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No. 111

## House of Representatives

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

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
August 2, 2001.

I hereby appoint the Honorable VITO FOSSELLA to act as Speaker pro tempore on this day.

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

### PRAYER

The Reverend George G. McDearmon, Ballston Lake Baptist Church, Ballston Lake, New York, offered the following prayer:

O Lord God, the solitary, living God of creation, providence and redemption, Thou art great in wisdom, power and grace. Who would not fear Thee, O King of the nations? Indeed it is Thy due, our Judge, Lawgiver and King.

We thank You for making and preserving us a Nation and for our heritage of liberty in law. By the person and work of our Lord and Saviour Jesus Christ, forgive us of our sins whereby we have failed our heritage, violated Your Law and forgotten You.

Knowing that You establish all authority, may we prove faithful stewards of our solemn trust. May we be God-fearing men and women of moral courage and integrity. May we serve with a selfless, principled commitment to our Constitution and to the public good. May we wisely govern ourselves and the Nation.

O triune God, we petition for Your guardian presence for all who serve in the Armed Forces of the United States. Crown their endeavors with success. God of all comfort, strengthen those

grieving over the loss of loved ones who served aboard USS *Cole*. May the "Determined Warrior" again ply the oceans in their memory and our defense.

We pray in the meritorious name of Jesus Christ, the Captain of salvation. Amen.

### THE JOURNAL

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

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

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 vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

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

Mr. FOLEY led the Pledge of Allegiance as follows:

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

### MESSAGE FROM THE SENATE

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

S. 494. An act to provide for a transition to democracy and to promote economic recovery in Zimbabwe.

The message also announced that pursuant to Public Law 106-286, the Chair, on behalf of the President of the Senate, and after consultation with the Democratic Leader, appoints the Senator from Indiana (Mr. BAYH) to serve on the Congressional-Executive Commission on the People's Republic of China, vice the Senator from Oregon (Mr. SMITH), and appoints the Senator from Montana (Mr. BAUCUS) as Chairman of the Commission.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain one 1-minute at this point.

### THE REVEREND GEORGE G. MCDARMON

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

Mr. SWEENEY. Mr. Speaker, it is a pleasure and honor to welcome Pastor George McDearmon from the Ballston Lake Baptist Church in Ballston Lake, New York in my 22nd Congressional District.

He and his wife, Deborah, are the proud parents of two children. Their daughter, Hanna, is a senior at Liberty University; and their son, Gregory, is the navigator of the USS *Ross*.

Pastor McDearmon and I grew close during the events that unfolded on October 12, 2000. It was on this day the

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

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



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H5179

Navy family suffered a tremendous loss when the USS *Cole* fell victim to terrorism while attempting to refuel at the Port of Aden in Yemen.

Fortunately, I was able to deliver good news to Pastor McDearmon. His son, LTJG Gregory McDearmon, was safe. I commend their service to their communities and our country.

I note that today is a milestone day for both the Pastor and his son, Gregory, since Gregory is navigating the ship, the USS *Ross*, into port in Puerto Rico for the first time today.

Pastor McDearmon was first assigned to the Ballston Lake Baptist Church almost 25 years ago, and his dedication to his congregation, local community and family has kept him there ever since. I would also like to note, he is a member of the board of directors for the Southern Military Institute.

Mr. Speaker, I am pleased to have him here and welcome his participation today.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Chair's approval of the Journal of the last day's proceedings.

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 vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 331, nays 76, answered “present” 1, not voting 25, as follows:

[Roll No. 321]

#### YEAS—331

Abercrombie	Brady (TX)	Davis (CA)
Ackerman	Brown (FL)	Davis (FL)
Akin	Brown (SC)	Davis (IL)
Armey	Bryant	Davis, Jo Ann
Baca	Burr	Davis, Tom
Bachus	Burton	Deal
Baker	Buyer	DeGette
Baldwin	Callahan	Delahunt
Ballenger	Calvert	DeLauro
Barcia	Camp	DeLay
Barr	Cannon	DeMint
Bartlett	Cantor	Diaz-Balart
Barton	Capito	Dicks
Bass	Capps	Dooley
Becerra	Cardin	Doolittle
Bentsen	Carson (IN)	Doyle
Bereuter	Carson (OK)	Dreier
Berkley	Castle	Duncan
Berman	Chabot	Dunn
Berry	Chambliss	Edwards
Biggert	Clayton	Ehlers
Bilirakis	Clement	Ehrlich
Bishop	Clyburn	Emerson
Blagojevich	Coble	Engel
Blumenauer	Collins	Etheridge
Blunt	Combest	Evans
Boehlert	Conyers	Everett
Boehner	Cox	Farr
Bonilla	Coyne	Ferguson
Bono	Crenshaw	Flake
Boswell	Cubin	Fletcher
Boucher	Culberson	Foley
Boyd	Cunningham	Forbes

Ford	Largent	Rivers
Frank	Larson (CT)	Rodriguez
Frelinghuysen	Latham	Roemer
Frost	LaTourette	Rogers (KY)
Gallegly	Levin	Rohrabacher
Ganske	Lewis (CA)	Ros-Lehtinen
Gekas	Lewis (GA)	Ross
Gibbons	Lewis (KY)	Roukema
Gilman	Lofgren	Roybal-Allard
Gonzalez	Lowey	Royce
Goode	Lucas (KY)	Rush
Goodlatte	Lucas (OK)	Ryan (WI)
Gordon	Luther	Sanchez
Goss	Maloney (CT)	Sanders
Graham	Maloney (NY)	Sandlin
Granger	Manzullo	Sawyer
Graves	Mascara	Saxton
Green (TX)	Matsui	Scarborough
Green (WI)	McCarthy (MO)	Schiff
Greenwood	McCarthy (NY)	Schrock
Grucci	McCollum	Sensenbrenner
Gutierrez	McCrery	Serrano
Hall (OH)	McHugh	Sessions
Hall (TX)	McInnis	Shadeeg
Hansen	McIntyre	Shaw
Harman	McKeon	Shays
Hart	McKinney	Sherman
Hastings (WA)	Meehan	Sherwood
Hayes	Meek (FL)	Shimkus
Hayworth	Meeks (NY)	Shows
Herger	Mica	Shuster
Hill	Millender-	Simmons
Hilleary	McDonald	Simpson
Hinchey	Miller (FL)	Skeen
Hinojosa	Miller, Gary	Skelton
Hobson	Mink	Smith (MI)
Hoeffel	Moran (VA)	Smith (NJ)
Hoekstra	Morella	Smith (TX)
Holt	Murtha	Smith (WA)
Honda	Myrick	Snyder
Hooley	Nadler	Solis
Horn	Napolitano	Souder
Hostettler	Neal	Spratt
Houghton	Nethercutt	Stearns
Hoyer	Ney	Stump
Hunter	Northup	Sununu
Hyde	Nussle	Tauscher
Inslee	Ortiz	Tauzin
Isakson	Osborne	Taylor (NC)
Israel	Ose	Terry
Issa	Otter	Thomas
Istook	Owens	Thornberry
Jackson (IL)	Oxley	Thune
Jefferson	Pascrell	Thurman
Jenkins	Pastor	Tiahrt
John	Paul	Tiberi
Johnson (IL)	Payne	Tierney
Johnson, Sam	Pelosi	Toomey
Jones (NC)	Pence	Towns
Kanjorski	Peterson (PA)	Trafficant
Keller	Petri	Upton
Kelly	Pickering	Vitter
Kennedy (RI)	Pitts	Walden
Kerns	Pombo	Walsh
Kildee	Pomeroy	Watkins (OK)
Kilpatrick	Portman	Watson (CA)
Kind (WI)	Price (NC)	Watt (NC)
King (NY)	Pryce (OH)	Watts (OK)
Kingston	Putnam	Waxman
Kirk	Quinn	Weldon (FL)
Klecza	Radanovich	Weldon (PA)
Knollenberg	Rahall	Whitfield
Kolbe	Rangel	Wicker
LaFalce	Regula	Wilson
LaHood	Rehberg	Wolf
Lampson	Reyes	Woolsey
Langevin	Reynolds	Wynn
Lantos	Riley	

#### NAYS—76

Aderholt	Fossella	McDermott
Allen	Gephardt	McGovern
Baird	Gillmor	McNulty
Baldacci	Gutknecht	Menendez
Barrett	Hastings (FL)	Moore
Bonior	Hefley	Moran (KS)
Borski	Hilliard	Oberstar
Brady (PA)	Hulshof	Oberstar
Brown (OH)	Jackson-Lee	Pallone
Capuano	(TX)	Peterson (MN)
Condit	Johnson, E. B.	Phelps
Costello	Jones (OH)	Platts
Cramer	Kaptur	Ramstad
Crowley	Kennedy (MN)	Rogers (MI)
DeFazio	Kucinich	Rothman
Deutsch	Larsen (WA)	Sabo
Doggett	Lee	Schaffer
English	LoBiondo	Schakowsky
Filner	Matheson	Scott

Slaughter	Thompson (CA)	Wamp
Stenholm	Thompson (MS)	Waters
Strickland	Turner	Weiner
Stupak	Udall (CO)	Weller
Sweeney	Udall (NM)	Wexler
Tanner	Velazquez	Wu
Taylor (MS)	Visclosky	

#### ANSWERED “PRESENT”—1

Tancredo

#### NOT VOTING—25

Andrews	Holden	Norwood
Clay	Hutchinson	Oliver
Cooksey	Johnson (CT)	Ryun (KS)
Crane	Leach	Spence
Cummings	Linder	Stark
Dingell	Lipinski	Young (AK)
Eshoo	Markey	Young (FL)
Fattah	Miller, George	
Gilchrest	Mollohan	

□ 1030

So the Journal was approved.  
The result of the vote was announced as above recorded.

### MOTION TO ADJOURN

Mr. McNULTY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the motion to adjourn offered by the gentleman from New York (Mr. McNULTY).

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

#### RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 55, noes 363, not voting 15, as follows:

[Roll No. 322]

#### YEAS—55

Andrews	Fattah	Miller, George
Baird	Filner	Mink
Berry	Frank	Oberstar
Bishop	Frost	Obey
Bonior	Gephardt	Oliver
Borski	Gonzalez	Owens
Capuano	Hastings (FL)	Sabo
Carson (OK)	Hinchey	Sandlin
Clay	Jackson (IL)	Solis
Clement	Jefferson	Tauscher
Conyers	Jones (OH)	Tierney
Coyne	Kaptur	Towns
Davis (IL)	LaFalce	Velazquez
DeFazio	Langevin	Waters
DeLauro	Markey	Watson (CA)
Dicks	McGovern	Waxman
Dingell	McNulty	Weiner
Doggett	Meek (FL)	
Farr	Menendez	

#### NAYS—363

Abercrombie	Berman	Callahan
Ackerman	Biggert	Calvert
Aderholt	Bilirakis	Camp
Akin	Blagojevich	Cannon
Allen	Blumenauer	Cantor
Armey	Blunt	Capito
Baca	Boehlert	Capps
Bachus	Boehner	Cardin
Baker	Bonilla	Carson (IN)
Baldacci	Bono	Castle
Baldwin	Boswell	Chabot
Ballenger	Boucher	Chambliss
Barcia	Boyd	Clayton
Barr	Brady (PA)	Clyburn
Barrett	Brady (TX)	Coble
Bartlett	Brown (FL)	Collins
Barton	Brown (OH)	Combest
Bass	Brown (SC)	Condit
Becerra	Bryant	Cooksey
Bentsen	Burr	Costello
Bereuter	Burton	Cox
Berkley	Buyer	Cramer

Crane Johnson, Sam  
Crenshaw Jones (NC)  
Crowley Kanjorski  
Cubin Keller  
Culberson Kelly  
Cunningham Kennedy (MN)  
Davis (CA) Kennedy (RI)  
Davis (FL) Kerns  
Davis, Jo Ann Kildee  
Davis, Tom Kilpatrick  
Deal Kind (WI)  
DeGette King (NY)  
Delahunt Kingston  
DeLay Kirk  
DeMint Kleczka  
Deutsch Knollenberg  
Diaz-Balart Kolbe  
Dooley Kucinich  
Doolittle LaHood  
Doyle Lampson  
Dreier Lantos  
Duncan Largent  
Dunn Larson (CT)  
Edwards Latham  
Ehlers LaTourrette  
Ehrlich Leach  
Emerson Lee  
Engel Levin  
English Lewis (CA)  
Eshoo Lewis (GA)  
Etheridge Lewis (KY)  
Evans LoBiondo  
Everett Lofgren  
Ferguson Lowey  
Flake Lucas (KY)  
Fletcher Lucas (OK)  
Foley Luther  
Forbes Maloney (CT)  
Ford Maloney (NY)  
Fossella Manzullo  
Frelinghuysen Mascara  
Gallegly Matheson  
Ganske Matsui  
Gekas McCarthy (MO)  
Gibbons McCarthy (NY)  
Gillmor McCollum  
Gilman McCrery  
Goode McDermott  
Goodlatte McHugh  
Goss McInnis  
Graham McIntyre  
Granger McKeon  
Graves McKinney  
Green (TX) Meehan  
Green (WI) Meeks (NY)  
Greenwood Mica  
Grucci Millender-  
Gutierrez McDonald  
Gutknecht Miller (FL)  
Hall (OH) Miller, Gary  
Hall (TX) Mollohan  
Hansen Moore  
Harman Moran (KS)  
Hart Moran (VA)  
Hastings (WA) Morella  
Hayes Murtha  
Hayworth Myrick  
Hefley Nadler  
Herger Napolitano  
Hill Neal  
Hilleary Nethercutt  
Hilliard Ney  
Hinojosa Northup  
Hobson Ortiz  
Hoeffel Osborne  
Hoekstra Ose  
Holden Otter  
Holt Oxley  
Honda Pallone  
Hooley Pascrell  
Horn Pastor  
Hostettler Paul  
Houghton Payne  
Hoyer Pelosi  
Hulshof Pence  
Hunter Peterson (MN)  
Hyde Peterson (PA)  
Inslee Petri  
Isakson Phelps  
Israel Pickering  
Issa Pitts  
Istook Platts  
Jackson-Lee Pombo  
(TX) Pomeroy  
Jenkins Portman  
John Price (NC)  
Johnson (IL) Pryce (OH)  
Johnson, E. B. Putnam

Quinn  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reyes  
Reynolds  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roukema  
Roybal-Allard  
Royce  
Rush  
Ryan (WI)  
Ryun (KS)  
Sanchez  
Sanders  
Sawyer  
Saxton  
Scarborough  
Schaffer  
Schakowsky  
Schiff  
Schrock  
Scott  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shows  
Shuster  
Simmons  
Simpson  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Stearns  
Stenholm  
Strickland  
Stump  
Stupak  
Sununu  
Sweeney  
Tancredo  
Tanner  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tiberi  
Toomey  
Trafigant  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Visclosky  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watt (NC)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wicker

Wilson  
Wolf  
Woolsey  
Wu  
Wynn  
Young (FL)  
Cummings  
Gilcrest  
Gordon  
Hutchinson  
Johnson (CT)  
Larsen (WA)  
Linder  
Lipinski  
Norwood  
Nussle  
Radanovich  
Spence  
Spratt  
Stark  
Young (AK)

## NOT VOTING—15

□ 1051

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA). The Chair will entertain 10 one-minute speeches per side.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 770

Mr. PHELPS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from H.R. 770.

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

There was no objection.

## PUTTING PATIENTS FIRST

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

Mr. GIBBONS. Mr. Speaker, throughout the past several months I have been listening to my constituents during town hall meetings and other listening sessions to hear just exactly what it is we need to do and what we need to change. I believe we do need a Patients' Bill of Rights, not a lawyers' right to bill.

I support increasing access to health care for all Americans and ensuring that all patients can receive health care and hold HMOs accountable. The Patients' Bill of Rights Act of 2001 is comprehensive, bipartisan legislation that will increase the quality of health care for all Americans and small businesses will be better able to offer health insurance for employees through association health plans and expanded medical savings accounts.

Mr. Speaker, patients need to be protected and this plan gives patients access, access to emergency room and specialties care, direct access to obstetricians, gynecologists, and pediatricians; access to needed prescription drugs and approved clinical trials and access to health plan information. It also ensures that patients have the right to choose their doctor with continuity of care and protection that allows patients to definitely see their own doctors even when they are terminally ill, pregnant, or awaiting critical surgery. Let us pass the Patients' Bill of Rights Act of 2001.

PASS THE REAL PATIENTS' BILL  
OF RIGHTS

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

Mr. TURNER. Mr. Speaker, this is a sad day for patients and their doctors. A good bipartisan bill, the Patients' Bill of Rights, went down to the White House yesterday and came back as the insurance companies' bill of rights. It went down to the White House as the patient protection act and came back the insurance company protection act.

The President took a bill that has passed the Senate, the same bill that received almost two-thirds of the votes of this Chamber last year, and he negotiated away the rights of patients to secure the health care their doctors prescribe.

The Patients' Bill of Rights was negotiated away by the President to giving a special deal to the insurance company, a deal that has never been granted to any individual or any business in the history of this country. If we vote for this bill, we will be rolling back the rights of patients for every State in the union.

In Texas, we have had a Patients' Bill of Rights since 1997. It is working. It has not resulted in a flood of litigation. It has not resulted in higher health insurance premiums. We have had only 17 lawsuits. The President's proposal will repeal this good law that is working. I urge my colleagues to stand up for States' rights, stand up for patients and their doctors and pass the real patients' bill of rights.

SOUTH FLORIDA MILITARY  
MUSEUM AND MEMORIAL

(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 want to share the unique history of the South Florida military museum and memorial. The town of Surfside, led by Mayor Paul Novack, as well as Chief Petty Officer John Smith and Christine Ruup, rallied together to save the historic Building 25 to its original 1942 condition and establish a museum and veterans' memorial.

Building 25 is the last original structure of the former Naval Air Station Richmond, which was a World War II Navy blimp base.

During World War II, just off the waters of South Florida, a battle occurred between a U.S. Navy blimp and a Nazi submarine.

Isadore Stessel, a Machinists Mate, lost his life in the only blimp-submarine battle in history.

Building 25 served as the base headquarters to the Naval Air Station and blimp base, and it has been prominent in the history of our South Florida community.

The CIA used this facility as its center for anti-Castro operations during

the 1960's and it was home to the Marine Corps Reserve during Operation Desert Storm. Mr. Speaker, let us preserve it.

#### PATIENTS' BILL OF RIGHTS FAVORS HMOs

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

Mr. GREEN of Texas. Mr. Speaker, we finally have a debate today on the Patients' Bill of Rights but it is not a good deal. In the dark of night we have an agreement that is masquerading as a Patients' Bill of Rights, but it is a patients' bill of wrongs. For example, one proposal gives rebuttable presumption to HMOs, placing the burden on the patients to get the care they need. This provision stacks the decks against patients and makes it nearly impossible to prove that the HMO, when they are denied care, was negligent.

Additionally, the compromise would change State law. Even in my home State of Texas and we have had a law for 4 years, federal law will change our Texas law. Texas has a meaningful patients' bill of rights on the books since 1997, and it has resulted in strong protections for both patients, doctors, and insurers. But under the Bush-Norwood plan, the Texas patients will have their case heard under federal law but in State court. So we are changing the rules in the State of Texas.

Mr. Speaker, I know the gentleman from Georgia (Mr. NORWOOD) worked long and hard on this issue, but every compromise in this proposal is in favor of the HMO and not the patient. I came here to vote for a strong patients' bill of rights, not an HMO's bill of rights.

#### IN SUPPORT OF THE PATIENTS' BILL OF RIGHTS

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

Mr. FOLEY. Mr. Speaker, if we listen to the other side of the aisle, we get a clear theme coming out this morning. If it is not our way, send it down the highway. They say bipartisanship, but all they do is deride the things we have worked so hard for.

I have worked with the gentleman from Georgia (Mr. NORWOOD) since 1995 on a Patients' Bill of Rights and that man's heart is with patients. Their hearts are with trial lawyers. If we want to see how quick it is to file an action in court to get health care relief, our constituents will be waiting 5 years for a court to render a verdict.

Under the Norwood bill and the President's proposal they will get health care now, not 5 years from now. To malign this bill and say it was done in the dead of night does a disservice to every Member who has fought for good patient protection.

Now they are abandoning the very architect of that plan in the name of

politics. They want to win the next election, but they will do it on the back of sick people. I believe people need help today; and if we pass the bill, they will get it today, not 5 years from now when a court may or may not rule in their favor.

#### REPARATIONS FOR AMERICAN PRISONERS OF WAR

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

Mr. TRAFICANT. Mr. Speaker, it is bad enough that Japan attacked Pearl Harbor. Reports now confirm that Japanese companies like Mitsubishi and Matsui forced American soldiers into slave labor camps, many even murdered.

If that is not enough to eat your Toyota, our VA Secretary said and I quote, "America demands an apology."

Beam me up. American prisoners of war from World War II do not deserve an apology. They deserve compensation for Japanese war crimes, period. I yield back all those Japanese cars on American streets, painted and tainted with the blood of prisoners of war, American prisoners of war from World War II.

□ 1100

#### NEW BEGINNING FOR INDONESIA

(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, I rise today to extend my congratulations to Megawati Sukarnoputri, the new President of Indonesia, and I commend the people, the government, and the military for the smooth, nonviolent transition of power.

I also urge President Megawati to use her leadership to address widespread human rights abuses, such as the bloodshed and destruction in the Maluku, the arrests and deaths of innocent civilians in Aceh and Irian Jaya, the shaky court cases established against pastors in Poso, and the intentional manipulation of religious tensions in a number of areas of the country.

The instability and human rights abuses can be involved through the arrest and bringing to justice of the perpetrators, such as Laskar Jihad leader, Mr. Jafar Umar Thalib, and his cohorts.

