, after years of research, found that the old ar- senic standard of 50 ppb for drinking water “does not achieve EPA’s goal for public health protection and, therefore, requires downward revision as promptly as possible.”

Finally, in January 2001, after decades of public comment, debate, and millions of dol- lars of research, EPA issued the new standard of 10 ppb—which was considered a com- promise proposal.

In April I released the results of a study that was conducted by Congressman WAXMAN’s staff on the Government Reform Committee. The report was focused on Illinois and warned that the health of thousands of Illinois resi- dents is at risk since their drinking water con- tains unacceptable levels of arsenic. The re- port showed that as many as 134,000 people in Illinois in almost 30 communities are drink- ing water that contains arsenic levels above the standard of 20 parts per billion (ppb).

Science has proven that arsenic is a car- cinogen and it is deadly—it causes cancer, birth defects, and cardiovascular disease. What more evidence does President Bush need to get it out of our water? I’ve been a consumer rights advocate for a long time and in public office for ten years, and until now, I’ve never met a so-called leader so eager to do so little for public health.

Thanks to the deep pockets of President Bush’s mining and chemical industry friends, the United States has the same arsenic drink- ing water standard as Bangladesh at 50 ppb. This Administration is willing to risk the health of millions to pay back the special interests and it is time we put a stop to it.

I urge all members to support this important amendment to prohibit EPA funds from being used to weaken the arsenic standard.

HONORING MARY E. JOHNS
HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to both honor and thank Mary Johns, a dedicated member of the community and my staff. Mary has a long history of involvement in the 2nd Congressional District of Colorado and is deserving of special recognition.

After graduating from Santa Monica College with a degree in Public Administration, Mary moved to Colorado to raise a family and pur- sue her interests in local and national govern- ment. Her commitment to public service is ap- parent when one looks at her involvement in local politics and community-based organiza- tions. She was a member of the City of Thorn- ton Career Service Board, also serving as Vice-Chairwoman, and was Chairwoman and Trustee of the MetroNorth PAC. Mary’s inter- ests also included involvement in the ADCO Partners in Progress for a New Airport and the Adams County Airport Task Force.

During this time she went to work for United States Congressman David Skaggs. It was in that office that she began working with vet- erans, postal workers and labor organizations. She demonstrated great understanding and compassion with all constituents that she came in contact with and continued to work to- wards improving the quality of life for the people of her community.

Beyond working for elected officials, May became one herself in 1989 when she was elected to the Adams Twelve Five Star School District Board of Education. Mary understood the importance of our public education system and worked hard to ensure that every child in her district had access to quality schools. She has served as President and Vice President during three terms on the school board, and I am sure that she will continue to be an advo- cate for education.

Mary has been a member of my staff since I was elected in 1998. She has continued to help constituents as a caseworker, and her knowledge and experience have been invaluable to both my staff and me. I wish her the best of luck as she continues her journey from public service to full-time grandmother, mother and wife. On behalf of the people of the 2nd Congressional District, I thank her for all she has done.
Mr. BLUMENAUER. Mr. Speaker, from Wednesday, July 25 to Friday, July 27, 2001, I was absent due to a personal family emergency and missed a number of roll call votes. On roll call votes Numbered: 270, 271, 273, 274, 276, 280, 282, 284, 285, 286, 287, 288, and 289, I would have voted “yea.” On roll call votes Numbered: 272, 275, 277, 278, 281, and 283, I would have voted “nay.”

On roll call votes 270 and 271, I would have voted “yea” on both amendments. Like the majority of my colleagues in this House, I support expanded travel for Americans to Cuba. Increasing travel opportunities for Americans to Cuba is a win-win situation for people in both countries, and helps to expand the opportunities to better understand our two cultures and increase exposure to the ideals of American democracy.

On roll call 271, the Rangel amendment, would have stopped the embargo on Cuba. It should be painfully clear by now that the embargo on Cuba has not worked. Castro has ruled the island with an iron-fist for forty years. Four decades ago, had America interacted, traded, and exchanged ideas with Cuba there is a good chance that Castro would be gone and Cuba free. I see that a large number of my colleagues agree with me, and I hope to work with them in the future to change our nation’s current relationship vis a vis Cuba.

In the past, I have expressed support for private accounts in our Social Security system, but with the understanding that any such proposal accounts for the true cost of transition to a system that includes some element of privatization. I am sorely disappointed in the process and released report by the Administration’s Social Security Commission. I believe it has been dishonest in its assessment of the current state of Social Security, and the Administration has unwisely decided to reduce benefits by public and commercial activities. The funds provided in the legislation will help ensure the safety for the men and women who work in the Courthouse, and the millions of others who enjoy this historic, public structure.

On roll call 275, I would have voted “nay” on the resolution disapproving of the President’s recent Jackson-Vanik waiver for Vietnam. Since coming to Congress five years ago, I have been deeply involved in the process of normalizing relations between our nation and Vietnam. Last winter I traveled to Vietnam with President Clinton, and I was present for the signing of the Bilateral Trade Agreement. Vietnam is a diverse nation that is growing rapidly and opening both economically and culturally. To disrupt the hard work of engagement between our two nations now would be devastating. Were I here, I would have voted against the disapproval resolution, and I hope last week’s overwhelming vote against the resolution (91-324) will encourage my colleagues on both sides of the aisle to work together to bring the Vietnam BTA to the floor for consideration.

On roll call 288, I would have voted “yea” on the Bonior amendment to reauthorize the arsenic standards put in place by the Clinton Administration. The Public Health Service adopted the current 50 parts per billion arsenic standard in 1942, before arsenic was known to cause cancer. In 1999, the National Academy of Sciences unanimously found that this outdated arsenic standard for drinking water does not ensure public health protection and that a downward revision was required. The Academy said that drinking water at the current EPA standard “could easily” result in a total fatal cancer risk of one in 100. That’s a cancer risk 100 times higher than EPA allows for food, and 100 times higher than EPA has ever allowed for tap water contaminants.

Arsenic is found in the tap water of over 26 million Americans and is one of the most ubiquitous contaminants of health concern in tap water. The new standard put in place by the Clinton Administration last year was the result of 25 years of public comment, debate and at least three missed statutory deadlines. One of the Bush Administration’s first actions was to overturn this rule and instead maintain a less protective arsenic standard. I support the Bonior Amendment that its passage will give a clear indication to the Bush Administration of the need to reconsider their position on this issue and take seriously the threat that Arsenic in our drinking water poses to the health of our families and the livability of our communities.

By contrast, HUD allows housing authorities two years to expend PHDEP funds from the date the grant agreement is signed by HUD. With only two exceptions CMHA has expended all PHDEP grant funds during the period. Once we received a six-month extension from HUD to fully expend the 1996 PHDEP grant, and once CMHA returned $10,764 (4.6%) of unexpended funds from the 1996 PHDEP grant June 28, 2001, we are on schedule to fully expend the 1999 and 2000 PHDEP grants, and HUD has not yet executed a grant agreement for the 2001 PHDEP funds. As you can see from this matrix, CMHA has not allowed funds to go unused, and is, as well as has been in compliance with HUD requirements.

As we have previously discussed, PHDEP funding is essential to CMHA safety efforts and social service programming, and as a result the loss of the PHDEP funding could eliminate CMHA support of the following programs:

• CMHA Police Activities League (PAL), which provides after school athletic programs for more than 700 youth from ages 5-18 annually.
• Boys and Girls Clubs located at four CMHA estates, which provide safe havens for almost 500 children annually to find fun and recreation.
• Several self-sufficiency programs, which have provided employment opportunities for 100 adults annually through job readiness, job training and entrepreneurial programs.
• Adult Outpatient Substance Abuse programs, which have provided services to over 600 residents annually.
• Teen Outpatient Prevention/Treatment programs, which serve more than 900 youth annually.

CMHA Police Department’s Community Policing and Narcotics Units, which employ 24 Police Officers, who are instrumental to CMHA’s overall crime prevention efforts.

PHDEP has heard that the House mark-up of the FY 2002 Appropriations Bill would eliminate the PHDEP program, and increase the Operating Fund by $114 million to $3,566 billion to help make ends meet. Given that public housing industry estimates indicate that at least $3.5 billion is needed to
fully fund the Operating Fund, especially with increasing energy costs, this proposed budget still virtually eliminates $310 million of PHDEP funding available to housing authorities.

Thank you for understanding how the loss of PHDEP funds would severely affect CMHA and our 15,000 public housing residents. We truly appreciate your continuing efforts to preserve this important funding source, and I hope the information provided in this letter answers any questions you or other members of Congress have expressed. Please call me at 216-348-5911 if you have any questions or require additional information.

Sincerely,

Terri Hamilton Brown,
Executive Director.
Daily Digest

HIGHLIGHTS

Senate passed Legislative Branch Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S8403–S8497

Measures Introduced: Fourteen bills and five resolutions were introduced, as follows: S. 1272–1285, S. Res. 142–144, and S. Con. Res. 62–63.

Page S8464–65

Measures Passed:

Commending James W. Ziglar: Senate agreed to S. Res. 144, commending James W. Ziglar for his service to the United States Senate.

Legislative Branch Appropriations: Senate passed H.R. 2647, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1172, Senate companion measure, as amended.

Page S8496

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Durbin, Johnson, Reed, Byrd, Bennett, Stevens, and Cochran.

Page S8496

Subsequently, pursuant to the order of July 19, 2001, passage of S. 1172 be vitiated and the bill be returned to the Senate calendar.

Page S8496

Human Methods of Slaughter Act Enforcement: Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of S. Con. Res. 45, expressing the sense of the Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals, and the resolution was then agreed to.

Pages S8496–97

Emergency Agriculture Assistance Act: Senate continued consideration of S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers, taking action on the following amendments proposed thereto:

Pages S8403–29, S8431–51

Adopted:

Allard Amendment No. 1188, to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

Pages S8433–34

Rejected:

Lugar Amendment No. 1190, in the nature of a substitute. (By 52 yeas to 48 nays (Vote No. 261, Senate tabled the amendment.)

Pages S8404–28

Withdrawn:

Specter/Landrieu Amendment No. 1191, to reauthorize the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact, a Pacific Northwest Dairy Compact, and an Intermountain Dairy Compact.

Pages S8431–33, S8434–37

Pending:

Lugar Amendment No. 1212, in the nature of a substitute.

Pages S8447–51

Voinovich Amendment No. 1209, to protect the social security surpluses by preventing on-budget deficits.

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Wednesday, August 1, 2001.

Pages S8451

Department of Transportation Appropriations—Agreement: A unanimous-consent agreement was reached providing for further consideration of H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, at 11 a.m., on Wednesday, August 1, 2002, with a vote on the motion to close further debate on the bill.

Pages S8451, S8496
Appointments:

**British-American Interparliamentary Group:** The Chair, on behalf of the President pro tempe, and upon the recommendation of the Republican Leader, pursuant to 22 U.S.C. 2761, as amended, appointed Senator Cochran as Vice Chairman of the Senate Delegation to the British-American Interparliamentary Group during the 107th Congress.