Mr. Speaker, the people of Indonesia deserve a peaceful and prosperous nation in which the fundamental rights of all people are respected. The President has a real opportunity to shape a new future with her cabinet appointments to shape the new future for the Indonesian people and ensure that democracy and civil society will reign.

#### VIOLENCE IN THE MIDDLE EAST

(Mr. SNYDER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. SNYDER. Mr. Speaker, the violence in the Middle East continues. In December, I visited with wounded and with family members of the dead on both sides. Let me share with my colleagues some of the faces of violence.

This lovely young woman, a Jewish family and her in-laws, her husband was executed with a bullet to the head in an Israeli office in Arab East Jerusalem 6 weeks before I arrived.

This young man was shot in the chest, a Palestinian young man, the day before I arrived. This is at a hospital in Ramallah.

And finally, this mother and her son. This man was shot in the upper abdomen about 10 days before I arrived. Several years before she had had another son that was shot in the head in the violence. This is also at a Ramallah hospital in the West Bank.

An end to the violence, a solution, a peace agreement must come, because every traumatized family plants the seeds of more rage and more violence in the Middle East.

#### REPUBLICANS GIVETH AND DEMOCRATS TAKETH AWAY

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

Mr. STEARNS. Mr. Speaker, while traveling in Iowa recently, the minority leader said, in reference to the very, very large tax cut in 1993 that raised income taxes, gasoline taxes, and taxes on Social Security benefits, he said, I will do it again. He went on to say that the biggest tax increase in U.S. history was the right thing to do.

My colleagues, the message is clear, Republicans giveth and Democrats taketh away. Americans are just now receiving their tax refund checks, and Democrats are already trying to yank it back so they can spend more here on wasteful programs in Washington, D.C.

It is not terribly surprising that Democrats want to raise taxes, but one would think that they would let the American people get the check first. An enormous tax increase would be the wrong thing, the worst thing for our fragile economy at this time.

Mr. Speaker, now it appears the minority leader is back-peddling from the statement he made earlier. We need to find ways to get money back to the people, not to the Federal Government.

#### REJECT PATIENTS' BILL OF RIGHTS

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

Mr. DOGGETT. Mr. Speaker, as the representative here in Washington for the capital city of the Lone Star State of Texas, I take pride in the fact that our State has provided national leadership in protecting patients from their

insurance companies with a model patients' bill of rights.

Now, all America should know that our success in Texas came despite the continual objection of then-Governor Bush, who threw up as many roadblocks as he could to those meaningful guarantees, in fact, almost as many as he now throws up to the bill we consider today on the Federal level for a national patients' bill of rights.

Incredibly, President Bush now seeks to override the effective State guarantees that we got enacted over his objection in Texas. And like the fine print in one of those policies that only pays if you get struck by lightning at leap year on a midnight summer day, this patients' bill of rights is riddled with loopholes for insurance companies to take advantage of sick patients and distressed families.

It should be rejected in favor of a real patients' bill of rights, the kind we got in Texas over President Bush's veto.

#### DONATING BONE MARROW FOR EMILY KIM

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

Mr. BARTON of Texas. Mr. Speaker, I want to call a time-out on some of our other debate for today and bring to the attention of my colleagues a young girl, 6 years old, named Emily Kim. Emily is very bright, very beautiful, and unfortunately, she is dying of leukemia. This spring doctors gave her and her parents only 6 months for her to live.

There is still hope, though. A bone marrow transfusion could save her life, literally, and doctors are hoping to find a bone marrow donor, a genetic match that is almost like finding a needle in a haystack, 1 in 100,000. It is even tougher because Kim is an Asian American, and not many Asian Americans have signed up with the National Bone Marrow Donor Registry. So I am calling on my colleagues to contact their constituents in the Asian American community and ask them to take a simple test to see if they might be that one-in-a-one hundred thousand donor match for young Emily. You must be 18 to 60 years old and in good health.

I know how important this is, because my brother died of liver cancer last year. We could not find a liver match that would have saved my brother's life, but we might save Emily's life. Take a few minutes, go to [www.marrow.org](http://www.marrow.org), or contact your doctor or local office of the American Cancer Society. Working together, my colleagues, we may yet find that one-in-a-thousand donor match for young Emily Kim.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2037

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that the name of

the gentleman from Wisconsin (Mr. SENSENBRENNER) be removed as a cosponsor of H.R. 2037.

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

There was no objection.

#### HMO HORROR STORIES

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I hope Emily does not have membership in an HMO. Because if Emily is covered by an HMO, it does not matter whether or not we find a donor because the HMO will not support it.

Mr. Speaker, we came here to represent people like Emily, but instead we have a bill that has been transformed into representing the HMOs and insurance companies. That is a travesty on the people of this Nation.

It is clear that what is being said about these new proposals for the HMO simply does not have a history of being true. I am a native Texan. We have a patients' bill of rights. We do not want this bill to tear it up. Our premiums are below the national average, more people are insured, and only 17 lawsuits in the last 4 years for 20 some million people. Now, is that extreme?

Let us represent the people.

#### TRADE PROMOTION AUTHORITY FOR PRESIDENT

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

Mr. KIRK. Mr. Speaker, next month this House will consider granting trade promotion authority to our President. One-third of all American families depend directly or indirectly on trade for their family incomes. America is the number one exporting nation, but unless we act, that leadership may fade.

The European Union has concluded dozens of trade agreements with other nations. We have signed only two. In the center of America's heartland, my State of Illinois is home to our country's first and second top exporters. We are also home to half of all Internet sales on the World Wide Web, which in reality is the American exporting web.

Trade authority will lay the foundation for continued American leadership with the highest paying jobs in the economy. I urge Members, when they return, to master the export opportunities ahead and give the President his authority.

#### PATIENTS' BILL OF WRONGS

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

Ms. WOOLSEY. Mr. Speaker, yesterday, late in the evening, one of the authors of the bipartisan patients' bill of rights, a bill that the majority of the House of Representatives supports and the President does not support, the author of that legislation turned the good bill, under the pressure of the White House, into a patients' bill of wrongs.

Today, we will be voting on the President's idea of an insurance bill of rights, a bill that will kill the bill in the first place by putting impossible roadblocks in the way of patients getting effective care in a timely manner. This patients' bill of wrongs would also roll back protections already provided by States right here in this country today.

Do not vote for the patients' bill of wrongs.

#### COLORADO WING OF CIVIL AIR PATROL

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

Mr. TANCREDO. Mr. Speaker, on Monday, I introduced a resolution, with the support of all five of my colleagues from Colorado, honoring the Colorado Wing of the Civil Air Patrol. The Colorado Wing was stabilized 60 years ago as a volunteer organization to conduct air and ground searches for downed or missing airplanes, hunters, hikers, and other missing persons across the State of Colorado.

Last year, the Colorado Wing was accredited with safely flying 1,216 air search and rescue hours and saving the lives of 15 people. It continues its efforts to aid the people of Colorado through annual camps, training Civil Air Patrol cadets in ground search and rescue, field and emergency skills, in leadership, and in self-discipline.

Having witnessed firsthand the invaluable and exemplary service the Colorado Wing of the Civil Air Patrol provides the people in the State of Colorado, I am extremely proud to introduce this resolution commending their excellent work and devotion to our community, and I urge my colleagues in support of this resolution.

#### VOTE DOWN BAD PATIENTS' BILL OF RIGHTS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it has been 5 long years that many of us have toiled and worked and collaborated and offered legislation that really puts the patient-physician relationship as a top priority.

There is not one of us in America that has not confronted the health system in a David-and-Goliath posture, with the HMOs being Goliath and the patient, David. Sometimes David has won, maybe other times David has failed.

I come from Texas, and I believe that this Congress should not do less for the American people than we did for Texas. Take this example. A loved one lying on a hospital bed, you in a hospital telephone booth confronting your HMO. And out of the bill that will come to the floor today, against the HMO, you will be in the wrong, they will be in the right. The presumption of rightness will be with them, and your loved one lies dying on a hospital bed.

Vote down this bad patients' bill of rights.

#### SUPPORT PATIENTS' BILL OF RIGHTS

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

Mr. KELLER. Mr. Speaker, I rise today in strong support of the bipartisan patients' bill of rights. This bill has three key components.

First, it provides patient protections. For example, women in my district of Orlando can now go directly to their gynecologist, children can go directly to a pediatrician, and it provides for emergency room coverage.

Second, this bill holds HMOs accountable in a court of law for their decisions. This is critical because it places decisions back in the hands of physicians and patients, not in the hands of HMO bureaucrats.

Third, it protects employers from frivolous lawsuits by using a dedicated decision-maker model. In addition, it requires that patients first exhaust their independent appeals process before filing a lawsuit.

The bill has caps at \$1.5 million on pain-and-suffering damages as a way to hold down insurance premiums. Punitive damages are not available unless a decision-maker fails to follow the recommendation of the independent reviewer. If they do not follow that recommendation, they are subject to punitive damages at \$1.5 million.

It encourages HMOs to do the right thing and it protects patients. I urge my colleagues to vote "yes" on this important, bipartisan patients' bill of rights.

#### WHITE HOUSE PROTECTS INSURANCE COMPANIES, NOT PATIENTS

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

Mr. SANDLIN. Mr. Speaker, there is an old Charlie Daniels song that goes, "The devil went down to Georgia. He was lookin' for a soul to steal. He was in a bind, he was way behind, and he was willing to make a deal."

Well, Mr. Speaker, it seems that we have a similar situation in the House today. Only this time instead of betting a fiddle of gold, we are betting patients' lives in America.

The administration has been in a bind; they have been way behind. When the House took up the patients' bill of rights 2 years ago, it passed with 275 votes in this House, with 68 of them coming from the Republican side of the aisle. That was a bipartisan patients' bill of rights.

So the administration went down to Georgia and made a deal. In that deal, they sold out the patients. They tried to ensure that insurance company clerks made medical decisions in this country. They tried to ensure that insurance companies do not have responsibility for the decisions they make. They created a new legal standard in court that says, the insurance companies are right, the patient has to prove them wrong, and they increased the burden.

Mr. Speaker, we have had enough of these deals. It is time to enact a real patients' bill of rights, one that gives some protections.

There will be a Democratic caucus meeting at 11 o'clock, 345 Cannon, to discuss the patients' bill of rights.

#### GRATEFUL TO PRESIDENT FOR PATIENTS' BILL OF RIGHTS AND ENERGY POLICY

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

Mr. HAYES. Mr. Speaker, I rise today to thank President Bush for providing a patients' protection act, and to thank the gentleman from Kentucky (Mr. FLETCHER) and the gentleman from Georgia (Mr. NORWOOD) for protecting patients and standing up against the powerful trial lawyers.

I also rise to thank President Bush for giving us a comprehensive energy plan, which will provide protection for future generations against dependence on foreign oil.

□ 1115

Mr. Speaker, as I talked to some of the folks lobbying against drilling in ANWR yesterday, I asked them if they had ever been there, and they said "no." My family and I lived there for a year. The family we lived with, the Helmericks, perfected the ice pad drilling technique which allows us to drill safely and then remove virtually all evidence that drilling took place.

Mr. Speaker, I thank President Bush for providing leadership for this country.

#### MOHAMMED ALI, POETRY IN MOTION

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Speaker, if anyone defined poetry in motion, it was Mohammed Ali. During his 25-year career in the boxing ring from 1960 to 1981, Ali danced, bobbed and rope-a-

doped into most of his opponents with early-round knockouts. It was a beautiful sight to behold. Mohammed Ali sits on anyone's short list of the greatest athletes and most dedicated humanitarians of the 20th century. In fact, Time Magazine listed him as one of the top 20.

Mr. Speaker, I urgently request that my colleagues join me in the bill that I have to award Mohammed Ali a Congressional Gold Medal.

Mrs. CHRISTENSEN. Mr. Speaker, will the gentlewoman yield?

Ms. CARSON of Indiana. I yield to the gentlewoman from the Virgin Islands.

Mrs. CHRISTENSEN. Mr. Speaker, in the time that is remaining, let me say, let us keep the Ganske-Norwood-Dingell-Berry bill intact. The HMOs deserve no special privilege or protection. Let us protect the patients of America. Let us keep a strong, good Patients' Bill of Rights.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately noon today.

Accordingly (at 11 o'clock and 17 minutes a.m.), the House stood in recess until approximately noon.

□ 1203

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOSSELLA) at 12 o'clock and 3 minutes p.m.

#### MOTION TO ADJOURN

Mr. McNULTY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the motion to adjourn offered by the gentleman from New York (Mr. McNULTY).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 56, nays 355, not voting 22, as follows:

[Roll No. 323]

YEAS—56

Baird	DeFazio	Evans
Berry	DeGette	Farr
Bonior	DeLauro	Filner
Borski	Dicks	Frank
Boyd	Dingell	Frost
Capuano	Doggett	Gephardt
Clay	Eshoo	Hastings (FL)
Conyers	Etheridge	Hilliard

Hinchey	Miller, George	Schakowsky
Jefferson	Mink	Shows
Johnson, E. B.	Nadler	Slaughter
Kaptur	Oberstar	Spratt
LaFalce	Obey	Stupak
Langevin	Oliver	Tierney
Lantos	Pelosi	Velaquez
Lee	Price (NC)	Waters
McCollum	Rodriguez	Watson (CA)
McGovern	Ross	Waxman
McNulty	Sandlin	

## NAYS—355

Abercrombie	Doyle	King (NY)
Ackerman	Dreier	Kingston
Aderholt	Duncan	Kirk
Akin	Edwards	Knollenberg
Allen	Ehlers	Kolbe
Andrews	Ehrlich	Kucinich
Army	Engel	LaHood
Baca	English	Lampson
Bachus	Everett	Largent
Baker	Fattah	Larsen (WA)
Baldacci	Ferguson	Larson (CT)
Baldwin	Flake	Latham
Ballenger	Fletcher	LaTourette
Barcia	Foley	Leach
Barr	Forbes	Levin
Barrett	Ford	Lewis (CA)
Bartlett	Fossella	Lewis (GA)
Barton	Frelinghuysen	Lewis (KY)
Bass	Galleghy	LoBiondo
Becerra	Ganske	Lofgren
Bentsen	Gekas	Lowey
Bereuter	Gibbons	Lucas (KY)
Berkley	Gillmor	Lucas (OK)
Biggert	Gilman	Luther
Bilirakis	Gonzalez	Maloney (NY)
Bishop	Goode	Manzullo
Blagojevich	Goodlatte	Markey
Blumenauer	Gordon	Mascara
Blunt	Goss	Matheson
Boehlert	Graham	Matsui
Bonilla	Granger	McCarthy (MO)
Bono	Graves	McCarthy (NY)
Boswell	Green (TX)	McCrery
Boucher	Green (WI)	McDermott
Brady (PA)	Greenwood	McHugh
Brady (TX)	Grucci	McInnis
Brown (FL)	Gutierrez	McIntyre
Brown (OH)	Gutknecht	McKeon
Brown (SC)	Hall (OH)	McKinney
Bryant	Hall (TX)	Meehan
Burr	Hansen	Meek (FL)
Burton	Harman	Meeks (NY)
Buyer	Hart	Menendez
Callahan	Hastings (WA)	Mica
Calvert	Hayes	Millender-
Camp	Hayworth	McDonald
Cannon	Hefley	Miller (FL)
Cantor	Herger	Miller, Gary
Capito	Hilleary	Mollohan
Capps	Hinojosa	Moore
Cardin	Hobson	Moran (KS)
Carson (IN)	Hoeffel	Moran (VA)
Carson (OK)	Hoekstra	Morella
Castle	Holden	Murtha
Chabot	Holt	Myrick
Chambliss	Honda	Napolitano
Clayton	Hooley	Neal
Clement	Horn	Nethercutt
Clyburn	Hostettler	Ney
Coble	Houghton	Northup
Collins	Hoyer	Nussle
Combest	Hulshof	Ortiz
Condit	Hyde	Osborne
Cooksey	Inslee	Ose
Costello	Isakson	Otter
Coyne	Israel	Owens
Cramer	Issa	Oxley
Crane	Jackson (IL)	Pallone
Crenshaw	Jackson-Lee	Pascarell
Crowley	(TX)	Pastor
Cubin	Jenkins	Paul
Culberson	John	Payne
Cummings	Johnson (CT)	Pence
Cunningham	Johnson (IL)	Peterson (PA)
Davis (CA)	Johnson, Sam	Petri
Davis (FL)	Jones (NC)	Phelps
Davis (IL)	Jones (OH)	Pickering
Davis, Jo Ann	Kanjorski	Pitts
Davis, Tom	Keller	Platts
Deal	Kelly	Pombo
Delahunt	Kennedy (MN)	Pomeroy
DeMint	Kennedy (RI)	Portman
Deutsch	Kerns	Pryce (OH)
Diaz-Balart	Kildee	Putnam
Dooley	Kilpatrick	Quinn
Doolittle	Kind (WI)	Radanovich

Rahall	Shadegg	Thompson (MS)
Ramstad	Shaw	Thornberry
Rangel	Shays	Thune
Regula	Sherman	Thurman
Rehberg	Sherwood	Tiahrt
Reyes	Shimkus	Tiberi
Reynolds	Shuster	Toomey
Riley	Simmons	Towns
Rivers	Simpson	Trafficant
Roemer	Skeen	Turner
Rogers (KY)	Skelton	Udall (CO)
Rogers (MI)	Smith (MI)	Udall (NM)
Rohrabacher	Smith (NJ)	Upton
Ros-Lehtinen	Smith (TX)	Visclosky
Rothman	Smith (WA)	Vitter
Roukema	Snyder	Walden
Roybal-Allard	Solis	Walsh
Royce	Souder	Wamp
Rush	Stearns	Watkins (OK)
Ryan (WI)	Stenholm	Watt (NC)
Ryun (KS)	Strickland	Watts (OK)
Sabo	Stump	Weld (FL)
Sanchez	Sununu	Weldon (PA)
Sawyer	Sweeney	Weller
Saxton	Tancredo	Wexler
Scarborough	Tanner	Whitfield
Schaffer	Tauscher	Wicker
Schiff	Tauzin	Wilson
Schrock	Taylor (MS)	Wolf
Scott	Taylor (NC)	Wu
Sensenbrenner	Terry	Wynn
Serrano	Thomas	Young (FL)
Sessions	Thompson (CA)	

## NOT VOTING—22

Berman	Hunter	Peterson (MN)
Boehner	Hutchinson	Sanders
Cox	Istook	Spence
DeLay	Klecza	Stark
Dunn	Linder	Woolsey
Emerson	Lipinski	Young (AK)
Gilchrest	Maloney (CT)	
Hill	Norwood	

## □ 1225

Messrs. LEVIN, OXLEY, LEWIS of Kentucky, LAHOOD, SKEEN, Ms. BERKLEY and Ms. KILPATRICK changed their vote from “yea” to “nay.”

Mr. HILLIARD changed his vote from “nay” to “yea.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

### PROVIDING FOR CONSIDERATION OF H.R. 2563, BIPARTISAN PATIENT PROTECTION ACT

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 219 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 219

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2563) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided among and controlled by the chairmen and ranking minority members of the Committees on Energy and Commerce, Education and the Workforce, and Means. After general debate the bill shall be considered for amendment under the five-minute

rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment 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. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman 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 on this issue only.

Mr. Speaker, the legislation before us is a structured rule providing for the consideration of H.R. 2563, at last. It provides 2 hours of general debate equally divided and controlled by the chairmen and the ranking minority members of the Committee on Energy and Commerce, the Committee on Education and the Workforce, and the Committee on Ways and Means, the three committees of jurisdiction.

The rule waives all points of order against consideration of the bill and makes in order only the amendments printed in the Committee on Rules report accompanying the resolution. It further provides that the amendments 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 opponent, shall not be subject to an amendment and shall not be subject to a demand for division of the question in the House or the Committee of the Whole.

The rule waives all points of order against the amendments printed in the report and provides one motion to recommit with or without instructions.

In fact, it is pretty standard and fair in terms of rules on this type of matter. What is unique is the long, long preparation, the participation of so many Members to bring this legislation to the floor. We believe on the Committee on Rules that we have crafted a good rule to have full debate for the balance of the day and probably into the early evening.

We have three major amendments with time specified of 40 minutes for one, 40 minutes for another and 60 minutes for another. Members having done



their homework will know what those are and we will get into them as we go along. I think this should be comprehensive and give every Member the opportunity to have their say.

□ 1230

Mr. Speaker, this truly is a red letter day, not just for the Congress but for the American people, because today, after 10 years of debate and compromise, we are finally having the opportunity to put forth patient protection legislation that will really change the way our health care system operates for the better.

A true patients' bill of rights must make our health care system more accessible. Health care insurance is no good if someone cannot get it. So accessibility of health care and health care insurance is critical. Obviously, it has to be affordable, more affordable. Affordable is an area we have focused on. And most importantly, more accountable, accountable to the Americans that health care serves.

This fair rule and the underlying legislation represents a reasoned, commonsense approach that allows people that disagree with health care providers an opportunity for just and impartial appeal. This is what Americans have been asking for.

I have worked on health care legislation with so many colleagues ever since coming to Congress, and I can tell my colleagues that this is something that matters a lot back in my district and every other place I go in the country when I talk about it. When I am back in my district, not one town hall meeting goes by without constituents registering concerns about their health care and questioning how things will be fixed, how much it will cost, can I afford it, will I be able to get it, and so forth.

It has always been a very delicate balance to come up with something that will be supported by the House, of course our colleagues in the other body, and the administration; and I commend the hard work of so many, but especially the diligent efforts now on a timely basis of people like the gentleman from Georgia (Mr. NORWOOD) and President Bush, who understood compromise is still better for the American people than nothing at all. Laws are better than unresolved issues.