**NATO Parliamentary Assembly:** The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed Senator Gordon Smith as Vice Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 107th Congress.

Messages From the President: Senate received the following messages from the President of the United States:

- Transmitting, pursuant to law, the Report on the National Emergency with Respect to Iraq; to the Banking, Housing, and Urban Affairs. (PM–38)
- Transmitting, pursuant to law, the report of the Continuation of Iraqi Emergency; to the Banking, Housing, and Urban Affairs. (PM–39)

Nominations Confirmed: Senate confirmed the following nominations:

- James W. Ziglar, of Mississippi, to be Commissioner of Immigration and Naturalization.

Nominations Received: Senate received the following nominations:

- John F. Turner, of Wyoming, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.
- Martin J. Silverstein, of Pennsylvania, to be Ambassador to the Oriental Republic of Uruguay.
- John N. Palmer, of Michigan, to be Ambassador to the Republic of Portugal.
- Bonnie McElveen-Hunter, of North Carolina, to be Ambassador to the Republic of Latvia.
- Brian E. Carlso, of Virginia, to be Ambassador to the Republic of Latvia.
- Martie R. Sharpless, of North Carolina, to be Ambassador to the Central African Republic.
- R. Barrie Walkley, of California, to be Ambassador to the Republic of Guinea.
- John W. Suthers, of Colorado, to be United States Attorney for the District of Colorado for the term of four years.
- Anna Mills S. Wagoner, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years.

Thomas E. Moss, of Idaho, to be United States Attorney for the District of Idaho for the term of four years.

William Walter Mercer, of Montana, to be United States Attorney for the District of Montana for the term of four years.

Michael G. Heavican, of Nebraska, to be United States Attorney for the District of Nebraska for a term of four years.

Todd Peterson Graves, of Missouri, to be United States Attorney for the Western District of Missouri for the term of four years.

John L. Brownlee, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.

Paul K. Charlton, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Fred L. Dailey, of Ohio, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Grace Trujillo Daniel, of California, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

John J. Danilovich, of California, to be Ambassador to the Republic of Costa Rica.

Gilbert G. Gallegos, of New Mexico, to be a Commissioner of the United States Parole Commission.

Kent R. Hill, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development.

Leslie Lenkowsky, of Indiana, to be Chief Executive Officer of the Corporation for National and Community Service.

Cranston J. Mitchell, of Missouri, to be a Commissioner of the United States Parole Commission.

Mary E. Peters, of Arizona, to be Administrator of the Federal Highway Administration.

Marie F. Ragghianti, of Maryland, to be a Commissioner of the United States Parole Commission.

Edward F. Reilly, of Kansas, to be a Commissioner of the United States Parole Commission.

Marvin R. Sambur, of Indiana, to be an Assistant Secretary of the Air Force.

3 Army nominations in the rank of general.

2 Navy nominations in the rank of admiral.

A routine list in the Marine Corps.

Executive Communications:

Petitions and Memorials:

Messages From the House:

Measures Referred:

Measures Placed on Calendar:

Statements on Introduced Bills:
Committee Meetings

(Committees not listed did not meet)

FEDERAL FARM BILL

Committee on Agriculture, Nutrition, and Forestry: Committee held hearings on the conservation provisions of the proposed Federal farm bill, focusing on conservation programs to assist landowners and operators to manage and protect their land and water resources, receiving testimony from Lee Klein, Battle Creek, Nebraska, on behalf of the National Corn Growers Association and the American Soybean Association; George Dunklin, Jr., DeWitt, Arkansas, on behalf of the U.S. Rice Producers’ Group; Gary Mast, Millersburg, Ohio, on behalf of the National Association of Conservation Districts; Dave Serfling, Preston, Minnesota, on behalf of the Land Stewardship Project; and Mark Shaffer, Defenders of Wildlife, Washington, D.C.

Hearings recessed subject to call.

APPROPRIATIONS—MILITARY CONSTRUCTION

Committee on Appropriations: Subcommittee on Military Construction concluded hearings on proposed budget estimates for fiscal year 2002 for military construction programs, after receiving testimony in behalf of funds for their respective activities from Dov S. Zakheim, Under Secretary of Defense (Comptroller); Raymond P. DuBois, Deputy Under Secretary of Defense for Installations and Environment; John Molino, Deputy Assistant Secretary of Defense for Military Community and Family Policy; Patricia Sanders, Deputy Director for Test, Simulation, and Evaluation, Ballistic Missile Defense Organization; Lt. Gen. William Tangney, USA, Deputy Commander in Chief, Special Operations Command; Maj. Gen. Leonard M. Randolph, Jr., USAF, Deputy Executive Director, TRICARE Management Activity; Paul Johnson, Deputy Assistant Secretary of the Army for Installations and Housing; Maj. Gen. Robert L. Van Antwerp, USA, Assistant Chief of Staff for Installation Management; Brig. Gen. Michael J. Squier, ANG, Deputy Director, Army National Guard; and Maj. Gen. Paul C. Bergson, USAR, Military Deputy (Reserve Components), Deputy Under Secretary of the Army for International Affairs, United States Army Reserve.