Frankly, one of the reasons we can be here today is because of the respect our colleague, the gentleman from Georgia, has in this body. In the words of Senate Majority Leader TOM DASCHLE, and I quote him, "If Dr. NORWOOD, who I think knows the issue better than anyone else does, feels that some of these proposals are acceptable, I would certainly entertain them." Well, we are entertaining them today in an amendment that every Member has had a chance to read, and we will have 60 minutes set aside for debate on that.

What is important is that when our constituents ask, will I have access to affordable health care, we can say

forthrightly, look them right in the eye, and say yes. When they ask, can I sue my HMO if there is cause, the answer will again be yes.

With these positive reforms comes great responsibility, of course; and I commend my colleagues for entertaining the compromise that will not overburden the courts with frivolous lawsuits but will still allow justice under the law. We must be sure that the courts are the last resort and not the first. This bill provides for an independent review process that is immediately responsive to patients' needs.

My constituents in southwest Florida are tired of standing in lines, as I suspect Americans are elsewhere. The lines at the doctor's office is bad enough, to say nothing of waiting times. They certainly should not be waiting in additional queues at the courthouse. Instead of driving people to court, a true patients' protection plan will enable Americans to get the care they need and ensure the accountability of medical providers. And I think that is what this legislation does.

Certainly the rule is designed to bring out the debate on these points. Mr. Speaker, I urge my colleagues to continue the careful manner in which this legislation was drafted, and I urge them to support this rule.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I rise in strong opposition to this rule. I am opposed to the process the rule represents and the political cynicism it embodies.

Make no mistake, this rule is designed to kill the bipartisan patients' bill of rights. This is death by a thousand cuts. By slicing away at the bipartisan-based bill, the leadership today once again will bury one of the most important pieces of legislation to face this body in a generation, all in an effort to appease the insurance companies and the HMOs.

Mr. Speaker, there is no new agreement regarding the bipartisan patients' bill of rights. Yesterday's hastily arranged news conference by the administration was pure theater. Only one sponsor of the bipartisan patients' bill of rights, the gentleman from Georgia (Mr. NORWOOD), was included in the discussion with the administration. And even the gentleman from Georgia admitted to the Committee on Rules last night that he did not have a deal. And, indeed, until he saw what was written in the Committee on Rules, he would not have one. And at that moment last night he had no idea what would be written.

And now with ink barely dry, the Republican leadership is demanding a

vote. We wonder how many Members will see this so-called agreement before they have to vote.

A dangerous pattern is developing in the Committee on Rules. Knowing that they do not have the support to kill important measures, like campaign finance reform or a balanced energy program that maintains the environment, the leadership cloaks itself in the darkness of night. When daylight breaks, they emerge with procedural hurdles designed to obfuscate, confuse, and ultimately bury these measures that may mean life and death for many of our constituents.

The leadership knows the Senate will not agree to this version of the patients' bill of rights, and they know by passing the administration's version they can force a conference with the Senate, thereby relegating the patients' bill of rights to the legislative graveyard.

The rule today makes in order only those amendments designed to kill the measure. There are poison pills. Each one weakens and dilutes patients' protections. The amendments block legal remedies in State courts under State laws, they hand over to HMOs the right to choose which court to adjudicate in, and they stack the deck against anyone who tries to enforce the patient protections we have worked for so long to secure.

Moreover, the new Norwood bill fails to pay for any of the revenue losses it causes. In case Members are unaware, the surplus we worked so hard to secure the past 8 years is gone. In fact, the Treasury has had to borrow \$51 billion just to pay for the tax rebate mailed just last week. Now, for the second time in 24 hours, we have blocked amendments by Democrats who want to be responsible and pay for the cost of the legislation we are considering.

The House is now preparing to blow an additional \$25 billion hole in the deficit. Democrats did offer responsible offsets but were voted down unanimously in the Committee on Rules.

Where will this money come from? The only place left after the massive tax cuts enacted by Congress are the Medicare and Social Security Trust Funds.

I want to remind my colleagues this is about real people, about real lives, and as I stated earlier, a matter of life and death for many. H.R. 2563 would make a difference for the man who goes to the emergency room suffering a heart attack and the woman who has to wait to get permission to see her OB-GYN for a gynecological problem and the parent whose child is being shunted from doctor to doctor by an insurer. It would help patients obtain speedy reviews when potentially life-saving treatment is denied or when a financially crippling bill will not be covered by the insurer.

The bipartisan bill would make a difference in the day-to-day lives of the people we represent. And for this body to treat this measure so cavalierly defies conscience and defies belief.



Make no mistake, this agreement is a win for the special interests and especially the HMOs and insurance companies who support with their contributions this new bill.

It is a loss for the American people on one of their biggest issues, and a sad day for America, patients, doctors, and virtually every family around the country.

One of the most egregious things is they have held HMOs to different standards than they are holding doctors and hospitals. The HMOs alone among the health care providers will be shielded from the consequences of their own bad decisions, but the doctors and the hospitals are left hanging out to dry. And I understood the AMA has just opposed this bill.

HMOs will also have an extraordinary care standard, not a medical standard, but what any ordinary insurance company would do. And in fact what is being given to them goes to no other industry in the United States. And by waiving away the State laws, many people in the United States where they have good strong State laws will be worse off than had this bill not passed.

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

Mr. GOSS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. PRYCE), a distinguished member of the committee and a member of our leadership.

Ms. PRYCE of Ohio. I thank my good friend from Florida and colleague on the Committee on Rules for yielding me this time, and I rise in very strong support of this rule.

Mr. Speaker, I came to the House of Representatives nearly 9 years ago, and for the majority of my tenure here, Congress has been struggling with the concept of a bill of rights for patients. There are no policy arguments that have not been made, no statements left unspoken, and no new points to interject.

Mr. Speaker, 95 percent of the patients' bill of rights is agreed to by every one here. We all agree that patients should have access to emergency room and specialty care and direct access to obstetricians, gynecologists, and pediatricians. We agree that doctors should have input in the development of formularies for prescription drugs and that patients should have access to health plan information.

All the players agree that gag clauses that prevent doctors from discussing certain health care options with their patients should be prohibited and that patients should have a right to continuity of care. In fact, I would like to remind my colleagues that the House has previously passed a patients' bill of rights. We have, we have done it here, and yet we still have no Federal protection to offer the 170 million Americans with private health insurance.

Well, help is on the way. We finally have a President committed to making this happen and a Congress which has

worked long and hard to help him. Mr. Speaker, I understand this task has been a daunting and difficult one, and that is why the agreement President Bush forged yesterday is a giant step forward. An agreement that involved so many hardworking, committed Members on both sides of the aisle needs a chance to go forward today.

Mr. Speaker, we need a bill that will not penalize employers for offering health care benefits; we need a bill that will not drive up the cost of premiums; and we need a bill that will offer remedy to patients who have been wronged; and, most of all, we need a bill that can be signed into law.

There are many who would rather not see this happen today. They would rather the American people not have this benefit. They would rather have a political issue. And it is so easy to stand in the way. It is much harder to forge consensus. This time the Committee on Rules, which has met into the wee hours nearly every night this week, has forged a fair and good rule that will do all of this.

We have already spent too much time on solutions that go nowhere. This legislation, with the agreement offered by the gentleman from Georgia (Mr. NORWOOD), has been agreed to by the President. It will offer our best chance to provide real patient protection to those Americans who desperately need it and have needed it for far too long.

I urge my colleagues to support this rule. It is fair, it is very delicate, it is balanced, and it will bring a patients' bill of rights to our President for his signature.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. My colleagues, make no mistake, this bill is a special deal for special interests. The patients' bill of rights went into the White House emergency room with the gentleman from Georgia (Mr. NORWOOD) and it came out as an "HMO Bill of Rights," an "Insurance Bill of Rights," a special set of rights no other industry in America has.

And speaking of rights, this bill kills State rights in protecting patients. Just this week in New Jersey, a Republican governor signed a bill passed by a Republican legislature which would provide for enforcing our patients' bill of rights. This bill we are debating today destroys New Jersey's patients' protections, and California and Texas and every other State's right to protect patients, by superceding it.

This bill is a huge step backwards in patient protections. This bill will not guarantee the care patients deserve and need but it will guarantee HMOs' abuses.

Let us vote for patients, for people, for our constituents, and against the special interests. Vote against the rule and the bill.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT), the

distinguished member of our leadership, the deputy whip.

Mr. BLUNT. Mr. Speaker, I thank my good friend for yielding me this time, I want to use the last of the voice I have left this week to talk for a few minutes about this bill and the rule that allows it to come to the floor.

What we have a chance to do here today is to end 6 years of gridlock, 6 years of striving for a solution that has been outside of our reach. Today we can achieve that solution.

Lots of Members have worked very hard to try to find that solution on both sides of the aisle. My good friend, the gentleman from Iowa (Mr. GANSKE); the gentleman from Georgia (Mr. NORWOOD); the gentleman from Michigan (Mr. DINGELL); the gentlewoman from Connecticut (Mrs. JOHNSON); and the gentleman from Kentucky (Mr. FLETCHER) have all worked hard to try to find that ground that gets us to a solution that really does create parents' rights.

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I think what this bill does, and the amendments that go along with it, it puts patients first. It puts health care first. It puts the health care decision first, and that is a critical difference in this and some of the other concepts that we have talked about, such as the health care professional review panel that has an immediate answer. In fact, how they respond to that answer depends on the way that patients are dealt with in the future of this process.

If in fact an individual is provided insurance, and responds to what that doctor-driven health care professional panel says needs to be done, they have done the right thing and the law recognizes that.

This law talks about greater access to the system. It talks about liability, but it also talks about some ways to avoid that liability, which continues to encourage employers to provide health care to their workers.

For a generation now, one of the questions that workers first asked when they filled out a job application was, Is health insurance provided? What we do not want to see at the end of our debate here is the answer to be, We used to have health care. We used to offer health care, but now we just give employees money because we do not know what our liability is. It was undefined.

Our bankers, if it is a small business, would not let us continue down that path. Our shareholders, if it is a large business, because of the responsibility we have to them, we decided not to have health care insurance any longer because we did not understand our liability.

That is one reason many of us thought it was so important to understand the limits of that liability. This bill sets a higher limit than many of us would have ever thought we could accept; but employers can work with it, the system can work it.

Most importantly, the results of the hard effort in the last 24 hours, the President's efforts, the efforts of the gentleman from Georgia (Mr. NORWOOD), the gentleman from Arizona (Mr. SHADEGG) stayed up all night to make sure of the language, to come up with a bill that this House can vote on this week that can be signed into law.

Mr. Speaker, 6 years of talking about this is too long. Now is the moment when we can reach a final decision. We can send a bill to the Senate that is a better bill than the Senate's bill. We can put a bill on the President's desk. He wants to sign a bill; we ought to give him the chance to do that.

This bill truly does protect patients' rights.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, the Senate last week spent a whole week in arriving at a decision on this legislation. It was a thoughtful debate, compromises were worked out on a bipartisan basis, and a good bill was sent here.

Let us look at where we are and why. A Member in this Chamber went to the White House in a closed meeting and worked out a deal. That deal was not reduced to writing until this morning. He did not know what was in the deal at the time he appeared before the Committee on Rules. Nobody else knew. I do not know now. None of you know. I seriously doubt that the Member who cut the deal knows what he has done.

I do not think that any Member can understand the ramifications of these curious transactions. In the Senate, the leaders were willing to forgo the Independence Day recess in order to work this legislation up. Here, without the vaguest understanding of what we are doing, we are now rushing to send a bill to the President.

The doctors have a way of describing this thing. They say, First, do no harm. There is a plethora of amendments which have been added to this legislation under the rule. If Members vote for the rule, they are going to vote for a bill that has not been tested and that the author of the amendment cannot satisfactorily explain to himself or to us.

Mr. Speaker, this is a bad process. I would point out that it sets up a whole new Federal standard for torts and for jurisprudence, something which has not been done for 300 years in this country. I ask my colleagues to note whether they can explain this or understand it, or whether they or anyone, or the author of the amendment, can assure us that this amendment does not foster mischief and misunderstanding and the potential for real trouble for the American public.

I would note some other things for the benefit of this Chamber. This is an

HMO bill. It is a step backwards in that it preempts State laws. It puts its finger on the scale of justice. Nay, it puts its whole fist or forearm on the scales of justice because it lays in place presumptions in favor of the HMOs.

The HMOs are smiling today. No one else is. Members who vote for this amendment will not be smiling in a little while because the end result of that is going to be that they are going to have hurt their constituents, and have done the wrong thing.

I will tell Members some additional things. The States are making fine progress in enacting patient protection laws. Those patient protection laws are making real progress. This bill would essentially preempt them and set aside all of that progress. States like Georgia, States like New Jersey, States like Texas, are going to see their laws superseded.

Mr. Speaker, the amendment to this bill is titled the Bipartisan Patient Protection Act. It should be entitled, the Partisan HMO Protection Act.

Mr. Speaker, I urge my colleagues to vote against the amendment.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I rise in strong opposition to the rule and to the underlying bill. The fact of the matter is that without a right to redress, the so-called patients' rights are worthless. Today we will hear the Republicans talk about the rights that they give patients, but if patients cannot get into court in an easy, convenient manner, they cannot redress their rights.

Remember, it is the patient's back, the patient's knee, the patient's neck, the patient's facial scars that have to be corrected. If the HMOs deny a patient relief, they should have the right to go to court, and this bill does not do it. It guarantees every roadblock possible to benefit the HMOs; every presumption possible to benefit the HMOs. It wipes away State laws to benefit the HMOs. The protections are not in this bill, the protections are for the HMOs. That is what is wrong with this bill.

They will say if we let patients go to court, they will not be able to get insurance. Studies have shown that the increase in costs are minimal; people are willing to pay it. In Texas, which has the right to go to court, they have not had a lot of lawsuits.

Reject this bill.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. GANSKE), a major player in this legislation.

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

Yesterday was an amazing day in the Committee on Rules. I have been to the Committee on Rules three times on the Patients' Bill of Rights; and I must admit when we were talking about the Norwood amendment last night and we did not have any language to talk about, and the gentleman from Georgia

(Mr. NORWOOD), was saying I reserve the right to not agree with my own amendment, it was sort of bizarre. But I must say that I have been treated with respect and kindness by the Committee on Rules.

Mr. Speaker, I wish very much that we had more time to see the language of the Norwood amendment so people could fully understand it. We are going to have a chance to talk about the Norwood amendment, and I will go into it in more detail later. I intend to support the rule. I understand fully how my colleagues on the other side of the aisle very well are upset about this, but I feel it is time to move on with this debate.

Mr. Speaker, I thank my colleagues from both sides of the aisle who throughout the last 5 or 6 years have stood up as protectors of patients and have been very interested in this. I cannot remember the number of times I have given Special Orders late at night.

I have shown patients like this: HMOs Cruel Rules Leave Her Dying for the Doc She Needs; What His Parents Did Not Know About; HMOs May Have Killed This Baby. I have spoken about how, as a plastic surgeon, HMOs using medical necessity, unfair definitions, which have denied children care. I have spoken about this woman who lost her life because an HMO did not provide her with the treatment she needed.

I have spoken about how an HMO would not pay this young woman's emergency care and hospital bill because when she fell off a cliff, she did not phone ahead for prior authorization.

A couple of years ago when we had this debate, this little boy came to the floor. An HMO made a medically negligent decision which cost him both hands and both feet. Under Federal law, if that is an employer plan, the HMO is responsible only for the cost of his amputations.

I think we now have bipartisan support that is not fair or just, and that we need to do something to prevent that from happening, and that is why the underlying Ganske-Dingell bill sets up a strong external appeals program, similar to what they have in Texas, to prevent this from happening, to prevent cases from going to court.

Mr. Speaker, there will not be that much debate on the patient protection part of the Ganske-Dingell bill because there are not any amendments coming up, but they are solid. We are going to have three amendments coming to the floor. One will be on access provisions, one will be on medical malpractice liability, and the third is a very, very important one, and that is, in fact, whether to provide additional protections to HMOs.

We will go into some details, how the Norwood amendment would provide affirmative defenses for HMOs that they do not have now, and how it would actually preclude State law. I will at that time recite the lines in the Norwood

amendment that do that, and provide Members with information on that.

Mr. Speaker, I just urge my colleagues to have a civil debate. Let us get past the point of name-calling. Let us have a debate that is as enlightened as they had in the Senate a couple of weeks ago, move forward and defeat the Norwood amendment, and pass the Ganske-Dingell bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, let me start with the rule today. In a continuing effort to block Democrats from imposing fiscal responsibility on the House, Republican leaders have prevented us from paying for this bill. That fiscal irresponsibility is why Republicans are about to raid the Medicare and Social Security trust funds, as an internal Republican memo made clear recently, and it is why just 6 months after Republicans inherited the biggest budget surplus in history, the Federal Government is borrowing money again.

Now for the bill itself: For the past 5 years, Mr. Speaker, Democrats and some courageous Republicans have worked hard to pass a real bipartisan Patients' Bill of Rights, one that takes health care decisions out of the hands of insurance companies and puts them back into the hands of doctors and patients.

Mr. Speaker, the Ganske-Dingell bill does that. It protects patients' rights without reducing health care coverage. During those same past 5 years, Mr. Speaker, Republican leaders have fought the bipartisan Patients' Bill of Rights every step of the way. For the past 6 months, the Bush administration has joined them in fighting tooth and nail to protect insurance companies and HMOs.

It should be so no surprise that the Republican plan, proposed by President Bush and the gentleman from Illinois (Mr. HASTERT), that is, the Norwood amendment we will debate later today, protects HMOs and insurance companies at the expense of patients. Make no mistake, Republican leaders are trying to turn the Patients' Bill of Rights into an HMO Bill of Rights.

□ 1300

The Republican plan creates special protection for HMOs and insurance companies, one that no other industry enjoys, and would override State HMO laws, including the patient protections that my constituents in Texas enjoy today and that President Bush bragged about in last year's campaign.

Mr. Speaker, the Republican plan would ensure that HMOs and insurance companies, not doctors and patients, keep making vital medical decisions.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. I want to thank the gentlewoman from New York for yielding time. I also want to thank the gen-

tleman from Iowa (Mr. GANSKE) for his great leadership in this matter and, of course, the gentleman from Michigan (Mr. DINGELL) and all the others that have worked so hard for this.

Mr. Speaker, the only way I can describe this rule and the bill that is going to be offered as amended to this House today is ridiculous. Just to begin with, the Committee on Rules was asked to take up a rule for a bill they had not seen, that nobody had written yet. They had to declare Wednesday was Thursday. If you have got something planned on Thursday you very well may lose it, because we are going to skip Thursday this week. Today is Wednesday. Tomorrow is going to be Friday. That just shows you how ridiculous this whole thing has gotten. We have got an old Southern saying about politics that those that get on early get taken care of, everybody else gets good government. I think we have clearly seen the evidence that the insurance companies got on early in the last campaign. They have clearly been taken care of.

We have been presented with this so-called agreement between the White House and someone on Capitol Hill where we have said that we are just going to trample State law, do whatever you have to do to take the State courts out of it; we are going to take away any rights from the American people to deal with their insurance companies.

This whole bill should be called the HMO Protection Act, because they have got more protection now than they had before this bill was written. I do not think it will ever become law. I think it will die in conference. But it is such a ridiculous idea that we would present this to the American people and try to hoodwink them into thinking that they are going to have a better deal.

Besides that, Mr. Speaker, it is not paid for. We are just going to issue a magic lucky card to pay for it. I am surprised that the lucky card is not described in the language.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, I rise in opposition to the rule. It is not a fair and it is not a good rule. I know that my friends on this side of the aisle are getting a little tired of Members on this side standing up and talking about that we are not paying for the legislation that we proposed. I certainly recognize and support the right of the majority to do as you wish regarding legislation, as you are proving day after day. But for the last several years, I have listened to my colleagues on both sides of the aisle speak with passion and conviction about their commitment to putting an end to the practice of raiding the Social Security and Medicare Trust Fund surpluses to

cover deficits in the rest of the budget. I believe that all Members of this body who have voted time and time again to protect those trust funds are sincere in their desire to honor that commitment. Unfortunately, the manner in which we continue to consider legislation is making it impossible to keep that commitment.

The \$1.35 trillion tax cut recently signed into law, whether acknowledged or not, has taken up the available surplus. It is becoming increasingly clear that CBO and OMB when they offer their revised budget forecasts next month will show the facts. No point in debating whether it is or it is not; either it is or it is not. Those of us that believe that it is, those that say it is not, we are going to know.

But let me point out a few facts. Last week, this House voted to break the spending limits on the VA-HUD bill. There is a reasonably good chance that this body is going to break those limits on defense and on education. Last week, it was 8 billion additional dollars for the faith-based initiative. This week it was \$18 billion for the railroad retirement fund. Yesterday it was \$32 billion for the energy bill. Today it is at least 20, probably as much as \$30 billion for this bill.

I heard my colleague from Arkansas say a moment ago, "It's not paid for." I respect the right of the majority to bring legislation to this floor and not pay for it if that is what you wish. But why and how can you continue to come to the floor and say it is a fair rule when you do not allow the minority side the opportunity to pay for the bill in the legislation that we are for? What is it that would let anyone stand on the floor and say it is a fair rule when you deny the opportunity of the other side of the aisle to work their will regarding the legislation as they see it and let you work the will of the body as you see it?

I really think we ought to defeat this rule, and we ought to send it back to committee with at least allowing our side of the aisle the opportunity to pay for that legislation that we propose. And if you wish to raid the Social Security and Medicare Trust Funds, I respect your right to do it.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. FOLEY), a Member of the Committee on Ways and Means and a great contributor to this legislation.