NOMINATIONS

Committee on Armed Services: Committee concluded hearings on the nominations of John P. Stenbit, of Virginia, to be Assistant Secretary for Command, Control, Communication and Intelligence, and Ronald M. Sega, of Colorado, to be Director of Defense Research and Engineering, both of the Department of Defense, Michael L. Domínguez, of Virginia, to be Assistant Secretary for Manpower and Reserve Affairs, and Nelson E. Gibbs, of California, to be Assistant Secretary for Installations and Environment, both of the Department of the Air Force, Michael Parker, of Mississippi, to be Assistant Secretary for Civil Works, and Mario P. Fiori, of Georgia, to be Assistant Secretary for Installations and Environment, both of the Department of the Army, and H. T. Johnson, of Virginia, to be Assistant Secretary of the Navy for Installations and Environment, after the nominees testified and answered questions in their own behalf. Mr. Sega was introduced by Senator Alard, Mr. Parker was introduced by Senators Lott and Cochran, Mr. Fiori was introduced by Senators Cleland and Thurmond, and Mr. Johnson was introduced by Senators Warner and Thurmond.

AUTHORIZATION—NAVY SHIPBUILDING PROGRAMS

Committee on Armed Services: Subcommittee on SeaPower concluded hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on Navy shipbuilding programs, after receiving testimony from John J. Young, Jr., Assistant Secretary of the Navy for Research, Development, and Acquisition; and Adm. William J. Fallon, USN, Vice Chief of Naval Operations.

SPECTRUM MANAGEMENT

Committee on Commerce, Science, and Transportation: Subcommittee on Communications concluded hearings to examine the issues of spectrum management and 3rd generation wireless service, focusing on tools to ensure the availability of spectrum for the rapid deployment of new advanced technologies such as the development of Third Generation wireless, and the promotion of spectrum efficiency in order that this scarce resource is put to its most valuable use, after receiving testimony from William T. Hatch, Acting...
Assistant Secretary of Commerce for Communications and Information; Julius P. Knapp, Deputy Chief, Office of Engineering and Technology, Federal Communications Commission; Linton Wells II, Acting Assistant Secretary of Defense for Command, Control, Communications and Intelligence; Dennis F. Strigl, Verizon Wireless, Bedminster, New Jersey; Carroll D. McHenry, Nucentrix Broadband Networks, Inc., Carrollton, Texas; Mark C. Kelley, Leap Wireless International, Inc., San Diego, California; Thomas E. Wheeler, Cellular Telecommunications and Internet Association, Washington, D.C.; and Martin Cooper, ArrayComm, Inc., San Jose, California.

NATIONAL PARKS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded hearings on S. 689, to convey certain Federal properties on Governors Island, New York, S. 1175, to modify the boundary of Vicksburg National Military Park to include the property known as Pemberton’s Headquarters, S. 1227, to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara River National Heritage Area in the State of New York, and H.R. 601, to ensure the continued access of hunters to those Federal lands included within the boundaries of the Craters of the Moon National Monument in the State of Idaho pursuant to Presidential Proclamation 7373 of November 9, 2000, and to continue the applicability of the Taylor Grazing Act to the disposition of grazing fees arising from the use of such lands, after receiving testimony from Senator Clinton and former Senator Moynihan; Representatives LaFalce and Simpson; Denis P. Galvin, Deputy Director, National Park Service, Department of the Interior; F. Joseph Moravec, Commissioner, Public Buildings Service, General Services Administration; Bernadette Castro, New York State Office of Parks, Recreation and Historic Preservation, and H. Claude Shostal, Regional Plan Association, both of New York; John C. Drake, City of Niagara Falls, Niagara Falls, New York; and Jane Thompson, Thompson Design Group, Boston, Massachusetts.

NOMINATIONS

Committee on Finance: Committee concluded hearings on the nominations of Robert C. Bonner, to be Commissioner of Customs, and Rosario Marin, to be Treasurer of the United States, both of California, both of the Department of the Treasury, Jon M. Huntsman, Jr., of Utah, to be a Deputy United States Trade Representative, with the rank of Ambassador, and Alex Azar II, of Maryland, to be General Counsel, and Janet Rehnquist, of Virginia, to be Inspector General, both of the Department of Health and Human Services, after the nominees testified and answered questions in their own behalf. Mr. Huntsman and Ms. Rehnquist were introduced by Senator Hatch.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Vincent Martin Battle, of the District of Columbia, to be Ambassador to the Republic of Lebanon, Edward William Gnehm, Jr., of Georgia, to be Ambassador to the Hashemite Kingdom of Jordan, Edmund James Hull, of Virginia, to be Ambassador to the Republic of Yemen, Richard Henry Jones, of Nebraska, to be Ambassador to the State of Kuwait, Theodore H. Kattouf, of Maryland, to be Ambassador to the Syrian Arab Republic, Maureen Quinn, of New Jersey, to be Ambassador to the State of Qatar, R. Nicholas Burns, of Massachusetts, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador, Daniel R. Coats, of Indiana, to be Ambassador to the Federal Republic of Germany, Craig Roberts Stapleton, of Connecticut, to be Ambassador to the Czech Republic, Johnny Young, of Maryland, to be Ambassador to the Republic of Slovenia, Richard J. Egan, of Massachusetts, to be Ambassador to Ireland, Nancy Goodman Brinker, of Florida, to be Ambassador to the Republic of Hungary, Robert Geers Loftis, of Colorado, to be Ambassador to the Kingdom of Lesotho, Joseph Gerard Sullivan, of Virginia, to be Ambassador to the Republic of Zimbabwe, Christopher William Dell, of New Jersey, to be Ambassador to the Republic of Angola, Carole Brookins, of Indiana, to be United States Executive Director of the International Bank for Reconstruction and Development, Ross J. Connelly, of Maine, to be Executive Vice President of the Overseas Private Investment Corporation, Jeanne L. Phillips, of Texas, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, Randal Quarles, of Utah, to be United States Executive Director of the International Monetary Fund, and Patrick M. Cronin, of the District of Columbia, to be Assistant Administrator for Policy and Program Coordination, United States Agency for International Development, after the nominees testified and answered questions in their own behalf. Mr. Gnehm was introduced by Senators Hollings and Enzi, Mr. Burns was introduced by Senators Sarbanes and Kennedy, former Senator Coats was introduced by Senator Lugar, Mr. Egan was introduced by Senators Kennedy and Kerry, and Ms. Brinker and Ms. Phillips were introduced by Senator Hutchison.
NOMINATION

Committee on Governmental Affairs: Committee concluded hearings on the nomination of Daniel R. Levinson, of Maryland, to be Inspector General, General Services Administration, after the nominee testified and answered questions in his own behalf.

ASBESTOS CONTAMINATION AND SAFETY

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine workplace safety and asbestos contamination, focusing on the combined authority and efforts of the Occupational Safety and Health Administration, Mine Safety and Health Administration, and the Environmental Protection Agency to prescribe and enforce regulations to prevent health risks to workers from exposure to airborne asbestos, after receiving testimony from Senator Baucus; Representative Rehberg; David D. Lauriski, Assistant Secretary for Mine Safety and Health, and R. Davis Layne, Acting Assistant Secretary for Occupational Safety and Health, both of the Department of Labor; Kathleen M. Rest, Acting Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services; Michael Shapiro, Acting Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency; Richard Lemen, Emory University Rollins School of Public Health, Atlanta, Georgia, former Assistant Surgeon General of the United States; John Addison, John Addison Consultancy, Edinburgh, Scotland; Michael R. Harbut, Wayne State University School of Medicine, Detroit, Michigan, on behalf of the Center for Occupational and Environmental Medicine; Alan Whitehouse, Klock and Whitehouse, Spokane, Washington; Ned Gumble, Virginia Vermiculite, and David Pinter, both of Louisa, Virginia; and George Biekkola, L’Anse, Michigan.

INDIAN HEALTH CARE

Committee on Indian Affairs: Committee concluded hearings on proposed legislation to revise and extend programs of the Indian Health Care Improvement Act, focusing on the challenges confronting the Indian Health Service, tribally-administered health care programs, and urban Indian health care programs with regard to recruiting and retaining health care professionals, after receiving testimony from William C. Vanderwagen, Acting Chief Medical Officer, Indian Health Service, Department of Health and Human Services; Barry T. Hill, Director, Natural Resources and Environment, General Accounting Office; Michael E. Bird, American Public Health Association, Albuquerque, New Mexico, on behalf of the Friends of Indian Health; Robert Hall, National Council of Urban Indian Health, Washington, D.C.; Anthony Hunter, American Indian Community House, Inc., New York, New York; Carole Meyers, Missoula Indian Center, Missoula, Montana; Martin Waukazoo, Urban Indian Health Board, Inc., San Francisco, California, on behalf of the Native American Health Centers; and Kay Culbertson, Denver Indian Health and Family Services, Denver, Colorado.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nomination of Robert S. Mueller III, of California, to be Director of the Federal Bureau of Investigation, Department of Justice, after the nominee, who was introduced by Senators Boxer and Feinstein, testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Bills Introduced: 15 public bills, H.R. 2678–2692; and 3 resolutions, H. Con. Res. 204, 206–207, were introduced.

Reports Filed: Reports were filed as follows:

H.R. 2603, to implement the agreement establishing a United States-Jordan free trade area, amended (H. Rept. 107–176, Pt. 1);

H.R. 2460, to authorize appropriations for environmental research and development, scientific and energy research, demonstration, and commercial application of energy technology programs, projects, and activities of the Department of Energy and of the Office of Air and Radiation of the Environmental Protection Agency, amended (H. Rept. 107–177);

H. Res. 216, providing for consideration of H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people (H. Rept. 107–178); and
H. Res. 217, providing for consideration of motions to suspend the rules (H. Rept. 107–179).

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Monsignor John Brenkle, St. Helena Catholic Church of St. Helena, California.

Journal: Agreed to the Speaker’s approval of the Journal of July 31 by recorded vote of 359 ayes to 44 noes with 1 voting “present,” Roll No. 299.

Recess: The House recessed at 9:40 a.m. and reconvened at 10 a.m.

Suspensions: The House agreed to suspend the rules and pass the following measures:

United States-Jordan Free Trade Area: H.R. 2603, amended, to implement the agreement establishing a United States-Jordan free trade area;

Veterans Benefits Act of 2001: H.R. 2540, amended, to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs (agreed to by a yea-and-nay vote of 422 yeas with none voting “nay,” Roll No. 301); and

Railroad Retirement and Survivors’ Improvement Act of 2001: H.R. 1140, amended, to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries (agreed to by a yea-and-nay vote of 304 yeas to 33 nays, Roll No. 305).


Agreed To:

Rothman amendment No. 1 printed in H. Rept. 107–171 that makes available $75,000 for the installation of compact fluorescent light bulbs in table, floor, and desk lamps; and

Traficant amendment No. 2 printed in H. Rept. 107–171 that prohibits funding to persons or entities convicted of violating the Buy American Act.

House agreed to H. Res. 213, the rule that provided for consideration of the bill by voice vote.

Presidential Messages: Read the following messages from the President:

Six Month Periodic Report on the National Emergency re Iraq: Message wherein he transmitted a 6-month report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990—referred to the Committee on International Relations and ordered printed (H. Doc. 107–110); and

Continuance of the National Emergency re Iraq: Read a message from the President wherein he stated that the Iraqi emergency is to continue in effect beyond August 2, 2001—referred to the Committee on International Relations and ordered printed (H. Doc. 107–111).