Mr. FOLEY. Mr. Speaker, I appreciate the gentleman from Florida yielding me this time. Listening to the debate this morning is causing me some concern because I have heard phrases like "we are rushing this legislation to the floor." Yet it seemed to me weeks ago the other side of the aisle demanded action on this bill before the summer recess.

Let me just give you some quotes from National Journal's Congress Daily today that appeared in print. The senior Senator from Massachusetts

says about the gentleman from Georgia (Mr. NORWOOD): "He has our complete confidence and he's demonstrated time in and time out his commitment to patients in our country."

The gentleman from Arkansas who just spoke a moment ago: "I don't think anyone at any time has ever questioned CHARLIE NORWOOD's sincerity or dedication to this mission. So the fact that he's out there working doesn't give me any heartburn at all."

That was yesterday, the wonderful gentleman from Georgia, and today they will have you think he has become Dr. Kevorkian. The gentleman from Georgia and I have worked on this bill since 1995. There is one person in this Capitol more concerned with patients than any of us here and that is the honorable gentleman from Georgia. But he recognizes one very important and cogent point of this debate, that if somebody is sick and somebody is ailing and somebody is hurt, they do not need to wait in queue for 5 years to get a court of law to render a verdict on their case, because regrettably if we wait for the court of law, likely the patient will have died.

A good friend of mine, a trial lawyer who is a personal friend and a supporter, called me yesterday. "Please support the Dingell bill. Support the right for patients to sue their HMOs."

So I posed the question: "You're a partner in a law firm. If you provide health insurance, do you feel you should be sued for the negligence of the managed care?"

He paused and said, "Well, no, we merely provide the health care policy."

And I said, "But you may in fact be drawn into liability because you didn't give them an option of several policies, you gave them the firm's policy. And should the firm be engaged in litigation with their provider?"

Mr. Speaker, we can rant and rave about bipartisanship and I have tried on several issues with the other side of the aisle, on several key issues that my leadership gets madder at me by the day, whether it is campaign finance reform or legislation that I think is important for Florida and I get taken to the woodshed for being too bipartisan. But on that side of the aisle, bipartisanship really truly means to me, "It is our way or the highway. And God forbid you interfere with our campaign plans for 2002 so we can deride the Republicans as a do-nothing Congress."

If we look in our hearts and search for the right answer and not try and pillorize anybody who has been participating since 1995, we have several good doctors working on this issue and I think they care desperately about patients. And if we rise from the din of this kind of conversation about simply the right to sue, which is really a nice club over the heads of the insurers and I agree with most of that; but we also recognize, too, that if anybody is being sincere, try filing an action and see how long before your case is heard in court. Try going down to a State or a

local courthouse and find out not only what the fees are involved but how soon they may get to your case. And ask the person with breast cancer or lupus or some other disease that is struggling trying to get recovery and coverage whether the wait was worth it, whether hanging out at a courthouse with a bunch of lawyers waiting 3 years for somebody to maybe render an opinion is better than what is in the Norwood bill which is an expedited appeals process that gets you into the facility that you most need to be in which is a hospital rather than a jury box.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend from New York for yielding time.

Mr. Speaker, the House is about to embark on a travesty of procedure if it adopts this rule. The last speaker said that we wanted to hurry up and get the Ganske-Dingell bill to the floor, and he is correct. The Ganske-Dingell bill was filed in February. February. For the last 4 or 5 months we have all had a chance to read it, question it, understand it. The principal alternative to the patients' bill of rights that is going to be offered by the gentleman from Georgia (Mr. NORWOOD) this afternoon, the copy I read indicates it was printed at 7:18 a.m. today for the first time. We were in the Committee on Rules last night, or this morning, excuse me, after midnight, nearly at 12:30 in the morning, I know it went on long after that, I commend the Rules members for their diligence, and they had not started writing the bill yet. So an immaculate conception occurred sometime during the night last night. Sometime between 1 a.m. and 8 a.m., we gave birth to a product here that purports to do in 6 hours what lawyers and scholars and judges have taken 300 years to accomplish, and, that is, to write a complete set of rules about proximate cause, affirmative defenses, contributory negligence, rules of evidence, rules of discovery, all the things that come into the process of adjudicating a legal dispute.

This is a travesty. Most of the Members who will consider this bill today will not know what is in it. We have a few hours to try to find out. Once this process goes forward, the American people will have a few weeks and a few months to find out. And when they do, they will recognize the deception that is about to be perpetrated upon the House this afternoon.

Oppose this rule. Support the Ganske-Dingell bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. I thank the gentlewoman for yielding me this time. I oppose this rule. I oppose this rule both

on process and content. The process indeed should have allowed us to at least know what the amendments were. But even on content, all of us say that we want to have a Patients' Bill of Rights. When there is an amendment to undercut the very rights that you purport to have, I am not sure how you can say that we all are supporting a Patients' Bill of Rights. The right of enforcement of legislation is the integrity of your words when you say you have a Patients' Bill of Rights.

Do we need a Patients' Bill of Rights? Yes. Why do we need it? We need it because there are children who are sick who need to have the opportunity to see a specialist. There are women who need to go to the emergency room or to see their OB-GYN. There are sick older people who need to be rushed for cardiac treatment. All of these are things we know, that we experience from family members. This rule will not allow that to happen. Indeed, this is a fraud. We should make sure that we vote down this rule and allow us to have a more deliberative debate.

Mr. Speaker, this rule limits debate on one of the most important pieces of legislation Congress will consider this year.

The authors of the Ganske-Dingell-Berry-Norwood bill worked hard to craft a bi-Partisan Patient's Bill of Rights bill that would provide meaningful patient protection to consumers. The authors also re-drafted portions of their bill to include enhanced measures provided for in the Senate Bi-Partisan Managed Care legislation by adding additional protections for employers. Rather than moving towards a bi-partisan bill that had a strong possibility of moving out of conference committee quickly, we are on the verge of passing a bill that may be stuck in a conference committee. The more we delay passing a bill that makes HMO's more accountable and that extends access to care, the longer the American people will have to wait before getting a full range of the kind of patient care they deserve.

Although we are now debating this rule, we have not been provided an adequate opportunity to fully examine the compromise legislation that came about as a result of the agreement between the President and Congressman NORWOOD. Legislation that affects so many Americans should not be thrown on the Floor of the House in an effort to win a battle of the words.

A Patient's Bill of Rights now means ready access to emergency services. Health Plans would be required to cover emergency care in any hospital emergency facility, without prior authorization, whether or not the hospital is a participating health care provider in the plan.

A Patient's Bill of Rights now means ready access to services provided by an OB-GYN. Women will have direct access to a physician specializing in obstetrics or gynecology, without having

to obtain prior authorization or referral from their primary physicians.

A Patient's Bill of Rights now means ready access to Pediatric Care. Parents will be able to readily designate a pediatrician as their child's primary care provider.

A Patient's Bill of Rights now means ready access to Specialty care. Specialty care will be included as a benefit to ensure that patients receive timely access to specialists. If no participating specialist is available, the bill requires the plan to provide for coverage by a non-participating specialist at no extra cost to the patient.

These and countless other measures in the Bi-Partisan Patient's bill of Rights will be compromised because of the latest agreement with the White House to limit the accountability of HMOs. The Ganske-Dingell-Norwood-Berry Bi-Partisan Bill of Rights legislation is a meaningful patient's bill of rights that has been open to scrutiny and debate. This legislation should not be compromised because of late agreement that did not include all of the authors of this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

□ 1315

Mr. PALLONE. Mr. Speaker, I deeply resent the suggestions on the other side that somehow what they are doing today is going to help a person who is denied care get the care, get to the hospital, get the operation. Just the opposite is going to happen here.

This rule allows for amendments to be brought up on things totally unrelated to care, malpractice reform, medical savings accounts. These are the kinds of provisions that, if they are included in this bill, when we go to conference with the Senate, will kill the bill, just like it did last time.

And then you have the other amendment that changes the liability and makes it almost impossible for someone who has been denied care to even have an independent review by an outside board. All sorts of roadblocks are put in the way so that a person can never have an actual review. Forget the court. They will never get to the court. They will never have that kind of independent review by an external review board that will let them have their care, let them go to the hospital.

Finally, most insidious of all, you change the State law so progressive States like my own of New Jersey or Texas or others that have put in place a real Patients' Bill of Rights, are now going to be preempted. That person will never get to the hospital. You are making the situation even worse for them than it is now.

Mr. GOSS. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from Kentucky (Mr. FLETCHER), from the Committee on Education and the Workforce, who has also been a major player in this legislation.

Mr. FLETCHER. Mr. Speaker, I thank the gentleman for yielding me time. We appreciate the work the gentleman has done, as well as the Committee on Rules, on putting together a fair rule, and a rule that is very timely.

As a family physician, one of the things that you learn to recognize very early is that some things need to be done in a timely basis and other things can wait. This needs to be done, I think, in a basis that we can get this accomplished, because this has been debated for at least 6 years, even longer. I think the first Patients' Bill of Rights in this body was offered in 1991. Anyone, I say anyone and everyone who has been engaged in this debate, is familiar with all the language in all of these amendments.

I woke up this morning and got over here to read the bill very early, it is 30 pages long, very easy to read, very understandable for those folks who have dealt with this issue for a long time. It is something not uncommon here. Five hours is plenty of time for folks to understand what this bill does.

I commend the gentleman from Georgia (Mr. NORWOOD). He has been willing, and maybe let me say very willing, to finally say let us put patients above politics, let us break away, let us stop the logjam, let us get a bill that the President will sign.

This rule allows the House to really express its will. We have an excellent opportunity to start with the base bill, that the other side prefers, and we allow for some amendments to that bill.

The bill certainly ensures us of quality. We are going to have some access provisions, because I think there has been a flagrant disregard for the uninsured from the other side. We address that.

But I think it is also important to realize that we do modify and reach a compromise on liability, so that HMOs are held accountable, but so that we do not allow frivolous lawsuits that drive up the cost and take money out of patient care and put it into personal injury lawyers' pockets.

I encourage Members to support this rule, and I thank the Committee on Rules for an excellent job.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to gentleman from New York (Mr. RANGEL).

(Mr. RANGEL asked and was given permission to revise and extend her remarks.)

Mr. RANGEL. Mr. Speaker, it is amazing how the leadership here can get hold of one or two Democrats and believe that everything they do is bipartisan. It reminds me of the story that Jim Wright told about this wonderful Texas stew that everyone loved, and they asked what kind of stew it was?

He said it was horse and rabbit stew. They said, it tastes delicious. What is the recipe?

He said, oh, it is one horse and one rabbit.

They said, it tastes delicious, but how do you do it?

He said one-half horse, one-half rabbit is how we make it.

Except it is one whole horse and one small rabbit. And that is how the Republicans have moved forward in trying to get bipartisanship here.

But I tell you, the tax bill, the \$1.3 trillion tax bill, certainly was not bipartisan. This bill is not bipartisan. And the rule which I stand to oppose will not even allow us the opportunity to provide the revenues to pay for this bill, if and when it becomes law.

There is a train wreck that is going to occur, and the train wreck is that we have signed more checks, or promised to sign more checks, than we have made deposits in the bank.

We have this \$500 billion contingency fund over 10 years, but we said we are going to have \$300 billion of it for defense, \$73 billion for agriculture, \$6 billion for veterans, \$50 billion for health insurance, \$82 billion for education, \$122 billion for expiring tax provisions, \$200 billion to \$400 billion to change the alternative minimum tax. And there is just not enough money in our account to pay for these things, without invading the Medicare trust fund or the Social Security trust fund.

Now, we know that there are some people on the other side of the aisle that wish that we did not have these programs, and we also know that they know that these programs are so popular that they cannot be legislated out. But what you can do is to do what the President said in his campaign, and that is get the money out of Washington, because they will spend it.

I think the answer is, if we are spending it for Social Security benefits, if we are spending it for health care and education, if we are spending it for a stronger America, to invest in our young people, then that is what we were sent here to do.

But if we are just getting the money out of Washington so that we can create a deficit, so that we leave to our kids indebtedness, that we do not repair the Social Security system, we do not repair the health system, then I do not think that is what we were sent to Congress to do.

In the middle of the night a deal was cut, after so many good Members on both sides of the aisle tried to present a bill to the President that was good for the men and women of the United States of America. It is not a day to be proud of, but it is a day that we are going to vote down the rule, I hope, and vote down this legislation.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. PAUL).

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

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

Mr. Speaker, as you know, I am a physician. I practiced medicine for more than 30 years, and I can certainly

vouch for the fact that medicine is a mess, managed care is not working very well; and, hopefully, we do something good to improve it. Unfortunately, I am not all that optimistic.

I support this rule because it is dealing with a very difficult subject and it brings the Democratic base bill to the floor. I do not see why we should not be able to amend that bill, so I do support the rule.

But the IRS code has 17,000 pages of regulation. The regulations that we as physicians have to put up with are 132,000 pages. Most everything I see that is happening today is we are going to increase those pages by many more thousands. So I am not optimistic that is going to do a whole lot of good.

I think we went astray about 30-some years ago in the direction of medical care when the government, the Federal Government, got involved. The first thing is we changed our attitude and our definition of what "rights" are. We call this a Patients' Bill of Rights. It has very little to do with rights, because most of what we do in medicine, we undermine individual rights.

We have a right in society, in a free society, to our life and our liberty, and we have a right to use that liberty to pursue our happiness and provide for our own well-being. We do not have a right to medical care. One has no more right to a service than one has a right to go into someone else's garage and steal an automobile. So the definition of "rights" has been abused for 30 years, but the current understanding is that people have a right to services. So I think that is a serious flaw and it has contributed to our problem today.

The other serious flaw that we have engaged in now for 30 years is the dictation of contract. For 30 years now under ERISA and tax laws, we have forced upon the American people a medical system where we dictate all the rules and regulations on the contracts; and it causes nothing but harm and confusion. Today's effort is trying to clear this up; and, unfortunately, it is not going to do much good.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, the gentleman from Texas (Mr. PAUL) really said it well, probably one of the understatement of the day, when he said that the managed care system is not working very well.

In the last 2 weeks, 20,000 Michigan seniors have been told that they will lose their health insurance. They are being dropped by their HMO health insurers who are abandoning their commitments. Our seniors are getting broken promises instead of the care that they expected and the care that they deserve.

Now, on top of that, we get this double whammy that has come before us, yesterday and today. For 6 years the American people have been waiting for a Patients' Bill of Rights. For 6 years insurance companies have done every-

thing they can to block it. Access to the nearest emergency room, insurance companies say no; give doctors the authority to make the medical decisions that are right; insurance companies say no; hold HMOs accountable for denying patients the care they need, the HMOs and insurance companies say no.

The deal cut yesterday, the deal that is being rushed through this House so we do not have to read the fine print, and, boy, if there was ever one area you wanted to read fine print, it is this area, is not a Patients' Bill of Rights, it is an insurance company bill of rights.

It is a radical betrayal of the public trust. Instead of protecting patients, it protects HMOs. Instead of helping patients get the care they need, it puts more roadblocks in that patient's way. Instead of giving injured patients the right to seek justice, it gives HMOs special immunity from the lawsuits and the standards and the laws that every other American business must uphold.

Mr. Speaker, it is time we hold the insurance companies accountable. Pass a true Patients' Bill of Rights. Defeat all these poison pill amendments that this rule would make in order. Pass a good bill. Vote no on the previous question, vote no on this rule.

Mr. GOSS. Mr. Speaker, I am privileged to yield 1 minute to the distinguished gentleman from Indiana (Mr. PENCE).

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

Mr. Speaker, even though I am a new conservative Member of this institution, I came to Congress anxious to support a Patients' Bill of Rights. I became involved in the front end of this debate to preserve our free market health care system and to strengthen patient choice.

For too long, Mr. Speaker, I believe Congress has walked by on the other side of the road, leaving patients, doctors and well-meaning employers to fend for themselves in an increasingly complex health care economy.

What we have before us today is truly a bipartisan Patient Protection Act that will provide protections for all Americans, and trust doctors with the power to make medical decisions, and so it will also encourage employers to provide quality health insurance for their employees.

I urge all of my colleagues, regardless of your stripe or party, let doctors provide timely care, give patients choice, and let this Congress end the decade of walking by on the other side of the road, and speed this timely aid to patients, doctors and well-meaning employers.

Support the bipartisan Patient Protection Act.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

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

Mr. GREEN of Texas. Mr. Speaker, I looked forward to this day when we could have a Patients' Bill of Rights on the floor, but after seeing what happened, I am so disappointed and so frustrated, and I think that is what is going to happen with the American people.

Instead of a Patients' Bill of Rights, we have a patients' bill of wrongs. We have a Patients' Bill of Rights that is masquerading, but it is really the patients' bill of wrongs.

What it does is it transfers the decision-making from the State courts, where in Texas we have it now, to under Federal rules in State courts; and that is wrong, and nowhere in our jurisprudence history do we have that. So it is going to make it harder.

It gives a presumption for the HMO so they are right and you have to prove them wrong. We are actually going to increase litigation. My colleagues do not want more litigation. When you give that right to the insurance companies, you are going to make people hire an attorney just to go through the appeals process, and that is wrong.

□ 1330

In Texas, we had a Patients' Bill of Rights for 4 years, very few lawsuits, 1,400 appeals, 52 percent in favor of the patient. So more than half the time, the HMO was wrong; and they are wrong today.

Mr. GOSS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Florida for yielding me this time, and I congratulate the Committee on Rules for bringing to the floor the Patients' Bill of Rights.

Let us not make any mistake about what this bill is. It is the same patient protections that we have talked about for years. It is the base bill. There is only one real change in the bill that we are going to bring to the floor today, and that is in the area of how much liability we are going to impose on employers and insurers.

Many of us believe, under the base bill, that we will have unlimited lawsuits that will tremendously increase costs for both employers and their employees, and as a matter of fact, I believe will cause tens of millions of Americans to lose their health insurance because of these increased costs. That is unacceptable when we have 43 million Americans with no health insurance at all.

Under the rule, the gentleman from Georgia (Mr. NORWOOD) will offer a compromise that he struck with the President that does provide for greater remedies and greater access to courts for those who have been injured. But it will not unduly raise the cost of health insurance and it will not force employers out of employer-provided coverage.

I think it strikes the right balance for the American people and we ought



to stand up today and think of the patients, not the trial lawyers and the politicians.

Ms. SLAUGHTER. Mr. Speaker, I would like to inform the gentleman from Florida (Mr. GOSS) that we have one speaker remaining, and I would ask if he has more and does he plan to close.

Mr. GOSS. Mr. Speaker, I thank the gentlewoman for her inquiry. The fact is, we have many speakers remaining, but we are only going to have time for 1 more to be on the floor to close, and that will be the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT).

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

Mr. GEPHARDT. Mr. Speaker, I urge Members to vote against this rule. I urge Members to vote against the Norwood amendment if the rule is approved.

This is a bad rule, but more importantly, this is a bad bill. This is not a Patients' Bill of Rights, this is an HMO and health insurance company bill of rights. If the Norwood amendment passes, we are giving HMOs and health insurance companies, who make many of the important health care decisions in our lives today, a different standard of accountability than doctors who make other decisions in our lives. We are treating HMOs and health insurance companies in a preferential way, as compared to doctors and nurses and hospitals that are held responsible for their medical decisions.

If the Norwood amendment passes, what started out to be a Patients' Bill of Rights becomes a dream bill for HMOs and health insurance companies. They will have achieved what they often try to achieve in making medical decisions, which is how to save money, how to make more profit, not how to give people quality health care.

Let us look at just three things that Norwood changes in this bill that are dramatic changes in our legal system as it applies to only HMOs and health insurance companies. First, there is a presumption, a presumption that if you lose at the arbitration level, at the board level of appeals, against the patient, there is no presumption against the HMO and the health insurance company; in no other area of our tort law do we have that kind of presumption. Why would we want to give a presumption against the patient, but not the HMO or the health insurance company? It is a stunning abdication to the HMOs and health insurance companies.

Secondly, and perhaps worse, this bill, if Norwood passes, will preempt State tort laws. Our friends on the other side of the aisle are fond of saying we need a Federal system; we need States to have discretion. We have to look to States to put these laws in place, but by the same token, when it

suits them, because it suits the HMOs and health insurance companies, then it is fine to preempt the State laws; and for the first time in the history of this country, we will have a Federal tort law that applies to malpractice and injury caused by HMOs and health insurance companies. So States like Missouri or Texas or California who have passed a good patients' bill of rights will have all of that wiped out, and if a patient gets to court, can get through the maze to get to court, they will be faced with a Federal tort law, not the law of their State.

Thirdly, damages. We have \$1.5 million cap on noneconomic, on punitive, and that sounds like a lot of money. The problem with that is that in many cases, that will be less than what one would get if one was under State law. And even though it sounds like a lot of money, let us stop for a minute and think about some of these cases.

Let me give my colleagues an analogy. There are a lot of cases now about rollovers, Firestone cases. People have been gravely injured. I heard of a woman who has two children; she rolled over and was badly injured. She is now paralyzed; she is what you call a "shut-in." She can only move her eyes. She is on a ventilator.

What if she were a victim of malpractice by an HMO or a health insurance decision? What if she were limited to \$1.5 million with the responsibility at her age to raise two kids? What if she were limited to a new Federal tort law for the first time in our history, rather than being able to use the law of her State to be justly compensated for being injured in this way?

This is a stunning reversal for the patients and the people of this country. This is special-interest legislation. This is doing the bidding of health insurance companies and HMOs over the interests of the people that we represent in our districts. This is a stunning abdication of what we should be fighting to protect for the people that we represent.

I defy any of us to go into a hospital room of someone who has been done in by bad decisions made by HMOs and health insurance companies and look them in the eye and say, I voted today to take away your rights, to preempt your rights, to set up a new Federal tort law that has never existed in this country.