Rejected the Lofgren motion that sought to recommit the bill to the Committee on the Judiciary with instructions to report it back to the House forthwith with an amendment that allows the use of human somatic cell nuclear transfer for the development or application of treatments for various diseases including Parkinson’s disease, Alzheimer’s diseases, diabetes and cancer by a recorded vote of 175 ayes to 251 nays, Roll No. 303.

Pursuant to the rule, agreed to the Committee on the Judiciary amendments now printed in the bill (H. Rept. 107–170).

Agreed to the Scott amendment No. 1 printed in H. Rept. 107–172 that directs the General Accounting office to conduct a study to access the need or amendments to the prohibition on human cloning within 4 years after the date of enactment. The study shall include a discussion of new developments in medical technology concerning human cloning and somatic cell nuclear transfer.

Rejected the Greenwood amendment in the nature of a substitute No. 2 printed in H. Rept. 107–172 that sought to ban the use of human somatic cell nuclear transfer technology to initiate a pregnancy but allows the use of somatic cell nuclear transfer technology to clone molecules, DNA, cells, or tissues, requires each individual who intends to perform human somatic cell nuclear transfer technology to register with the Secretary of Health and Human Services, and preempts state law that establishes different prohibitions, requirements, or authorizations regarding human somatic cell nuclear transfer technology by a yea-and-nay vote of 178 yeas to 249 nays, Roll No. 302.

H. Res. 214, the rule that provided for consideration of the bill was agreed to by a yea-and-nay vote of 239 yeas to 188 nays, Roll No. 300.
Bankruptcy Abuse Prevention and Consumer Protection Act of 2001: The House disagreed with the Senate amendment to H.R. 333, to amend title 11, United States Code, and agreed to a conference. 

(See next issue.)

Appointed as conferees from the Committee of the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Chairman Sensenbrenner and Representatives Hyde, Gekas, Smith of Texas, Chabot, Barr of Georgia, Conyers, Boucher, Nadler, and Watt of North Carolina. From the Committee on Financial Services, for consideration of sections 901–906, 907A–909, 911, and 1301–1309 of the House bill, and sections 901–906, 907A–909, 911, 913–4, and Title XIII of the Senate amendment and modifications committed to conference: Chairman Oxley and Representatives Bachus and LaFalce. From the Committee on Energy and Commerce, for consideration of Title XIV of the Senate amendment, and modifications committed to conference: Chairman Tauzin and Representatives Barton of Texas and Dingell. From the Committee on Education and the Workforce, for consideration of section 1403 of the Senate amendment and modifications committed to conference: Chairman Boehner, Castle, and Kildee. 

(See next issue.)

Agreed to the Baldwin motion to instruct conferees on the disagreeing votes of the two Houses on the Senate amendment to the House bill to agree to title X (relating to protection of family farmers and family fishermen) of the Senate amendment. 

(See next issue.)

Recess: The House recessed at 11:36 p.m. and reconvened at 1:22 a.m. on Wednesday, August 1. 

(See next issue.)

Amendments: Amendments ordered printed pursuant to the rule appear on page H4950.

Quorum Calls—Votes: Five yea-and-nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H4894–95, H4895–96, H4915–16, H4916, H4942–43, H4944–45, H4945, (continued next issue). There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 1:23 a.m. on Wednesday, August 1.

Committee Meetings

NATIONAL DEFENSE AUTHORIZATION ACT


NATIONAL DEFENSE AUTHORIZATION ACT


EARLY CHILDHOOD EDUCATION

Committee on Education and the Workforce: Subcommittee on Education Reform held a hearing on the Dawn of Learning: What’s Working in Early Childhood Education. Testimony was heard from Eugene W. Hickok, Under Secretary, Department of Education; and Wade F. Horn, Assistant Secretary, Children and Families, Department of Health and Human Services; and public witnesses.

REWARDING PERFORMANCE IN COMPENSATION ACT

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing on H.R. 1602, Rewarding Performance in Compensation Act. Testimony was heard from public witnesses.

CURRENT ISSUES BEFORE—FINANCIAL ACCOUNTING STANDARDS BOARD

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing on Current Issues Before the Financial Accounting Standards Board. Testimony was heard from public witnesses.

ANALYZING THE ANALYSTS

Committee on Financial Services: Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises held a hearing on Analyzing the Analysts II: Additional Perspectives. Testimony was heard from Laura Unger, Acting Chairman, SEC; and public witnesses.

AIR TRAVEL—CUSTOMER PROBLEMS AND SOLUTIONS

Committee on Government Reform: Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing on Air Travel-Customer Problems and Solutions. Testimony was heard from the following officials of the Department of Transportation: Donna McLean, Assistant Secretary, Office of Budget and Programs and Chief Financial Officer;
and Jane F. Garvey, Administrator, FAA; and public witnesses.

PUBLIC SERVICE FOR THE 21ST CENTURY
Committee on Government Reform: Subcommittee on Technology and Procurement Policy held a hearing on “Public Service for the 21st Century: Innovative Solutions to the Federal Government’s Technology Workforce Crisis.” Testimony was heard from David Walker, Comptroller General, GAO; Kay Coles James, Director, OPM; Stephen Perry, Administrator, GSA; and public witnesses.