In the name of God and common sense, I hope Members will vote against this rule and vote against the Norwood amendment if it passes. Stand for the people that you represent in this country. You have a solemn obligation to fight for their interests and rights and not the profit and the money for the health insurance companies and HMOs.

I beg you to vote against this rule, vote against the Norwood amendment if it passes; and if the Norwood amendment goes in, vote against this legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the remaining time.

I urge my colleagues to defeat the previous question, and if the previous question is defeated, I will offer an amendment that makes in order the Ganske-Dingell-Berry bipartisan Patient Protection Act substitute amendment. This amendment pays for patient protections and expanded MSA provisions provided in the bill by extending the regular customs taxes and closing tax loopholes for businesses set up solely for the purposes of tax relief.

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

Mr. GOSS. Mr. Speaker, it is my privilege and honor to yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding time, and I want to congratulate him. He has worked for 12 years.

I would like to thank several other people, including the gentleman from Iowa (Mr. GANSKE) who is here; the gentleman from Georgia (Mr. NORWOOD), the gentleman from Kentucky (Mr. FLETCHER), and the gentleman from Illinois (Mr. HASTER), the Speaker of the House of Representatives, who has spent a decade working on this issue.

We are here with legislation which is designed to ensure that we have a Patients' Bill of Rights. We want everyone to have recourse. But as I listened to the arguments from the other side of the aisle, we are hearing the same old, tired and failed class warfare, us versus them, the haves and the have-nots. I have not heard much talk about the real reason that we are here beyond ensuring that there is a recourse for those who have been wronged.

There are a couple of important reasons. Frankly, they are going to be addressed in the amendment process that we have here. We want to make sure that we provide both availability, increase the availability of health care and increase the affordability.

Now, we have heard from witnesses before the Committee on Rules, and I would like to thank my colleagues of the Committee on Rules on both sides of the aisle for working until the middle of the night and then just a few hours later being here to report this rule out today. But we heard in testimony before the Committee on Rules that we have a very serious problem with the uninsured in this country. There are some who have predicted that we can see an increase by 9 million in the number of uninsured if we do not take action.

That is one of the reasons that the proposal of the gentleman from Kentucky (Mr. FLETCHER), which I believe is a very important one, along with a number of our other colleagues, including the gentleman from California (Mr.



THOMAS) and others, dealing with medical savings accounts, is a very important provision. Last night the gentleman from California (Mr. THOMAS) told us how the 18- to 29-year-olds are increasingly drawn to the prospect of putting dollars aside to plan for their health care. This is a very important step that we can take to deal with the issue of the uninsured; and, of course, affordability. Affordability is something that we are all very, very troubled about. And how is it that we most effectively deal with it? Well, obviously, we have to have some degree of competition, and I think that we have a chance to do that as we move ahead with this legislation.

We have all worked hard. People keep talking about looking at the fine print. As the gentleman from Illinois (Mr. HASTER) said on Meet the Press last Sunday, 98 percent of this bill was agreed to in a bipartisan way. We focused on a very small part of it that was an area of disagreement, and we have seen the President of the United States step forward with a wonderful array of proposals.

This morning he talked to us in the Republican Conference about the wonderful successes that we have enjoyed over the last 6 months in the area of education, tax relief, his faith-based initiatives, the energy measure which we successfully passed here late last night, and now this issue on a Patients' Bill of Rights. It was a key plan of his platform when he ran for President. He said all along that he did not want to veto legislation.

Mr. Speaker, we have here the chance to, from the House of Representatives, pass legislation which the President of the United States can sign so that we can enhance those issues of affordability and availability that are so important and so badly needed, and so that we can ensure that we have a meaningful and balanced Patients' Bill of Rights.

Mr. Speaker, I urge my colleagues to support the rule, to support the Norwood amendment, and to support the other two very important amendments we have on medical malpractice and on the issue of accessibility with medical savings accounts. Support the rule and support those measures.

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

#### CALL OF THE HOUSE

Mr. GOSS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 324]

Abercrombie	Baca	Barcia
Ackerman	Bachus	Barr
Aderholt	Baird	Barrett
Akin	Baker	Bartlett
Allen	Baldacci	Barton
Andrews	Baldwin	Bass
Armey	Ballenger	Becerra

Bentsen	Flake	Largent
Bereuter	Fletcher	Larsen (WA)
Berkley	Foley	Larson (CT)
Berman	Forbes	Latham
Berry	Ford	LaTourette
Biggart	Fossella	Leach
Bilirakis	Frelinghuysen	Lee
Bishop	Frost	Levin
Blagojevich	Gallegly	Lewis (CA)
Blumenauer	Ganske	Lewis (GA)
Blunt	Gephardt	Lewis (KY)
Boehlert	Gibbons	Linder
Boehner	Gilchrest	LoBiondo
Bonilla	Gillmor	Loftgren
Bonior	Gilman	Lowey
Bono	Gonzalez	Lucas (KY)
Borski	Goode	Lucas (OK)
Boswell	Goodlatte	Luther
Boucher	Gordon	Maloney (NY)
Boyd	Goss	McCarthy (NY)
Brady (PA)	Graham	McCollum
Brady (TX)	Granger	McCrery
Brown (FL)	Graves	McDermott
Brown (OH)	Green (TX)	McGovern
Brown (SC)	Green (WI)	McHugh
Bryant	Greenwood	McInnis
Burr	Grucci	McIntyre
Burton	Gutierrez	McKeon
Buyer	Gutknecht	McNulty
Callahan	Hall (OH)	Meehan
Calvert	Hall (TX)	Meek (FL)
Camp	Hansen	Meeks (NY)
Cannon	Harman	Menendez
Cantor	Hart	Mica
Capito	Hastings (FL)	Millender-
Capps	Hastings (WA)	McDonald
Capuano	Hayes	Miller (FL)
Cardin	Hayworth	Miller, Gary
Carson (IN)	Hefley	Miller, George
Carson (OK)	Herger	Mink
Castle	Hill	Mollohan
Chabot	Hilleary	Moore
Chambliss	Hilliard	Moran (KS)
Clay	Hinche	Moran (VA)
Clayton	Hinojosa	Morella
Clement	Hobson	Murtha
Clyburn	Hoeffel	Myrick
Coble	Hoekstra	Nadler
Collins	Holden	Napolitano
Combest	Holt	Neal
Condit	Honda	Nethercutt
Conyers	Hooey	Ney
Cooksey	Horn	Northup
Costello	Hostettler	Nussle
Coyne	Houghton	Oberstar
Cramer	Hoyer	Obey
Crane	Hulshof	Olver
Crenshaw	Hunter	Ortiz
Crowley	Hutchinson	Osborne
Cubin	Hyde	Ose
Culberson	Inslee	Otter
Cummings	Isakson	Owens
Cunningham	Israel	Oxley
Davis (CA)	Issa	Pallone
Davis (FL)	Istook	Pascarell
Davis (IL)	Jackson (IL)	Pastor
Davis, Tom	Jackson-Lee	Paul
Deal	(TX)	Payne
DeFazio	Jefferson	Pelosi
DeGette	Jenkins	Pence
DeLahunt	John	Peterson (MN)
DeLauro	Johnson (CT)	Peterson (PA)
DeLay	Johnson (IL)	Petri
DeMint	Johnson, E. B.	Phelps
Deutsch	Johnson, Sam	Pickering
Diaz-Balart	Jones (NC)	Pitts
Dicks	Jones (OH)	Platts
Dingell	Kanjorski	Pombo
Doggett	Kaptur	Pomeroy
Dooley	Keller	Portman
Doolittle	Kelly	Price (NC)
Doyle	Kennedy (MN)	Pryce (OH)
Dreier	Kennedy (RI)	Putnam
Duncan	Kerns	Quinn
Dunn	Kildee	Radanovich
Edwards	Kilpatrick	Rahall
Ehlers	Kind (WI)	Rangel
Ehrlich	King (NY)	Regula
Emerson	Kingston	Rehberg
Engel	Kirk	Reyes
English	Kleczka	Reynolds
Eshoo	Knollenberg	Riley
Etheridge	Kolbe	Rivers
Evans	Kucinich	
Everett	LaFalce	
Farr	LaHood	
Fattah	Lampson	
Ferguson	Langevin	
Filner	Lantos	

Rodriguez	Shuster	Tierney
Roemer	Simmons	Toomey
Rogers (KY)	Simpson	Towns
Rogers (MI)	Skeen	Trafficant
Rohrabacher	Skelton	Turner
Ros-Lehtinen	Slaughter	Udall (CO)
Ross	Smith (MI)	Udall (NM)
Rothman	Smith (NJ)	Upton
Roukema	Smith (TX)	Velazquez
Roybal-Allard	Snyder	Visclosky
Rush	Solis	Vitter
Ryan (WI)	Souder	Walden
Ryun (KS)	Spratt	Walsh
Sabo	Stearns	Wamp
Sanchez	Stenholm	Waters
Sanders	Strickland	Watkins (OK)
Sandlin	Stump	Watson (CA)
Sawyer	Stupak	Watt (NC)
Saxton	Sununu	Watts (OK)
Scarborough	Sweeney	Waxman
Schakowsky	Tanner	Weiner
Schiff	Tauscher	Weldon (FL)
Schrock	Tauzin	Weldon (PA)
Scott	Taylor (MS)	Weller
Sensenbrenner	Taylor (NC)	Wexler
Serrano	Terry	Whitfield
Sessions	Thomas	Wicker
Shadegg	Thompson (CA)	Wilson
Shaw	Thompson (MS)	Wolf
Shays	Thornberry	Woolsey
Sherman	Thune	Wu
Sherwood	Thurman	Wynn
Shimkus	Tiahrt	Young (AK)
Shows	Tiberi	Young (FL)

□ 1405

The SPEAKER pro tempore (Mr. FOSSELLA). On this rollcall, 418 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

#### PROVIDING FOR CONSIDERATION OF H.R. 2563, BIPARTISAN PATIENT PROTECTION ACT

Mr. GOSS. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—ayes 222, noes 205, not voting 6, as follows:

[Roll No. 325]

AYES—222

Aderholt	Brady (TX)	Cooksey
Akin	Brown (SC)	Cox
Armey	Bryant	Crane
Bachus	Burr	Crenshaw
Baker	Burton	Cubin
Ballenger	Buyer	Culberson
Barr	Callahan	Cunningham
Bartlett	Calvert	Davis, Jo Ann
Barton	Camp	Davis, Tom
Bass	Cannon	Deal
Bereuter	Cantor	DeLay
Biggart	Capito	DeMint
Bilirakis	Castle	Diaz-Balart
Blunt	Chabot	Doolittle
Boehlert	Chambliss	Dreier
Boehner	Coble	Duncan
Bonilla	Collins	Dunn
Bono	Combest	Ehlers

Ehrlich  
Emerson  
English  
Everett  
Ferguson  
Flake  
Fletcher  
Foley  
Forbes  
Fossella  
Frelinghuysen  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Goode  
Goodlatte  
Goss  
Graham  
Granger  
Graves  
Green (WI)  
Greenwood  
Grucci  
Gutknecht  
Hansen  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hilleary  
Hobson  
Hoekstra  
Horn  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Isakson  
Issa  
Istook  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Keller  
Kelly  
Kennedy (MN)

## NOES—205

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldacci  
Baldwin  
Barcia  
Barrett  
Becerra  
Bentsen  
Berkley  
Berman  
Berry  
Bishop  
Blagojevich  
Blumenauer  
Bonior  
Borski  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown (FL)  
Brown (OH)  
Capps  
Capuano  
Cardin  
Carson (IN)  
Carson (OK)  
Clayton  
Clement  
Clyburn  
Condit  
Conyers  
Costello  
Coyne  
Cramer  
Crowley  
Cummings

Davis (CA)  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett  
Dooley  
Doyle  
Edwards  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank  
Frost  
Gephardt  
Gonzalez  
Gordon  
Green (TX)  
Gutierrez  
Hall (OH)  
Hall (TX)  
Harman  
Hastings (FL)  
Hill  
Hilliard  
Hinchey  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda

Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Roukema  
Ryan (WI)  
Ryun (KS)  
Saxton  
Scarborough  
Schaffer  
Schrock  
Sensenbrenner  
Sessions  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas (OK)  
Manzullo  
McCrery  
McHugh  
McInnis  
McKeon  
Mica  
Miller (FL)  
Miller, Gary  
Moran (KS)  
Morella  
Myrick  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pence  
Peterson (MN)  
Peterson (PA)  
Pickering  
Pitts  
Platts  
Pommo  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reynolds  
Riley  
Rogers (KY)

Hooley  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind (WI)  
Klecza  
Kucinich  
LaFalce  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lofgren  
Lowey  
Lucas (KY)  
Luther  
Maloney (CT)  
Maloney (NY)  
Markey  
Mascara  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum

McDermott  
McGovern  
McIntyre  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Miller, George  
Mink  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor  
Payne  
Pelosi  
Phelps

Clay  
Lipinski  
McKinney

Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rivers  
Rodriguez  
Roemer  
Ross  
Rothman  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Schakowsky  
Schiff  
Scott  
Serrano  
Sherman  
Shows  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis

## NOT VOTING—6

Millender-  
McDonald  
Royce

□ 1424

Mr. ABERCROMBIE changed his vote from “aye” to “no.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

## RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 205, not voting 6, as follows:

[Roll No. 326]

## AYES—222

Aderholt  
Akin  
Armed  
Bachus  
Baker  
Ballenger  
Barr  
Bartlett  
Barton  
Bass  
Bereuter  
Biggert  
Bilirakis  
Blunt  
Boehert  
Boehner  
Bonilla  
Bono  
Brady (TX)  
Brown (SC)  
Bryant  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Castle  
Chabot  
Chambliss  
Coble

Gibbons  
Gilchrest  
Gillmor  
Gilman  
Goode  
Goodlatte  
Goss  
Graham  
Granger  
Graves  
Green (WI)  
Greenwood  
Grucci  
Gutknecht  
Hansen  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hilleary  
Hobson  
Hoekstra  
Horn  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Isakson  
Issa  
Istook

Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Keller  
Kelly  
Kennedy (MN)  
Kerns  
King (NY)  
Kingston  
Kirk  
Knollenberg  
Kolbe  
LaHood  
Largent  
Latham  
LaTourette  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas (OK)  
Manzullo  
McCrery  
McHugh  
McInnis  
McKeon  
Mica  
Miller (FL)  
Miller, Gary  
Moran (KS)  
Morella  
Myrick  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle

Osborne  
Ose  
Otter  
Oxley  
Paul  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Pommo  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reynolds  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Roukema  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Scarborough  
Schaffer  
Schrock  
Sensenbrenner  
Sessions  
Shadeegg  
Shaw  
Shays  
Sherwood

## NOES—205

Evans  
Farr  
Fattah  
Filner  
Ford  
Frank  
Frost  
Gephardt  
Gonzalez  
Gordon  
Green (TX)  
Gutierrez  
Hall (OH)  
Hall (TX)  
Harman  
Hastings (FL)  
Hill  
Hilliard  
Hinchey  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslee  
Napolitano  
Neal  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pastor  
Payne  
Pelosi  
Phelps  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rivers  
Rodriguez  
Roemer  
Ross  
Rothman  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Schakowsky  
Schiff

Shimkus  
Shuster  
Simmons  
Simpson  
Skeen  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Stump  
Sununu  
Sweeney  
Tancred  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Thune  
Tiahrt  
Tiberi  
Toomey  
Traficant  
Upton  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wicker  
Wilson  
Wolf  
Young (AK)  
Young (FL)

Scott  
Serrano  
Sherman  
Shows  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm

Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Thurman  
Tierney  
Towns  
Turner  
Udall (CO)

Udall (NM)  
Velazquez  
Visclosky  
Waters  
Watson (CA)  
Watt (NC)  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

Costello  
Coyne  
Cramer  
Crane  
Crenshaw  
Crowley  
Cubin  
Culberson  
Cummings  
Cunningham  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeLay  
DeMint  
Deutsch  
Diaz-Balart  
Dicks  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Fattah  
Ferguson  
Flake  
Fletcher  
Foley  
Forbes  
Ford  
Fossella  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Goss  
Graham  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Grucci  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hill  
Hilleary  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Honda  
Hooley  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hyde  
Inslee  
Isakson  
Israel  
Issa  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)

Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kerns  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Kirk  
Klecza  
Knollenberg  
Kolbe  
Kucinich  
LaHood  
Lampson  
Largent  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
LoBiondo  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (NY)  
Manzullo  
Markey  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McHugh  
McInnis  
McIntyre  
McKeon  
McKinney  
Meehan  
Meek (FL)  
Meeks (NY)  
Mica  
Millender-  
McDonald  
Miller (FL)  
Miller, Gary  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Napolitano  
Neal  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Ortiz  
Osborne  
Ose  
Otter  
Oxley  
Pallone  
Pascarell  
Pastor  
Paul  
Payne  
Pelosi  
Pence  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Pomeroy

Portman  
Price (NC)  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reynolds  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Rothman  
Roukema  
Roybal-Allard  
Royce  
Rush  
Ryan (WI)  
Ryun (KS)  
Sabo  
Sanchez  
Sanders  
Sawyer  
Saxton  
Schaffer  
Schiff  
Schrock  
Scott  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shaw  
Sha's  
Sherman  
Sherwood  
Shimkus  
Shows  
Shuster  
Simmons  
Simpson  
Skeen  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Snyder  
Soudier  
Stark  
Stearns  
Stenholm  
Sununu  
Sweeney  
Tancredo  
Tanner  
Tauscher  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tiberi  
Toomey  
Traficant  
Turner  
Udall (NM)  
Upton  
Visclosky  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watt (NC)  
Watts (OK)  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wicker  
Wilson

Wolf  
Woolsey

Wu  
Wynn

Young (AK)  
Young (FL)

## NOT VOTING—22

Boehner  
Boucher  
Cannon  
Collins  
Cox  
Dooley  
Gephardt  
Gutierrez  
Harman  
Horn  
Hunter  
Hutchinson  
Lipinski  
Maloney (CT)  
Matheson  
McDermott  
Menendez  
Peterson (MN)  
Scarborough  
Smith (WA)  
Spence  
Stump

□ 1451

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## GENERAL LEAVE

Mr. TAUZIN. 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. 2563.

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

There was no objection.

## BIPARTISAN PATIENT PROTECTION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 219 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2563.

□ 1451

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2563) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentleman from California (Mr. THOMAS), and the gentleman from California (Mr. STARK) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, on behalf of the Committee on Energy and Commerce, I am pleased to open this debate on the Patient Protection Act. As you know, the gentleman from Georgia (Mr. NORWOOD); the gentleman from Iowa (Mr. GANSKE); my friend, the gentleman

## NOT VOTING—6

Boyd  
Clay  
Lipinski  
Pascarell  
Peterson (MN)  
Spence

□ 1433

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BOYD. Mr. Speaker, on rollcall No. 326, H.R. 219, I was unavoidably detained. Had I been present, I would have voted "no".

## MOTION TO ADJOURN

Mr. McNULTY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the motion to adjourn offered by the gentleman from New York (Mr. McNULTY).

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

## RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 55, noes 356, not voting 22, as follows:

[Roll No. 327]

## AYES—55

Allen  
Baird  
Berry  
Bonior  
Borski  
Brown (OH)  
Capps  
Capuano  
Clay  
Conyers  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dingell  
Doggett  
Farr  
Filner  
Frank  
Hastings (FL)  
Hilliard  
Hinchey  
Jefferson  
Kaptur  
LaFalce  
Langevin  
Lantos  
Lee  
Lofgren  
McGovern  
McNulty  
Miller, George  
Mink  
Nadler  
Oberstar  
Obey  
Oliver  
Owens  
Reyes  
Ross  
Sandlin  
Schakowsky  
Slaughter  
Solis  
Spratt  
Strickland  
Stupak  
Taylor (MS)  
Tierney  
Towns  
Udall (CO)  
Velazquez  
Waters  
Watson (CA)  
Waxman

## NOES—356

Abercrombie  
Ackerman  
Aderholt  
Akin  
Andrews  
Army  
Baca  
Bachus  
Baker  
Baldacci  
Baldwin  
Ballenger  
Barcia  
Barr  
Barrett  
Bartlett  
Barton  
Bass  
Becerra  
Bentsen  
Bereuter  
Berkley  
Berman  
Biggart  
Bilirakis  
Bishop  
Blagojevich  
Blumenauer  
Blunt  
Boehlert  
Bonilla  
Bono  
Boswell  
Boyd  
Brady (PA)  
Brady (TX)  
Brown (FL)  
Brown (SC)  
Bryant  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Cantor  
Capito  
Cardin  
Carson (IN)  
Carson (OK)  
Castle  
Chabot  
Chambliss  
Clayton  
Clement  
Clyburn  
Coble  
Combest  
Condit  
Cooksey

from Michigan (Mr. DINGELL); and the gentleman from Arizona (Mr. SHADEGG) are all distinguished Members of the Committee on Energy and Commerce. And they, along with many others, have labored for a long time on this legislation, or various versions of it.

I want to also commend the work of the Speaker and the gentleman from Kentucky (Mr. FLETCHER) and the other committees of jurisdiction, because all of them have made significant improvements in the base text of this bill.

A concern of all of us is the needs of American families for health coverage and health care. Let me make a point that I think is incontrovertible, and that is that the most important patient protection in America is access to affordable health insurance, to health coverage, and to care.

Mr. Chairman, new costs and new litigation and new bureaucracy can, we know, raise the cost of health care, and, therefore, the cost of health insurance. Costs will either drive a reduction in benefit or drive a reduction in coverage; and so, as we debate this legislation, let us not pretend that litigation and bureaucracy and mandates are free. While they may provide some protection for a patient, if they raise the cost of insurance and coverage too high for other patients, then other families lose, and those rights to coverage are lost to Americans.