U.N. WORLD CONFERENCE AGAINST RACISM
Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on A Discussion on the U.N. World Conference Against Racism. Testimony was heard from following officials of the Department of State: William B. Wood, Principal Deputy Assistant Secretary, Bureau of International Organization Affairs; and Steven Wagenseil, Director, Office of Multilateral Affairs, Bureau of Democracy, Human Rights, and Labor; and public witnesses.

MISCELLANEOUS MEASURES
Committee on the Judiciary: Subcommittee on Crime held a hearing on H.R. 2146, Two Strikes and You’re Out Child Protection Act. Testimony was heard from Robert Fusfeld, Probation and Parole Agent, Sexual Offender Intensive Supervision Team, Department of Corrections, State of Wisconsin; and public witnesses.

OVERSIGHT—NATIONAL FIRE PLAN IMPLEMENTATION
Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on the Implementation of the National Fire Plan. Testimony was heard from the following officials of the Forest Service, USDA: Dale Bosworth, Chief; Robert Lewis, Jr., Deputy Chief, Research and Development, and Kevin Ryan, Rocky Mountain Research Station; Tim Hartzell, Director, Office of Wildland Fire Coordination, Department of the Interior; Barry T. Hill, Associate Director, Energy, Resources and Science Issues, GAO; and a public witness.

MISCELLANEOUS MEASURES

SECURING AMERICA’S FUTURE ENERGY (SAFE) ACT
Committee on Rules: Granted, by a vote of 9 to 1, a structured rule on H.R. 4, Securing America’s Future Energy Act of 2001, providing ninety minutes of general debate with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and 20 minutes equally divided and controlled by the chairmen and ranking minority members of each of the following Committees: Science, Ways and Means, and Resources. The rule waives all points of order against consideration of the bill. The rule provides that the amendment printed in part A of the Rules Committee report accompanying the rule shall be considered as adopted. The rule makes in order only those amendments printed in part B of the Rules Committee report accompanying the resolution. The rule provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. The rule provides one motion to recommit with or without instructions. Finally, the rule provides authorization for a motion in the House to go to conference with the Senate on the bill H.R. 4.


CONSIDERATION OF MOTIONS TO SUSPEND THE RULES
Committee on Rules: Granted, by voice vote, a resolution providing that it will be in order at any time on the legislative day of Wednesday, September 5, 2001, for the Speaker to entertain motions that the House suspend the rules. The resolution provides that the Speaker or his designee shall consult with
the Minority Leader or his designee on the designation of any matter for consideration pursuant to the resolution.

INNOVATION IN INFORMATION TECHNOLOGY

Committee on Science: Subcommittee on Research held a hearing on Innovation in Information Technology: Beyond Faster Computers and Higher Bandwidth. Testimony was heard from public witnesses.

OVERSIGHT—RED LIGHT CAMERAS

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held an oversight hearing on Red Light Cameras. Testimony was heard from Representative Barr of Georgia; and public witnesses.

SOCIAL SECURITY AND PENSION REFORM

Committee on Ways and Means: Subcommittee on Social Security held a hearing on Social Security and Pension Reform: Lessons from Other Countries. Testimony was heard from public witnesses.

BRIEFING—FISCAL YEAR 2002 BUDGET REVIEW

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Fiscal Year 2002 Budget Overview. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, AUGUST 1, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Production and Price Competitiveness, to hold hearings to examine the status of export market shares, 9 a.m., SR–328A.

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine stem cell ethical issues and intellectual property rights, 9:30 a.m., SD–192.

Subcommittee on Military Construction, to hold hearings on proposed budget estimates for the fiscal year 2002 for Navy construction and Air Force construction, 2:30 p.m., SD–138.

Committee on Armed Services: to hold hearings on the nomination of Gen. John P. Jumper, USAF, for reappointment to the grade of general and to be Chief of Staff, United States Air Force, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: business meeting to mark up S. 1254, to reauthorize the Multifamily Assisted Housing Reform and Affordability Act of 1997; the nomination of Linda Mysliwy Conlin, of New Jersey, to be Assistant Secretary of Commerce for Trade Development; the nomination of Michael J. Garcia, of New York, to be Assistant Secretary of Commerce for Export Enforcement; the nomination of Melody H. Fennel, of Virginia, to be Assistant Secretary of Housing and Urban Development for Congressional and Intergovernmental Relations; and the nomination of Michael Minoru Fawn Liu, of Illinois, to be Assistant Secretary of Housing and Urban Development for Public and Indian Housing and the nomination of Henrietta Holsman Fore, of Nevada, to be Director of the Mint, Department of the Treasury, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the status of current U.S. trade agreements, focusing on the proposed benefits and the practical realities, 9:30 a.m., SR–253.

Full Committee, to hold hearings on the nomination of John Arthur Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board; the nomination of Jeffrey William Runge, of North Carolina, to be Administrator of the National Highway Traffic Safety Administration, Department of Transportation; and the nomination of Nancy Victory, to be Assistant Secretary for Communications and Information, and the nomination of Otto Wolff, to be an Assistant Secretary and Chief Financial Officer, both of Virginia, both of the Department of Commerce, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider energy policy legislation and other pending calendar business, 9:30 a.m., SD–366.

Committee on Environment and Public Works: business meeting to consider the nomination of David A. Sampson, of Texas, to be Assistant Secretary of Commerce for Economic Development; and the nomination of George Tracy Mehan III, of Michigan, the nomination of Judith Ayres, of California, the nomination of Robert E. Fabricant, of New Jersey, the nomination of Jeffrey R. Holmstead, of Colorado, and the nomination of Donald R. Schregardus, of Ohio, each to be an Assistant Administrator of the Environmental Protection Agency; and S. 584, to designate the United States courthouse located at 40 Centre Street in New York, New York, as the “Thurgood Marshall States Courthouse”, Time to be announced, Room to be announced.