The Congressional Budget Office does not ignore these facts. They state clearly that a significant portion of increased costs will be borne by the purchasers switching to less expensive plans or cutting back on benefits or, worse yet, dropping coverage. That is a sobering point. It means that real families would do with fewer benefits and less coverage.

According to the President's Statement of Administration Policy on the Senate bill, for example, employers already faced an estimated 10 to 12 percent premium increase this year alone. The statement also notes that employers tend to drop coverage for their workers, for roughly 500,000 individuals, when health care premiums increase by a mere 1 percent. Some estimates have put the number of individuals whose insurance would drop by this bill as high as 6.5 million. That is simply unacceptable.

Employer-sponsored health care, remember, is voluntary, it is not mandatory; and we should not make employers choose between reducing benefits and maintaining health coverage for their employees. Employer-sponsored health insurance is still voluntary in America, and increasing health costs will prompt employers to drop coverage or insurance.

The legislation that does the best job of preserving access to insurance and minimizing costs, while protecting patients' rights to their coverage, is obviously the best balanced bill; and that is what we will search for today. That means both eliminating unnecessary

bureaucracy, litigation and cost; and that is why we will support the amendment the gentleman from Georgia (Mr. NORWOOD) has worked out with the President of the United States to, in fact, amend this section to make sure we do not unnecessarily drive up insurance costs. I want to commend my friend, the gentleman from Georgia (Mr. NORWOOD), for that excellent work.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend from Michigan for yielding me time.

Mr. Chairman, in case the President has forgotten, the House of Representatives is the people's House. The people's House. It is not the insurance industry's House. We do not report to Aetna or to Prudential or to Blue Cross/Blue Shield or to Golden Rule; we report to the people, our districts, and the people of this country. Our job is to do what is in the best interests of the individuals we serve. It is not to sustain the health insurance industry's privileged position above the law.

For over 4 years, my friends, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Iowa (Mr. GANSKE), have been repeating the same simple message: if HMOs face no consequences when they put consumers through the wringer, then HMOs will continue to put consumers through the wringer.

Making HMOs face the consequences is not going to lead to skyrocketing insurance rates. For example, in the 3 years Texas has allowed HMO enrollees to sue, there has been only a handful of lawsuits. The right has not led to a flood of lawsuits or to higher premiums; it has led to legitimate health insurance, insurance that actually covers what it says it will cover. The key to addressing the problems so many of our constituents face when dealing with their insurer is to hold HMOs accountable for their actions.

There is only one bill on the floor today that does not emasculate the external review and right to sue provisions to the point of meaningless mess. The Ganske-Dingell bill is the only bill on the floor today that does what it says it will do. It changes the rules of the game so that HMOs will not cheat the public. Unfortunately, the Fletcher bill and the Norwood-Bush bill cheat the public to protect insurance company HMOs.

For more than 4 years, the public has been asking us to do something about HMOs that treat enrollees like an unwanted liability, rather than a paying patient. Putting the shoe on the other foot, making HMOs liable for the harm they do, is the best way to change their behavior. This is our chance to do the people's bidding. Let us do it.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on

Health of the Committee on Energy and Commerce.

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

Mr. Chairman, I rise today in support of patients. I rise today in support of Americans who deserve a health care system that works for them. My work in this body, as so many know, has focused on health care issues, and I have worked hard with many of my colleagues to improve the quality of health care for all Americans.

One of the most important things we can do this Congress is pass strong patient protection legislation which can be signed into law. We must work to ensure that a Patients' Bill of Rights will become law.

Two years ago this Chamber hosted a similar debate which most of you remember. We are back again considering legislation to improve the quality and availability of health care for all Americans. Enactment of patient protections would immediately improve the quality of care for millions of Americans, and that is why we must work together to secure passage of patient protection legislation this year.

□ 1500

In past debates, I chastised an administration that stubbornly, stubbornly rejected anything short of its own proposal for health reform. I argued that "The price of such intransigence would again be paid by patients across the country," and it was.

Now I am proud to stand before my colleagues today and support patient protection legislation that has bipartisan support and, most importantly, the support of a President who was willing to listen and to compromise. The leadership of President Bush, of the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and of the gentleman from Georgia (Mr. NORWOOD), my very good friend, have been invaluable in getting us to this point.

As I quoted in a recent Dear Colleague: "It is not enough to do good; one must do it the right way." Compromise is the right way, and I support patients' rights by supporting the amendments to the Ganske bill. An all-or-nothing attitude is unacceptable. Let us do good for our constituents now.

I challenge those who support patients' rights. Put people ahead of politics and work with us, not against us, to achieve this goal.

Mr. DINGELL. Mr. Chairman, I yield myself 3 minutes.

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

Mr. DINGELL. Mr. Chairman, in the 40-plus years I have served here, I have never seen such a remarkable situation. Last night, we were presented with a piece of legislation that no one had ever seen before. The proponent thereof could not explain it, did not

know what is in it. We will see it later today. I hope at that time he has a better appreciation of what his proposal does.

It will be offered as an amendment to the bill, H.R. 2563, the Bipartisan Patient Protection Act. It is my hope that the House will pass this bill, send it to the Senate, and we can afford American patients a decent level of protection.

One thing has remained constant: We need strong, enforceable, meaningful patient protections. The base bill is a good bill. It is the right one for millions of Americans who suffer denial, delay, and injuries at the hands of HMOs who are, like foreign diplomats, totally exempt from lawsuits, a unique class in our society.

This bill would have seen to it that the rights of Florence Corcoran, who lost her baby due to a bad HMO medical decision, would have had relief. It would have helped Basile Pappas, who was denied proper treatment, and it would have prevented permanent quadriplegia as a result of an HMO's refusal to approve covered treatment. The bill would have helped another gentleman, Mr. Lancaster, who was arbitrarily denied coverage for in-patient psychiatric treatment and instead was sent home, where he committed suicide.

None of these protections in the bill means anything without the ability to see to it that they are enforced. Enforcement of rights is everything, and rights without a measure to enforce them are totally meaningless.

HMOs that make bad medical decisions should be treated no differently than any other wrongdoer, and when they engage in the practice of medicine, they should be treated the same as doctors. But they seek special treatment, an exemption from meaningful litigation and, indeed, an exemption from responsibility.

If the Norwood amendment passes, which we saw for the first time in printed form this morning about 8 o'clock, HMOs would be held to different and looser standards than doctors and hospitals. The so-called "remedy" would actually wipe away State laws that protect patients against wrongdoings now and would roll back the law. The Norwood remedy is a sham, because in almost all instances, consumers would never see the State court which is the best place for them to be. Indeed, patient protections now will not work if the flawed Norwood review process is put in place. The Norwood amendment would reduce the role of external reviewers and delay care to patients.

This House should pass H.R. 2563 without the cynical protections sought by the White House and Republican leaders and without the budget-breaking tax breaks and without a last-minute rewrite of consumer protections.

Mr. Speaker, I urge the adoption of the legislation and rejection of the Norwood amendment.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. BURR), the vice chairman of the Committee on Energy and Commerce.

(Mr. BURR of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. BURR of North Carolina. Mr. Chairman, today will be a heated debate. We will hear people criticized today that just yesterday were praised.

To the Members in this Chamber, do not lose focus on one thing. There is one Member who has had his eye on the American people for years on this issue. His name is Dr. CHARLIE NORWOOD. For those who criticize him today, but praised him yesterday, let no person believe that he is not doing what he thinks is in the best interest of every American.

The fact is that we do have new legislation. This institution can perfect things that are flawed, and I believe today that we are doing that. We will start with a base bill that incorporates the thoughts of many good colleagues, but because of the need to extend patient protections today to the American people, the gentleman from Georgia was brave enough to negotiate with the President until they came to an agreement on a piece of legislation he could sign and that protection could be extended.

This is not about who wrote it or whose amendment it is. Yes, it is about what it says, but it is about whether it can be signed into law. This bill, amended by the Norwood language and, hopefully, several other amendments, can be signed into law and extended to the American people today; and this body will make a mistake if it does not support the Norwood amendment and provide patient benefits for the American people.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio (Mr. STRICKLAND).

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

Mr. STRICKLAND. Mr. Chairman, the American Medical Association has said it well when they asked the question, Why should we oppose the Norwood amendment? They said we should because it overturns the good work done by States in protecting patients.

We should oppose the Norwood amendment because it reverses developing case law that allows patients to hold plans accountable when they play doctor. We should oppose the Norwood amendment because it contains overly broad language that will remove most cases to Federal court. We should oppose it because it raises barriers for patients to make their case in court. And we should oppose it because it provides patient protections, but does not allow the enforcement of those rights in court.

We are dealing with life-and-death matters today. In southern Ohio, Patsy Haynes, a 31-year-old mother who

needs a bone marrow transplant in order to live, is being denied that transplant because of her insurance company. We need the right for the Patsy Haynes families and every other family to go to court and to get what they rightly deserve. The American people deserve no less.

The CHAIRMAN. Without objection, the gentleman from North Carolina (Mr. BURR) controls the time.

There was no objection.

Mr. BURR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Chairman, President Clinton's first act was to create a high-profile commission headed by now Senator CLINTON to fix health care. Eight years, and nothing.

President Clinton promised to raise minimum wage. Eight years, nothing.

President Clinton said he would fix prescription drugs, and 8 years, nothing.

President Clinton had to be embarrassed to sign into law Republican reform of IRS and welfare. The truth is, the Democrats had 50 years to reform welfare, IRS, Social Security, Medicare, health care, prescription drugs. Nothing.

I will vote for President Bush's plan today, and I will vote for the Norwood amendment for four reasons. Number one, what good is a Cadillac insurance policy if your company goes out of business?

Number two, Americans will lose their insurance if costs are prohibitive.

Number three, increased costs will force small employers especially to cancel plans, give bonuses, and we will have more uninsured.

Finally, the heavy liability factor will force major manufacturers to leave America like rats fleeing a ship on fire to countries with no insurance, no regulations, no IRS, no liability, no pensions, and wages of \$1 an hour.

We have 43 million uninsured. I do not want any more uninsured Americans in my district.

I will vote today for the only practical reform health care plan to get a vote, and that is the President's, as has been tailored by the Norwood amendment. I commend the gentleman from Georgia and I commend the Republican Party for coming forward with a plan, like it or not. The Democrats failed to perform.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, it upsets me a great deal to hear my Republican colleagues on the other side say that their plan today is going to provide more access for the uninsured, more access to health care, and somehow, the President is going to sign this. How cynical.

The President has never signed an HMO reform bill. The President has no

intention of signing a bill. If that were the case, then why are they mucking it up?

He talks about bureaucracy, mucking up this bill with all the things that are unrelated to HMO reform: malpractice, medical malpractice, MSAs, medical savings accounts. These things do not belong in this bill. These things are being put in this bill today so when it goes to conference, the bill is killed and is dead just like it was 2 years ago.

They talk about providing more people access to care or somehow, they are going to redress the denial of care. Well, then, if that is the case, why in the world are they putting in these roadblocks so that if I am denied care, I cannot even get to an external review panel that is going to be independent and is going to reverse that denial of care?

They put in so many roadblocks in here, nobody is ever going to be able to reverse a denial of care. Forget the courts. That is not the issue.

Mr. TAUZIN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, let me take this 30 seconds to introduce the gentleman from Georgia (Mr. NORWOOD), my friend. Many of us claim ownership of legislation around here, correctly and incorrectly, but if there is one person in this Chamber who owns the issue of patient protections, it is the gentleman from Georgia (Mr. NORWOOD). He wrote the first bill.

I saw his first draft. We read it together on an airplane coming back from Boston Harbor where we demonstrated against the awful IRS and income tax together. But as we rode back, I saw the first rough draft of this bill.

Mr. Chairman, the gentleman from Georgia (Mr. NORWOOD) owns this issue, no matter how many other people claim it. The gentleman from Georgia has been a stalwart to get this issue to the President.

Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. NORWOOD), a member of the Energy and Commerce Committee.

Mr. NORWOOD. Mr. Chairman, I thank the gentleman very much for yielding me the time, and I am very grateful for the opportunity to perhaps straighten out a little bit maybe of what has been said.

I say to my colleagues, the first thing is I believe in my soul that the President of the United States does, in fact, want a bill to protect patients. I do not have any doubt about it. He has told me that on many occasions, all the way back to governor.

I also respect the office of the Presidency, and I believe that unless we get his signature, we are going to be continuing to do the same thing that we have done now for 6 years.

This is not just about passing a bill. This is about changing the law of the land so patients can be protected in a health care system that has radically changed over the last 30 years.

I make no apologies to any of my colleagues. I think my colleagues know pretty well where I come from on this issue. I have great affection and respect for the gentleman from Iowa (Mr. GANSKE) and the gentleman from Michigan (Mr. DINGELL) and the gentleman from Arizona (Mr. BERRY). I basically support the bill. Why in the world would I not? I helped write the bill. I am not against that bill at all. What I am against is not having a change in the law.

Now, what I have done is, I have tried to figure out to the best of my ability what could we do to acquire the signature of the President of the United States and, at the same time, maintain at least what I humbly think is the reason all of this got started.

□ 1515

I am real excited, I have to say, I am real excited that in our bill, in the Ganske-Dingell-Berry bill, that the President is willing to sign our patient protections. All of us know how important those are. Some of us know, as well as I know, what is in there. I am very pleased about that.

I am very pleased that now the President is willing to sign, for example, our access pieces. I am excited about that. Those are off the table now. The problem is, for the President, that he wants to sign a bill that he can have some input into. Now, that is fair.

There are some poison pills for this President in our bill, as were potentially poison pills in the Norwood-Dingell bill a couple of years ago that President Clinton would not have signed. I fought a lot of people to make sure those poison pills in the Norwood-Dingell bill were not there. Guess who I fought. I fought my friend, the gentleman from Illinois (Mr. HASTERT). I fought almost every Member of the Republican Conference, and I stayed steady to a principle that I believed we should have, which is there should be some limit on liabilities.

It is totally unfair to people to put their profession, their business, their family, their wealth in a position where they could lose it all just because somebody may have a particularly talented trial lawyer. That is not fair. But I never would put those in or go along with putting those in the Norwood-Dingell bill because I knew President Clinton would not sign that. I was trying to get this law changed because we are now in the sixth year.

Patients are not any better off today after 6 years than we were 5 years ago, and it is time to bring this gridlock to an end. I have looked for a way with this President that we might take some poison pills out for him. The founders said, if we want a law of the land, the President of the United States has to sign it. For a President of the United States to sign a bill, he is going to participate. This President feels very strongly that we should have the bill, but he wants some protections in there.

So we were getting from him an agreement to sign a bill that does what? It gives us the patients' protections exactly like we wrote. It gives us an external review panel made up of independent people. That is so important for the patients, and we need that signed.

It is a bill that says, for the first time in years, every American in this country can choose their own doctor. That is so important. Does it say what we are trying to do or what the President is trying to do: that we are not going to hold HMOs liable for their actions when they deny care, when they deny a benefit or delay a benefit and they kill or harm some of the people that have been used up here as an example? Does anybody really believe that I want to do that? That I do not want to hold their feet to the fire?

I promise I want to put their feet in the fire on this; but there is a way to do that where we also can get this bill signed and achieve our other things.

We will talk about the amendment later. But I want everyone to understand I support this bill. But I support one even more that will go into law.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Chairman, I would say that it is a privilege to follow my good friend, the gentleman from Georgia (Mr. NORWOOD) up here. He has been a stalwart in fighting for patient protections, even if I have had to take a little Maalox over the last few days.

We will debate the Norwood amendment in a little more detail, but I do want to read a letter from the New Jersey Medical Association dated August 2, 2001. "The Coldest Day in August," is how it is titled by Dr. Angelo Agro, president of the Medical Society of New Jersey.

It says: "Across the Nation patients are waking up to the coldest day in August on record because policy makers are swaying to the needs of the mighty HMO industry rather than those of patients and healthcare providers. The proposed compromise by Representative CHARLES NORWOOD leaves New Jersey patients in the cold and drives physicians into the freezing snow."

"In New Jersey the compromise undermines and very likely preempts the landmark Healthcare Carrier Accountability Act signed just this week by acting Governor Donald DiFrancesco. The proposed plan will drag most claims to out-of-state courts through an anemic Federal legal process. Furthermore, it stacks the system against patients through an appeals process and gives no remedy to patients once their physicians have provided needed care."

"As physicians and as patients advocates, we urge our New Jersey Congressional Delegation to continue its outstanding record on patient protection by opposing this emasculated version of the Patients' Bill of Rights."

That is signed Angelo Agro, M.D., president of the Medical Society of New Jersey.

We can have differences of opinion, but this does make a difference in a terms of a policy.

There are a number of issues, but the one with which I am most concerned is that the Norwood amendment would preempt new State laws in 10 States: Arizona, California, Georgia, Louisiana, Maine, New Jersey, Oklahoma, to name several. This is on page 20, line 20 through 22.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, I thank the gentleman from Michigan for yielding time to me.

As a family practitioner, I have had the experience of thinking a patient needs to have counseling. I have to take them into a room, have them dial a 1-800 number to their insurance company, have the clerk who picks up the phone at the end make the decision about whether they get counseling, who they see, and how many sessions they get.

That is practicing medicine. That is delivering medical care. That is why it is my opinion that the Norwood amendment destroys this bill. Please read page 15. I know my Republican colleagues had a caucus this morning. They discussed this State preemption issue. Please read page 15 of the Norwood amendment.

It clearly states: "Yes, States can continue to have the liability provisions for the delivery of medical care," but then it defines that anything that the insurance company has to do with making decisions about claims determinations is not medical care.

The example I gave, the 800 number, they say, No, that is not medical care. Mr. Chairman, that is medical care. When that clerk at the end of the phone makes decisions, they should be held just as liable as the family doctor.

The Norwood amendment destroys the growing protections that are developing in State law. This amendment needs to be voted down.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mrs. CAPPs).

Mrs. CAPPs. Mr. Chairman, I rise in support of the Ganske-Dingell Patients' Bill of Rights. This bill gives the American people strong, enforceable protections from the abuses and hard edges of the HMOs. It returns control of medical decisions to doctors and their patients, and takes it out of the hands of the bean counters. It guarantees patients access to health care they desperately need.

I am a nurse. We nurses and our patients are particularly pleased by the whistleblower protections included in Ganske-Dingell. They would protect a nurse or other health professional who wants to blow the whistle on substandard care to a regulatory agency or accreditation body.

I want to urge my colleagues to oppose the amendments to weaken this underlying bill. Ganske-Dingell holds HMOs accountable when they harm patients by denying them care. HMOs have been willing to trade patient safety for lower costs and higher profit margins. Ganske-Dingell gives patients the tools they need to protect themselves.

With all due respect to our colleague, the gentleman from Georgia (Mr. NORWOOD), his amendment would eliminate this essential protection. That weakens State laws and would dilute the ability to effectively enforce the Patients' Bill of Rights. His amendment would give the HMOs special protections that no other business or industry has.

This bill should be about protecting patients, not HMOs. Mr. Chairman, I urge my colleagues to support the bill and oppose the Norwood, Fletcher, and Thomas amendments.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the bill offered by the gentleman from Iowa (Mr. GANSKE) and the gentleman from Michigan (Mr. DINGELL), which is the real patient protections bill.

For many years, we have been trying to bring the pendulum back to the center to bring some accountability to the process of health care, where patients are enrolled with an insurer to give them the kind of rights that they need; to bring the physician and the patient relationship back to the sacred center where it belongs.

Last night something happened. The gentleman from Georgia (Mr. NORWOOD), a dentist, brokered something with the White House, and we are being asked to trust.

I want to tell the Members something, I want to verify for my constituents. This is the group that has voted to permit more arsenic in drinking water. This is the group that supports offshore oil drilling. This is the group that wants to drill in ANWR. This is the President that rejects a global warming treaty. This is the group that will not ratify biological warfare bans.

Do Members know what? I do not trust that record. I do not think this is the group I want to go with. I want real patient protection rights. We should reject this attempt to dress it up as something that it is not.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the gentleman for yielding time to me. I thank the ranking member, the gentleman from Michigan (Mr. DINGELL), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Iowa (Mr. GANSKE), and all the people who have worked so hard on trying to get a legitimate Patients' Bill of Rights on this floor so we could vote on it, so the American people would have what they

have tirelessly asked for, and that our people could get the health care they have paid for.

It is unbelievable to me that today we are going to allow an amendment to this bill that will make it possible once again for the insurance companies to mistreat, abuse, take advantage of the American people for time immemorial, it appears, right now.

We are going to be standing here a year from now, and we are going to see these same pictures the gentleman from Iowa (Dr. GANSKE) has been showing us ever since I have been in this House. They are horrible pictures. The thought of an insurance company doing this to a child is unbearable and unbelievable to all of us.

But we are going to take up an amendment today and a bill today that would make it possible for the insurance companies to continue to do this, only with more impunity. We are not going to be able to hold them accountable for anything. We are going to supersede State law; and to make matters even worse, Mr. Chairman, this bill is going to cost \$20 billion, and we are going to use the magic pay-for card to pay for it.

I do not know where this card money comes from, but we are going to start issuing them to anyone. Anytime we have a bill and we do not know where to get the money for it, get the magic pay-for card for it. Members can see it, surely. All we have to do is present it and everything is already all right. We are not even going to pay for this bill.

We had the pay-fors in this bill last night, and the Committee on Rules took it out. It is unbelievable that we would allow the insurance companies to continue to take advantage of the American people.

Mr. Chairman, I urge our Members not to vote for this terrible piece of legislation.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I rise on behalf of this bill.

What is this bill? It is the bill that the gentleman from Georgia (Mr. NORWOOD) got on the floor and said he supports. It is a bill that, in 1999, 275 of us voted for in a bipartisan fashion, and in a bipartisan fashion for 24 months we have labored to pass that bill. We did pass it, and it was bottled up in conference committee because the Republican leadership did not want it to become law.

The gentleman from Georgia (Mr. NORWOOD) wants a bill that can be signed. I agree. But the way to get a bill that can be signed is to show where the bill ought to be, and those 275 of us for the underlying bill should vote for that bill today and send it to conference, have the conference work on it, and let the President come to the conference; not, with all due respect to my friend, the gentleman from Georgia (CHARLIE NORWOOD), one Member, but to the conference, to the Senate and



House, after they have worked their will and passed a real Patients' Bill of Rights.

□ 1530

Let us adopt the base bill and reject the three amendments.

Mr. Chairman, the American people need and deserve a real Patients' Bill of Rights.

This legislation ensures that doctors make medical decisions, not insurance company bureaucrats.

It gives every American the right to choose his or her own doctor. It ensures broad access to specialists. It prohibits incentives to limit care. And, yes, it allows patients to hold managed care companies accountable when they make decisions that injure or kill.

Responsibility! What's more American than that? Yet, the Republican leadership has fought legal liability tooth and nail.

They said strong liability provisions would cause insurance premiums to skyrocket. But that didn't happen in Texas, where then-Governor Bush let a Patients' Bill of Rights become the law in 1997 without his signature.

They claimed that managed care liability would cause people to lose their insurance. But that didn't happen in Texas.

And they said strong liability provisions would open the floodgates of litigation. But that didn't happen. Only 17 lawsuits have been filed under the Texas law in 4 years.

Today, they're trying to gut meaningful reform with these amendments.

Arbitrary damage caps are a perfect example. I'm always amazed that some of the same people who think a jury is perfectly competent to decide whether a man or woman lives or dies is somehow incompetent to decide whether a person has been injured by negligence and the extent of the injured party's damage.

I urge my colleagues to vote for this bipartisan bill and to vote against these amendments. Let's level the playing field between patients and their doctors and managed care companies.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Arizona (Mr. SHADEGG), a distinguished member from the Committee on Energy and Commerce who has put a great deal of effort in this compromise.

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me this time. And I rise in strong support of this legislation, and I rise in strong support of the gentleman from Georgia (Mr. NORWOOD).

Make no mistake about it, there is no greater champion of patients' rights in this country than the gentleman from Georgia. And anybody who says that the agreement that the gentleman from Georgia negotiated with the President last night does not protect patients, does not know this issue and is just playing politics.

Well, it is time for politics on this issue to end and for substance to emerge. Let us talk about what is in this bill.

Number one, every single patient protection in the original Norwood-Dingell bill and in the original Ganske-Dingell bill is in this bill. The patient protections are there.

So comes the criticism on liability. Well, let us talk about liability. For those who say this protects plans from being sued, they are not being honest, because whether the external review panel sides with a patient and says the plan was wrong, or whether the external review panel sides with the plan and says the plan was right, that individual can have a lawsuit. They have a right to recover damages.

Let us talk about the current state of the law. The current state of the law in America is atrocious. It says if a health care plan injures someone through their negligence, through their conduct, they are immune. That is dead wrong. I know the Corcoran case inside out and backwards, and it is time to reverse that precedent.

The reality is both sides agree that that policy of absolute immunity for HMOs that hurt people must end. This bill strikes a fair balance. It says that an external review panel, made up of expert doctors who are practicing physicians, will review the decision of the plan and will decide if the plan was right or if the plan was wrong. If they decide the plan was wrong, yes there is a lawsuit and that individual will recover damages.

But let us look at the flip side of that issue. Let us say they decide the plan was right, and many would say that is a reasonable structure; that the panel second-guessed, reviewed through experts, the current status, where plans can simply deny care and walk away, but under that set of circumstance, even if this expert panel made up of doctors says the plan was right, that individual can still go to court. The AMA, when I argued this issue with them last year, said, well, what if the plan was wrong. It is a shocking lack of faith with doctors, but they won. The AMA is getting what they want. Even when the panel says the plan was right, the individual can go to court and sue. That is liability, that is fair, that is a very reasonable compromise.

This is a good bill, and I urge my colleagues to support it.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I stand in strong opposition to the Norwood amendment because I have been there and I have done that and I have seen what happens when HMOs are in charge of health care, particularly in lower-income communities. It is a scam. Wake up, before this comes into our community.

The President cannot make government. He cannot make legislation. He is in the executive branch. So let us be sure that we do our job and he does his. Whoever heard of that before?

Two obvious examples stand out here. Our people need to be treated fairly. We need a patients' bill of rights. We need the Dingell bill, and we need it now. And we need to stop this frustration of going through all this nomenclature of medical terms. We

just need to get a patients' bill of rights that is fair to all patients, that will treat everybody the same, and be sure they have some redress.

I do not trust insurance companies. Why should I? They have never been fair to the people I represent. Do you think I am going to do it now? No. Be sure that you support the Dingell bill, it is the bill that is happening.

Mr. TAUZIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. COOKSEY).

Mr. COOKSEY. Mr. Chairman, this is an important piece of legislation because it is important for the health care of the Americans who need good quality health care.

Long before I was a Member of Congress, I was a physician. And when I finished medical school, I guess I was somewhat idealistic because I expected to always be in an examining room with a patient and have that sacrosanct physician-patient relationship in which I was trying to make a diagnosis and carry out a treatment, whether in the examining room or the operating room.

But over the years, we have evolved to a system that we have HMOs and HMO regulators; we have government regulators; we have a whole litany of people that are in that examining room, if not in body, in spirit. And these people are, in effect, practicing medicine or having a disproportionate influence on the practice of medicine when they have never gone to medical school. They do not know what medicine is about.

Unfortunately, some of these groups that are there in spirit are mean spirited. So we do need reform. We do need patient protection. And this piece of legislation will ensure that, number one, the employer-based system will be intact and will not be undermined. And, number two, it will go a long ways towards reestablishing the patient-physician relationship and getting all of those other people out of the examining room, whether they are there in spirit or in reality.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, the last 24 hours of game-playing with people's lives by the leadership has left a huge mark on the House of Representatives.

Let us look at the score card in the last 24 hours. This week, special interest groups have two wins and the American people have zero. Yesterday, with the energy people, the oil companies won; today, with the so-called patients' bill of rights, insurance companies, unfortunately, are going to win again.

Under the House leadership bill and the so-called patients' bill of rights, many of our constituents are going to have to have their health care needs compromised. However, there are a few good things in this package.

We have been working very hard to make sure our hospitals get prompt

pay. In other words, the HMOs and the insurance companies have been holding back the monies to our hospitals. That is pure wrong. Our nurses and our health care people need the whistleblower protection act, and that will be in there.

But all in all, despite these good provisions, it is clear that special interests are the real winners in this deal. And I am sure of one thing: we need campaign finance reform to get the special interests out of this Congress.

Oppose the Norwood amendment and support the Ganske-Dingell bill. It puts patients' interests first, not special interests.

Mr. TAUZIN. Mr. Chairman, may I inquire of the chairman who has the right to close on this portion?

Mr. DINGELL. Mr. Chairman, how much time do we both have?

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) has 3 minutes remaining and the gentleman from Louisiana (Mr. TAUZIN) has 1 minute remaining. The gentleman from Louisiana has the right to close.

Mr. DINGELL. I will respect that, of course, Mr. Chairman.

Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, this doctor stands with America's doctors and our patients in support of H.R. 2563. The base bill is not about suing, it is about making sure that insurance companies and HMOs are held accountable when they prevent a patient from getting the care they need.

We must reject the killer amendments which would shield the HMOs from the same accountability that every doctor and hospital as well as every other business is liable for, for our protection. And the HMOs must be laughing at the \$1.5 million cap that is proposed. With their profits, that figure is so small it will be no incentive for them to change at all.

We have fought for more than 5 years for a bill that will protect patients. We have one, and we must not pass a last-minute dead-of-night deal to help the President avoid the decision of signing or vetoing, if that is his choice, legislation which the American people overwhelmingly support.

Our constituents have been waiting too long for relief from profit-driven medical decisions that put them and their loved ones at risk. Let us vote down all amendments and give America a real Patient Protection Act, H.R. 2563.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. SCHIFF).

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

Two years ago, when I was a State Senator in California, I worked with my colleagues there to pass one of the strongest patient bill of rights packages in the Nation. Other States, Texas, New Jersey, about 30 in number,

have adopted similar strong patient protections. But now, under the most recent capitulation to the insurance industry, these strong patient bill of rights protections around the Nation are preempted by Federal law.

Brought to us by those strong champions of States' rights, this capitulation threatens to take away hard-fought patient protections enacted around the Nation. The new policy evidently is: we believe in States' rights, except where they collide with the rights of the insurance industry, and then the heck with the States. That is no kind of policy for this country.

I urge support for the Dingell-Ganske patient bill of rights that protects and preserves the relationship between patient and physician. It has doctors making medical decisions, not insurance company bureaucracies. It is the real patient bill of rights, the one we have fought for for 6 years, the one we must pass for this country.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. DAVIS) for purposes of concluding the debate on this side.

Mr. DAVIS of Illinois. Mr. Chairman, I support patients' rights, but I do not want to support putting a cap on unnecessary pain and suffering. I support patients' rights, but I do not support greed and unaccountability. I support the rights of patients to interact with their doctors to make decisions.

I can tell my colleagues that the doctors in my district support Dingell-Ganske. They have been calling all day saying do not vote for Norwood, vote for Dingell-Ganske.

I follow the doctors in my community, and I urge all of us to vote for Dingell-Ganske.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Six years, when the gentleman from Georgia (Mr. NORWOOD) began this crusade for patient protections, he, through an exercise of extraordinary courage and conviction, has been willing to take on Members on both sides of this aisle. He has taken on his own party. Now he takes on Members of the other party who disagree with him today.

He has shown extraordinary courage and conviction, and he is determined that when we get through today with the amendment that he will offer in agreement with the President of the United States to make sure this bill is signed into law, he has determined this bill will do the following things when we get through today:

It will preserve the right of patients to choose their own doctors and to have the customary patient-doctor relationship.

Secondly, it will extend the patients the right to have an external medical review of HMO decisions.

And, third, it will guarantee patients the right to sue HMOs, to hold them accountable in both State and Federal Court, under the agreement he has reached with the President.

The gentleman from Georgia is to be commended for this 6-year fight. If we do it right today, we will put a bill on the President's desk that he will sign into law and these 6 long years will have been worth his courageous effort that has been carried forth with so much conviction.

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

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

A few decades ago there was a song, and it went a little bit like this: "Love and marriage, love and marriage, go together like a horse and carriage." Well, for the last several years we have been hearing Norwood-Dingell, Norwood-Dingell, a team that made health care reformers tingle.

□ 1545

And yet today we find ourselves on the floor with a choice. Ironically that choice is to take a giant step toward making law in this area, or to keep alive a very divisive political issue.

In my opinion, there is no Member of the House of Representatives who wants a law more than the gentleman from Georgia (Mr. NORWOOD). In my opinion, there are some individuals here today who are enormously disappointed in the fact that the gentleman from Georgia (Mr. NORWOOD) wants a law because they certainly want to perpetuate a divisive political issue.

In listening to the way in which the gentleman from Georgia (Mr. NORWOOD) has been described, a Member got up recently and said he is a dentist. I do not think that was quite said in a way that would indicate that he has some knowledge in terms of the medical profession or that based upon his experience in dealing with HMOs, he wanted to make a change. I think it was done deliberately. I think it was done on purpose.

If Members really look at the underlying bill and the bill that will remain if the Norwood amendment is adopted, we have 95 percent the same bill. What is the difference? With the Norwood amendment, it has a chance to become law. Without it, it does not.

Well, I will simply leave Members with this. If Members had to think of a word to match with Norwood, the one that comes to mind to me is "sincerity."

If Members have to match a behavior to coincide with what is being exhibited on the other side of the floor, I have to think of a black widow and her mate.

I am pleased today that this very, very difficult issue will be resolved. It will be resolved by those people who stand with the gentleman from Georgia (Mr. NORWOOD) and his amendment, and then stand with the amended Ganske-Dingell-Norwood bill. It is time that we end this division.

Mr. Speaker, the gentleman from Georgia (Mr. NORWOOD), as he did in offering leadership at the beginning, is

again offering leadership. All Members have to do is follow the leadership of the gentleman from Georgia.

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

Mr. ANDREWS. Mr. Chairman, I yield myself 2 minutes.

Mr. Speaker, a person goes to her primary care provider, and the primary care provider notices a lesion on the patient's skin. She says that she thinks that the patient ought to see a specialist to see what the lesion is. Her managed care plan says, no, we do not want you to do that because it does not fit our model of what ought to happen.

The patient does not see the specialist. It turns out the lesion is malignant and becomes metastatic cancer. The patient dies. The patient's estate sues the HMO under the laws of New Jersey or one of the other progressive States that has adopted patients' rights legislation.

Understand this: Under the Norwood amendment that will be coming forward in a few minutes, that claim is barred. Wiped out. No more. The Norwood amendment is a step backward. It does not intend to be, but it is, make no mistake about it.

Rights that the various States have given to consumers in the last few years are repealed. Whether it is by intent or sloppy drafting, they are repealed.

If Members believe in states' rights and the right of States to make decisions that affect their own communities, then Members should not federalize health care law. Then we should have not have one national decision that governs what ought to happen here. Members should reject the Norwood amendment, as the New Jersey Medical Society does for that reason, and Members should vote for the underlying base bill.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentlewoman from Connecticut (Mrs. JOHNSON) to control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the Norwood amendment, and I thank the gentleman from Georgia for his leadership. There has been no Member in this body who has been more dedicated to the issue of patients getting access to care and having the right to sue when their HMO denies them access to needed care. I commend the gentleman for that.

Mr. Chairman, I commend him particularly today for having the courage to help this House find a way to not only provide these rights to patients, these critical rights to access to specialty care, access to emergency room care, but also access to the right to sue, to provide these critical rights in

a way that does two things. First, it restores power and control over our health care system to the doctors of America. That is what patients want. They want to have the right to the care their doctor recommends.

The Norwood amendment makes very clear that patients must exhaust the external panel review process so that the record shows doctors' review of doctors' decisions. In this era of exploding medical options, increasingly complex care, frankly we are going to need to have doctors reviewing doctors' recommendations to ensure that the patients' interests are best served.

Mr. Speaker, exhausting that panel review before patients get lawyers involved is critical. Otherwise we will do what the Dingell-Ganske bill does: We will simply take power from HMOs and give it to lawyers. This is not progress. This is not progress.

We want to return that power to doctors, and the Norwood amendment does that very clearly and very directly, and backs it up with a system that has two advantages. First of all, it shields the employer far more effectively than any other bill, by clarifying that patients can sue only the dedicated decision-maker who must be bonded.

Therefore, employers can have confidence that they will not have to drop their plans out of fear of being sued. That is a tremendous strength of this Norwood amendment.

Second, the Norwood amendment is a simpler judicial process, a simpler legal system so that the costs do not explode. If the costs explode and the price of access to care and access to the right to sue is losing your health insurance, this is not progress.

Already premiums are rising rapidly. We see that: 15 to 20 percent this year when a 10-13% increase was expected and after double digit increases last year. In good conscience we must not add costs that do not benefit patients. We know from the history of malpractice insurance with doctors that until States controlled costs by adding tort reform or committees through which these proposed suits had to pass for approval, costs were extraordinary. Premiums leapt every year. And who paid? The employer and the employee. That is what is happening now. Employees are facing higher costs.

So the Norwood amendment not only guarantees these rights of access that are so critical to the quality of care and the right to sue, but it does it in a way that restores power to the doctors of our health care system. It does it through a legal structure that controls costs and protects employers who don't make medical decisions.

Mr. Speaker, those are my goals. The Norwood amendment fulfills them, and I commend the gentleman for his hard work.

Mr. Chairman, I am pleased to support the Norwood amendment. It puts in place strong patient protections in a responsible way.

Our goals are twofold: to guarantee patients access to the care they need and to guar-

antee patients right to sue if they are denied that care by their HMO. These patient rights are critical. Critical—but we must guarantee them without causing health care costs to skyrocket. Even without this legislation, premium costs are rising 15 to 20 percent a year and employees are carrying higher and higher co-payments and deductibles. We must not, indeed we cannot, in good conscience further increase costs without knowing for certain that the benefit will be directly realized by patients.

I support the Norwood amendment because it guarantees the rights patients need to access specialists and emergency room care, to elect an OB/GYN or pediatrician as one's primary care physician, and other rights of access. It also provides the crucial right to sue one's HMO, but it would do this in a way that we know from experience with certainty will contain costs.

Under this amendment, patients will have the ability to hold plans accountable for poor medical decisions. But it is designed in a way that is straightforward and provides limits on liability, which allows employers to plan for their obligations and continue to offer health care coverage to their employees. In the end, this is the best result for patients.

The Ganske-Dingell liability construct is completely unworkable and will promote litigation years into the future that will only benefit trial lawyers, and not patients.

We must learn from history, when malpractice liability skyrocketed, it drove good doctors out of certain practices and sent premiums skyward. Only when states stepped in and limited liability did costs come under control and Americans no longer faced prohibitive increases in health care costs. Unless we limit liability in our Patients' Bill of Rights, we will set off a similar cycle of escalating costs.

Even before we get to the issue of the size of malpractice judgments, there is the problem of limiting other litigation to which health plans, providers, and employers are exposed. Under the Ganske-Dingell bill, there will be a virtual explosion of litigation activity, because the language of the bill is so complex and subject to so many different interpretations! In contrast, under the Norwood amendment, the rules are clearly written, the lines of liability are clearly spelled out, and most importantly the causes of action available to patients are very clearly defined.

On this last point about causes of action, I would like to point out that under the Ganske-Dingell bill the availability of a cause of action depends on the interaction of state law and the 19 pages of requirements outlined in the bill. That alone will result in years of litigation just to determine jurisdiction and the elements of a cause of action. And that's before we even get to the patient's case.

I want to make one other point about simplicity versus complexity. Under the Ganske-Dingell approach, there are two groups that can be held liable for plan decisions—the "designated decisionmaker" and a "direct participant" in the decision. There are two separate processes for holding these different actors liable, and they are inconsistent. This alone will foster litigation, because plaintiffs will name everyone possible and the courts will have to sort out the liability.

In contrast, the Norwood amendment requires the naming of a designated decisionmaker and requires that the decisionmaker be bonded so that a plaintiff is assured of being able to recover damages.

The Norwood amendment is better for patients for another reason. Under the Norwood amendment, an external appeals process is used and it must be completed before filing suit. There is an exception that allows the patient to get an injunction from a court if irreparable harm will result from delay.

The benefit of requiring this external review is that doctors will be reviewing doctor decisions. The process is faster. In the end, if the external reviewers agree with the treating doctor's decision, the patient gets care immediately. Isn't that what this is all about? Getting the right care to the patient? And if the plan still refuses coverage, the patient has a good medical record to use in litigation, while still being able to get care and hold the plan liable for payment in the end as well as damages.

The message I have is quite simple: we can improve the health delivery system and protect patients; hold health plans accountable, and provide relief to the uninsured.

To this end, the Norwood amendment puts patients first. It will: ensure patients have a process to address benefit denials through an internal and external appeals process; grant access to emergency care services, regardless of cost; provide clear information to plan participants about their benefits and rights; allow parents to determine their child's caregiver; ensure women have hassle-free access to their obstetrician or gynecologist; allow sick or disabled individuals hassle-free access to the specialists they need; advance the goals of FDA modernization by granting access to approved, lifesaving products; ban gag clauses and incentives to deny care; treat cancer patients with new technologies, drugs and biologics; and hold health plans accountable for the decisions they make.

Let's stop the partisanship. Let's stand up for patients, not Washington divisiveness.

Consider your options and then make the right decision. Vote for the best choice.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Chairman, they say that success has many parents, and certainly in this very important debate over the Nation's health care, we have found many of those parents.

I think today that special credit ought to go to the gentleman from Georgia (Mr. NORWOOD) and to President Bush. Through the whole decade of the 1990s we debated these health care issues; only now have we been able to put in place the people who understand that they may have to give up a little to get a lot.

As of last night, we are thrilled that these parties have come together and provided us with what I think is a very good piece of legislation.

What do we mean when we talk about patient protection? What is the Patients' Bill of Rights supposed to add up to? I want to speak to it from the point of view of a woman.

Woman usually schedule their children and their family's health care. What are they looking to be protected from as we look at their health coverage? Everybody supports improving patient protections like prohibiting gag clauses which prevent doctors from talking to their patients about options

in their health care that might not be covered by their particular plan. We do this in this bill.

Women are interested in finding a way to get immediate access to their pediatrician or OB-GYN. We do that in this bill. We do not require a gatekeeper to allow that person to pass through to where she needs to end up.

She is looking for a review process of people like physicians who really care about her best health interests. She wants her family to be safe and well cared for. We provide this kind of recourse in this bill, a truly independent group of health caregivers who are willing to talk with the individual, know her history and her family's history and want the best for her instead of requiring her to pass on to litigation and the courts.

We are looking for access to affordable health care. She often pays the bills. One way we provide accessibility to health care is by expanding medical savings accounts, something which is very popular in this Nation, which allows catastrophic coverage for people who generally are healthy. This woman wants to control costs and keep premiums affordable for her family.

We support medical malpractice reform. That is in this legislation. The physicians I represent already feel under siege by excessive regulations and spiraling liability insurance costs. Often they feel compelled to do tests that may not help this woman, but will keep these physicians out of court.

Today, we take the first step in reducing frivolous litigation by passing the Thomas malpractice reform amendment.

Mr. Chairman, I think it is time that we pass patient protection. It has been almost a decade that we have debated it. We have heroes now with us who have taken all of their time, all of their caring, President Bush and the gentleman from Georgia (Mr. NORWOOD). I congratulate them for their leadership roles by ending gridlock and by placing the American people first.