Full Committee, to hold hearings to examine the impact of air emissions from the transportation sector on public health and the environment, 9 a.m., SD–406.

Committee on Finance: to hold hearings to examine a balance between cybershopping and sales tax, 10 a.m., SD–215.

Committee on Foreign Relations: business meeting to consider S. 367, to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; S. Res. 126, expressing the sense of the Senate regarding observance of the Olympic Truce; S. Con. Res. 58, expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum; proposed legislation authorizing funds for fiscal years 2002 and 2003 for the Department of State and the U.S. international broadcasting activities, proposed legislation congratulating Ukraine on
the 10th anniversary of the restoration of its independence and supporting its full integration into the Euro-Atlantic community of democracies, and pending nominations, 10:30 a.m., SD–419.

**Committee on Health, Education, Labor, and Pensions:** business meeting to consider proposed legislation entitled The Stroke Treatment and Ongoing Prevention (STOP STROKE) Act of 2001; the proposed Community Access to Emergency Defibrillation (Community AED) Act of 2001; the proposed Health Care Safety Net Amendments of 2001; S. 543, to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits; and S. 838, to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children, 10 a.m., SD–430.

**Select Committee on Intelligence:** to hold closed hearings on intelligence matters, 2:30 p.m., SH–219.

**Committee on the Judiciary:** Subcommittee on Constitution, Federalism, and Property Rights, to hold hearings on S. 989, to prohibit racial profiling, 10 a.m., SD–226.

Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings on S. 1233, to provide penalties for certain unauthorized writing with respect to consumer products, 2 p.m., SD–226.

**Committee on Small Business and Entrepreneurship:** to hold hearings to examine the business of environmental technology, 9 a.m., SR–428A.

**House**

**Committee on Armed Services,** to mark up H.R. 2586, National Defense Authorization Act for Fiscal Year 2002, 10 a.m., 2118 Rayburn.

**Committee on the Budget,** hearing on Making Ends Meet: Challenges Facing Working Families in America, 10 a.m., 210 Cannon.

**Committee on Education and the Workforce,** to mark up the following bills: H.R. 1992, Internet Equity and Education Act of 2001; H.R. 2070, Sales Incentive Compensation Act; and H.R. 1900, Juvenile Crime Control and Delinquency Prevention Act of 2001, 10:30 a.m., 2175 Rayburn.


Subcommittee on Health, hearing on Authorizing Safety Net Public Health Programs, 10 a.m., 2322 Rayburn.

**Committee on Financial Services,** Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, oversight hearing on the Office of Federal Housing Enterprise risk-based capital rule for Fannie Mae and Freddie Mac, 2 p.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, to consider H.R. 1701, Consumer Rental Purchase Agreement Act, 10 a.m., 2128 Rayburn.


**Committee on Government Reform,** Subcommittee on Criminal Justice, Drug Policy and Human Resources, oversight hearing on the “National Youth Anti-Drug Media Campaign: How to Ensure the Program Operates Efficiently and Effectively?” 2 p.m., 2154 Rayburn.

**Committee on International Relations,** to mark up the following measures: H.R. 2581, Export Administration Act of 2001; H.R. 2368, Vietnam Human Rights Act; H.R. 2541, to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities; H.R. 2272, Coral Reef and Coastal Marine Conservation Act of 2001; H. Res. 181, congratulating President-elect Alejandro Toledo on his election to the Presidency of Peru, congratulating the people of Peru for the return of democracy to Peru, and expressing sympathy for the victims of the devastating earthquake that struck Peru on June 23, 2001; H. Con. Res. 188, expressing the sense of Congress that the Government of the People’s Republic of China should cease its persecution of Falun Gong practitioners; and H. Con. Res. 89, mourning the death of Ron Sander at the hands of terrorist kidnappers in Ecuador and welcoming the release from captivity of Arnie Alford, Steve Derry, Jason Weber, and David Bradley, and supporting efforts by the United States to combat such terrorism, 10:15 a.m., 2172 Rayburn.

**Committee on Small Business,** to mark up the following: H.R. 203, National Small Business Regulatory Assistance Act; H.R. 2538, Native American Small Business Development Act; the Vocational and Technical Entrepreneurship Development Program Act of 2001; and the Small Business Technology Transfer (STTR) Program Reauthorization Act of 2001, 10 a.m., 2360 Rayburn.

**Committee on Transportation and Infrastructure,** Subcommittee on Aviation, hearing on H.R. 2107, End Gridlock at Our Nation’s Critical Airports Act of 2001, 1:30 p.m., 2167 Rayburn.


**Joint Meetings**

**Conference:** meeting of conferees on H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, 4 p.m., SC–5, Capitol.
Next Meeting of the SENATE
10 a.m., Wednesday, August 1

Senate Chamber
Program for Wednesday: Senate will continue consideration of S. 1246, Emergency Agriculture Assistance Act. At 11 a.m., Senate will resume consideration of H.R. 2299, Department of Transportation and Related Agencies Appropriations Act, with a vote on the motion to close further debate thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, August 1

House Chamber

Extensions of Remarks, as inserted in this issue

HOUSE
Blumenauer, Earl, Ore., E1478
Burton, Dan, Ind., E1477
Jones, Stephanie Tubbs, Ohio, E1478
Schakowsky, Janice D., Ill., E1477
Udall, Mark, Colo., E1477

Congressional Record