Mr. ANDREWS. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, the gentlewoman from Connecticut is exactly right: Putting decisions back in the hands of doctors is what we are trying to do, which is why the American Medical Association strongly opposes the Norwood amendment and supports the underlying bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a small business owner.

Mr. TIERNEY. Mr. Chairman, for 5 years-plus Democrats and some Republicans have worked towards a Patients' Bill of Rights. The real heroes in this one are the gentleman from Iowa (Mr. GANSKE) and the gentleman from Michigan (Mr. DINGELL). On the Senate side, they are Senators EDWARDS, KENNEDY, and McCAIN. Central to the effort is the need to stop unfair denial of access to medical care.

□ 1600

Story after story has been heard in the past of people of all ages being de-

nied appointments with specialists, being denied the right to seek emergency care when they reasonably believed they had an emergency. It is important when it is your child, and it is important when it is your parent.

Also central has been the need to hold HMOs accountable for their bad decisions that unfairly denied people the benefit of their doctor's advice or the care that they needed. Doctors and nurses have been held responsible for their actions but impersonal HMOs have been allowed to deny care, act arbitrarily and with impunity without being held accountable.

In all that time, the person who is now President of the United States first vetoed the Patients' Bill of Rights in Texas, then he opposed it and allowed it to become law only because it had a veto-proof majority and he did not even sign it. Then, of course, he took credit for it during the campaign. The majority of Republicans and Republican leadership resisted true patients' bill of rights reform vigorously. But in 1999, 68 people on the Republican side voted with GANSKE and DINGELL, they voted with the American people and with patients, they voted with the health care community of doctors and nurses. Then the GOP leadership in the Senate passed an HMO relief bill. The Senate and the House leadership conspired to let that good bill, the Ganske-Dingell bill, die in conference.

This year, the Senate passed the Ganske-Dingell bill as the Kennedy-Edwards-McCain bill. The White House panicked, the leadership over the other side panicked, and now they have found a way to kill true managed care reform. Under the guise of passing something that will not be vetoed, they attempt to bring forward a poison pill and provisions that give us a choice that is unpalatable. They want to gut patient protections, abandon patients and protect HMOs' bad practices. They want to pass a bad House bill, then let that die in conference when the Senate holds firm seeking real patient protection.

Mr. Chairman, this amendment is a joke. When people get a chance to read it, they will only be heroes that are consistent with where they have been, not those that have moved around and found themselves with the President's bad acts.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself 15 seconds.

I would like the record to note that actually we have more physicians and direct providers of health care supporting our bill and who were involved in the writing of the Fletcher-Johnson bill than in the other bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE).

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

Mr. CRANE. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I rise in support of the Thomas-Lipinski-Fletcher amendment that will be offered later in the debate. I believe that any patient protection legislation must also address the needs of the uninsured. The Congressional Budget Office estimates that for every 1 percent increase in health insurance premiums, 200,000 to 300,000 individuals will lose their health insurance.

The underlying Ganske-Dingell bill is estimated to increase health insurance premiums by 4 percent. That is 800,000 to 1.2 million more Americans that will be added to the estimated 42.6 million Americans that are without health insurance. We must include provisions that will make health insurance more accessible and affordable to individuals.

I have long been a proponent of medical savings accounts. Individuals should be able to have access to quality health care and make their own provider choices. MSAs allow individuals to save, tax free, for their health care needs and shop around for the best quality care at the best prices.

The amendment makes structural changes to MSAs that will improve their effectiveness and make them more widely available. MSAs are making health insurance affordable for the first time to many Americans since MSA insurance policies usually cost about half of what the average HMO policy costs.

According to the Internal Revenue Service, 31.5 percent of all of those who established an MSA were previously uninsured. MSAs help bring these uninsured Americans into the insurance pool as opposed to being exposed to the risks of uninsured health care costs which are the source of nearly half of all bankruptcies in the entire United States.

In contrast, the underlying Ganske-Dingell bill makes only cosmetic changes to MSAs. The underlying bill only provides for a 2-year extension, raises the cap on MSAs from 750,000 to 1 million, and expands the definition of small businesses from 50 employees to 100 employees.

I urge my colleagues to support the Thomas-Lipinski-Fletcher amendment.

Mr. ANDREWS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS), who joins with the American Medical Association in opposition to the Norwood amendment.

Ms. SOLIS. Mr. Chairman, I thank the gentleman for the opportunity to shed some light on what I believe my constituents in California are deeply concerned about.

Two years ago we passed some major, major HMO reform legislation. This new proposal that is before us will rip apart those very pieces of legislation that were put together very carefully over the past 2 and 3 years through negotiation with the stakeholders, with insurance, with doctors, with patients, with advocates. This legislation now would go back to the heart of our State

and take away those assurances that many people in that State right now have protections for.

I cannot stand here today as a new Member of Congress and vote for a piece of legislation that is so deadly, because if someone becomes ill under this proposal after 6 years because someone has injected them with tainted blood, they cannot go back and sue that particular health care or insurance group that is providing coverage. That is disastrous. I know that people in my State and this country do not want to stand for that.

As one of the new Members of Congress, I ask my colleagues to vote against the Norwood amendment, the proposal that Mr. Bush is putting before us today and our colleagues from the right.

Mr. ANDREWS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), ranking member of the full committee.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding time.

Something very terrible happened last night. Up until last night, we had a competing contest over the question of protection of patients' rights when they engage their HMOs, when they were denied service and in that effort they were harmed, they were injured or they died and whether or not somebody would have to accept responsibility for that.

Then last night at the White House, negotiations took place and we went from a patients' protection bill to an insurance company protection bill. We changed the standard of care within an HMO from that of what a doctor, a medical professional, owes you to now a standard of care that an insurance claims processor owes you. A doctor can make a horrible mistake, an HMO can make a horrible mistake, an HMO can make a callous indecision about your care and their standard is that of an insurance claims processor. When people pay their insurance premiums, when people go to an HMO, when they engage their medical expertise, they do not believe they are engaging an insurance processor. But the insurance companies, the HMOs, have rigged this bill and rigged this language so that is now the standard of care.

Next time you go to visit your HMO, tell them you only want to pay them what you would pay an insurance claims processor because that is the standard of care. This bill and the Norwood amendment shows such insensitivity to families that have to try and negotiate, negotiate to get care, to get satisfaction, to get treatment for their family members. Maybe too many Members of Congress have not done this. I know what it looks like up close and personal when you are trying to negotiate with these people and you are denied care and you are delayed care.

This amendment is like some medical Bull Connor that is going to keep families from having access to care, from access to justice. It is unbelievable. It is unbelievable that we would do this to America's families at the end of this debate and we would so enhance the insurance companies to damage families and damage the people we love.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. FORD), who joins with the health care providers and families of America.

Mr. FORD. Mr. Chairman, what happened last night, if the President is watching or the White House is watching, y'all did one heck of a job on my friend, the gentleman from Georgia (Mr. NORWOOD), who has been a champion, a stalwart on behalf of patients and consumers across this Nation, not just in Georgia. For those of you who thought what might have happened in Florida was good, what happened last night was that much better.

Everyone will recite some of the legal things and the legal changes in this bill, but the truth still stands. The only bill on this floor that will be considered today that provides clear and enforceable rights for patients, clear lines of accountability for decisions made by either employers or insurance companies is the Ganske-Dingell-Berry legislation.

I have great respect for the gentleman from Georgia (Mr. NORWOOD) and will continue to hold him in high regard. I have great respect for the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Kentucky (Mr. FLETCHER). But for those of you interested in providing clear patients' rights, enforceable patients' rights, holding those accountable, those who make medical decisions, you have one clear choice, the American Medical Association's choice, Republican Members in the Senate including Mr. MCCAIN, and those of us on our side: the Ganske-Dingell-Berry bill.

Vote for patients, not the insurance companies.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I am always stimulated to respond when my friend, the gentleman from California (Mr. GEORGE MILLER), stands up and does always such a good job, but maybe a little clarification would be in order.

I think all of you know that the good work in the bill that has been done by all of us solves a lot of problems because just of the external review. You get most things corrected there, which has always been our intent. But to say that a patient that has been denied care and is then harmed has no recourse through our amendment is just not true. If they are denied care through our amendment, they have a cause of action and they have a cause of action, most of them, in the States, which is where we want to be, they

have a cause of action for the denial or the delay of care.

Let me further say to you, and I think I can say this also for the President, we want to be as sure as we possibly can we do not preempt other causes of action at the State level. I know that can be debated whether the language actually does that or does not, but that is pretty common as I understand it between lawyers for one set of lawyers to believe language says one thing and another set of lawyers believes language to say the other, but you just need to know my intent is to make sure at every way I can do that we do not preempt other causes of action at the State level and that is going to be my intent through conference. I am happy that the President agrees that that is our intent. If for some reason when we get into conference that that language is not worked out, I am going to be in there slugging out for it, because that is my intent as well as it is your intent.

Just do not say there is no recourse for a patient who is harmed, that is denied care or delayed care. There is recourse.

Mr. ANDREWS. Mr. Chairman, I yield myself 1 minute.

I appreciate the fact that the gentleman from Georgia's intent is not to preempt these claims; but with all due respect, that is not what his language says. On page 15, line 16, delivery of medical care claims are preserved but everything else is not. Is not.

I yield to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding. I think also if you read the language that they borrowed from the ERISA statute, they now have taken the determination that it is not a standard of medical care no matter how flawed the process is, no matter how egregious the medical malpractice is. The question will be not with the medical professionalism, but it will be whether it passes the review of an insurance industry muster of the acceptable standard of claims.

It is very clever what you have done here, but you have moved from a medical standard to an insurance claims processor on whether or not I have had medical malpractice. You do not get to review the medical standard.

Mr. ANDREWS. Reclaiming my time, this with all due respect is what happens when you start drafting a bill at midnight and finish at 7 o'clock in the morning.

Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN), a fighter for working families in Florida and throughout the United States.

Ms. BROWN of Florida. Mr. Chairman, during last year's campaign, a patients' bill of rights was the top priority of the American public. But just like the Presidential election, the American people are not getting what they voted for.

The President and the leadership of this House is pushing amendments that are a complete sham on the American people. Instead of a patients' bill of rights, they are pushing an HMO bill of rights. The Republican amendments side with special interests over patients, provide special protections for the HMOs, and roll back patient protections.

In last year's election, the Green Party candidate claimed that there was not a dime's difference between the Democrats and the Republicans. I can guarantee Mr. Nader and the rest of the American public if we had a fair election, we would really be debating a patients' bill of rights and also a prescription benefit for our seniors.

□ 1615

The American people deserve quality health care. I ask my colleagues to do the right thing for their constituents, not the big insurance companies. Vote for a real Patients' Bill of Rights. Put the doctors back in charge of medical care, with insurance company accountability, that sometimes kills and harms patients.

Mr. ANDREWS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New York (Mr. ISRAEL), who has listened to the doctors and patients of Long Island.

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

Mr. Chairman, I have only been here in Congress for months, but I have already learned some interesting lessons. Only in Congress can we weaken patient protections, and call it stronger; only in Congress can we protect the HMOs, and call it a Patients' Bill of Rights; and only here can we protect profits, and say we are protecting patients.

Mr. Chairman, I believe in compromise. I came here to try and compromise. But the only thing compromised in the majority's bill is the fundamental right of doctors, nurses, and their patients. The only true Patients' Bill of Rights, Mr. Chairman, is Ganske-Dingell-Berry, and that is what we should pass today.

Mrs. JOHNSON of Connecticut. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I listened with great interest to what has slowly evolved into sloganeering, rather than finding solutions here on the House floor.

It has been interesting, Mr. Chairman, to hear talk about coming together to find some solutions, and now to hear the refrain from the left, it is kind of like that old country song, "That Is My Story, and I Am Sticking to It." It is almost the equivalent of legislative hypochondria.

Now, look: we have a solution and a commonsense compromise crafted by the gentleman from Georgia, the Presi-

dent of the United States, and thoughtful Members from both sides of the aisle. And one thing I agree with is my colleague from Florida, who said put doctors in charge of health care, that is absolutely right. The tragedy of the product offered from the left is that it again seeks to put the trial lawyers' lobby in charge.

Now, like any good piece of legislation, we have come together here. There is quality care here, there is a level of care here, there is an appeals process here. There is a protection device to ensure the sanctity of the relationship between the physician and the patient. That is the key.

But, again, the left will tell us, no, the trial lawyers' lobby must be there, solutions need to come in court rather than in the clinics; and, worse yet, if we come together, no, no, we cannot have that, because it is much more enticing to have an issue than a solution. It is much more politically feasible to continue to indulge in rhetoric, rather than deal with a real solution.

Now something has been crafted to find the hard-won compromise, to deal first with health care, and to say both to insurance companies and to the trial lawyers, neither group gets in the way, quality health care is dependent on the sanctity of the physician-patient relationship.

Mr. ANDREWS. Mr. Chairman, I yield myself 15 seconds.

I agree with my friend from Arizona that doctors should be the decision-makers, which is why the AMA today said, "Representative NORWOOD made a sincere effort to find a workable compromise, but the resulting effort is seriously flawed, and we oppose it. It helps HMOs more than it helps patients."

Mr. Chairman, I am pleased to yield 1 minute to my friend, the gentleman from Tennessee (Mr. CLEMENT).

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

Mr. Chairman, this is a serious matter. We have heard from doctors, patients all over the country, and we want some relief now. I was hoping the conversation that the gentleman from Georgia (Mr. NORWOOD) had with the President would bring about some fruition. Unfortunately, we now feel like we have been whitewashed, we have not solved the problem, that we have caved in.

Therefore, I do not think any of us have a choice but to go along with Ganske-Dingell, which is a bipartisan approach, in order to solve some of these difficult problems that so many people are having with HMOs.

Just think of someone in their 20's that is injured, has a couple of children, sustains a terrible injury, loses income, debts to pay, extended health care services, theoretically going to live for 40 to 50 years. They are not going to get the help that they need under the Norwood bill. That is why we need to get behind the Ganske-Dingell



legislation, which is bipartisan legislation that will solve this difficult problem, and let the patients and doctors be in control of their health care once and for all.

Mr. ANDREWS. Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from New Jersey (Mr. HOLT), who echoes the views of the New Jersey Medical Society in opposing the Norwood amendment.

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

Mr. Chairman, my wife is a general practice physician. It is kitchen table conversation for us to talk about the change in recent years in the doctor-patient relationship and what has made it so difficult to practice medicine.

Well, the Ganske-Dingell bill addresses that. This hurried bill, this amendment that was thrown together in the middle of the night last night, is no help. It is not a compromise. It puts HMOs in a unique privileged position in American law, and that is why the AMA, the New Jersey Medical Society, patients groups and individual doctors and patients all across America understand that we should go with the Dingell-Ganske approach to patient protection so that we can restore the doctor-patient relationship.

Mr. ANDREWS. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the New Jersey Medical Society, in a statement by its President, my dear friend, Dr. Angelo Agro, assisted by my friend, Dr. Joseph Riggs, has called this "the coldest day in August."

The gentleman from Iowa (Mr. GANSKE) read earlier from it, but I wanted to make clear: "The basis for the New Jersey Medical Society's opposition is their correct conclusion that the Norwood amendment wipes out the very strong patient protection law which we in New Jersey enacted last week."

Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentleman very much for yielding me time.

Mr. Chairman, I would like to provide a copy of correspondence made available from three notable professionals in health care law and policy, Sarah Rosenbaum, David Frankfort, and Rand Rosbenblatt from the George Washington University School of Public Health and Health Services, Rutgers University School of Law in Camden, in the latter two cases, and make it available to the gentleman from Georgia and others, because I think now, in the light of day, as opposed to the midnight oil burning at the White House, you can see that reasonable professionals that deal with this every day indicate that this particular amendment that is going to be proposed would change the law to the detriment of patients, would change the law to the detriment of those people that rely on this body to protect their interests.

It establishes an entirely new level of policy here where, no longer is the standard of care what is existing in the medical profession, but, as the gentleman from California (Mr. GEORGE MILLER) says, what goes on in the insurance industry. It goes beyond that and just basically makes sure that States that have protective rights in there get those thrown out the window, so that all the States, whether it is Massachusetts, whether it is New Jersey, whether it is Florida, they put in protections for their particular people, for patients in their State, they are now out the window, thanks to the largess of the gentleman from Georgia and the White House.

That is wrong. I do not think that is what the gentleman intended, and I would expect upon reading it and now being knowledgeable of it, the gentleman would change his mind.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. TIERNEY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I think it is a very important point the gentleman is making, and that is that what we are doing here is without consultation, but one session at the White House, decisions made in the dark of night, we are overturning, as they point out, 200 years, 200 years, of a standard of care that individuals and their families knew they had when they engaged the medical profession, a hospital, the health care organization, the standards of a medical professional. If your doctor, your health care provider, violated that standard, you could get redress.

Now we are moving from that standard to the standard of a health insurance claims processor in the review. So no matter how flawed, no matter how flawed this review is, if it passes insurance company tests, it is fine; not the standard of care of the medical profession that we have had for 200 years protecting families in this country.

Mr. TIERNEY. Mr. Chairman, reclaiming my time, it goes beyond that. No longer will you have to have a proximate cause be the conduct of decision-makers, but the cause. In a complex area like health care, that is a dangerous thing, and I think the gentleman would agree.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

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

Mr. Chairman, the Hippocratic Oath says, "First do no harm." But HMO corporate charters say, First give no treatment and see what happens next.

I have supported the passage of a patients' bill of rights, and I will continue to do so until this Congress acts in a responsible manner and passes a strong, meaningful and enforceable patients' bill of rights.

But what we are being forced to do today is a travesty for the American

people, who are going to believe they will now have rights and can stand up to HMOs when they are harmed. Instead, they will continue to be deprived of the type of care that every American is entitled to receive.

If we weaken the Ganske-Dingell bill with the Norwood amendment, we will continue to have HMOs deny care and go unpunished. We will continue to have doctors making decisions based on profit margins, not patient needs. We will continue to have HMOs pressuring doctors to deny referrals; to skimp on care; and to fear retribution by corporate executives, who are concerned with profits, not patients.

We need to pass legislation that gives doctors the power to provide the care that they have sworn to provide. I am not concerned with closed-door agreements, legislative victories, or making good on campaign promises. I am concerned about patients.

So I urge everyone to vote against the Norwood amendment and the Thomas amendment and vote for the Ganske-Dingell patients' bill of rights and reject the majority's attempts to pass an HMO bill of rights.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is very important for the Members to understand that the Norwood amendment, which will be presented as a patients' bill of rights, is most certainly not a patients' bill of rights. It is a mirage. It appears to be a refuge from mistreatment by managed care companies, but it most certainly is not.

In order to get to court to get the law enforced if an HMO does something wrong, you first have to go through an external review process, and, if you lose the external review process, the Norwood amendment vests that process with unprecedented powers in American law. It says if you lose, there is something called a rebuttable presumption against you. That means instead of having to move the ball to the 50-yard line on the field, you have to move it to your opponents' 10- or 20-yard line.

He who has the burden of proof loses, and you would lose in most cases if you had to bring the suit this way.

Second, if you are lucky enough to get past that one, you then have this new Federal cause of action, and we will talk about this later. But it appears that if the HMO is the sole cause of your injury, you can recover; but if it is one of many causes of your injury, you cannot, because the original bill says that your injury has to be a proximate cause, not the proximate cause, which is in the bill drafted in the wee hours of the morning that is before us tonight.

If, by some chance, you are able to overcome these problems and win, we have an artificial limitation on what you can recover. If you buy a defective toaster and it blows up and ruins your eyesight, you are able to recover whatever the value of your injury happens



to be. But if you are denied the right to see an oncologist by an HMO, we put a price tag on that. It cannot be worth anything more than \$1.5 million.

Then there is the problem of the hospital and the doctor sitting side-by-side at the defense table next to the HMO. The hospital and the doctor will have their claim against them decided under State law.

□ 1630

But the HMO has an exalted, special status. The HMO has this new overnight, ready-mix cause of action. The doctor and the hospital will have their claims decided under State evidence laws, State procedure, State discovery, State privileges.

We do not know what will apply to the HMO, because it is not in the bill; we will make it up as we go along. And when you get to the point where the verdict has been rendered, if, let us say, there is a \$10 million verdict and there is what is called joint and several liability, which means the patient can go after any of the three defendants to collect, well, you can collect an unlimited amount against the doctor, and you can collect an unlimited amount against the hospital, but we, with our one-size-fits-all solution, all of us States' rights advocates say, you can only collect \$1.5 million against the HMO.

This is a Pandora's box. If my colleagues believe in the rights of doctors, listen to the American Medical Association, which rejects the Norwood amendment. If my colleagues believe in States' rights, listen to the coalition of groups that support the underlying bill.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Let me set the record straight on a couple of specific things. First of all, there is nothing in the amendment at all that changes the standard of care, and all of the heated speeches of the other side that implied that were simply wrong. We do not change the standard of care.

Secondly, according to a Department of Justice letter, both the Norwood language and the Ganske-Dingell language contain express provisions which preserve certain traditional State law causes of action concerning the practice of medicine or the delivery of medical care. The language of both these underlying bills, both the underlying bill and the amendment, indicates that these provisions would allow, for example, claims under the Texas statute as interpreted in corporate health to go forward.

Mr. Chairman, I yield the remainder of my time to the gentleman from Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Mr. Chairman, I thank the gentlewoman for yielding.

First of all, let me explain so everybody understands, there is no limitation in the Norwood amendment for economic damages. In other words, a

plan, a person, a patient who was injured by a health plan's actions can recover the full extent of his economic damages, all his medical bills, all his lost wages, future lost wages. That is not at issue. That is not limited under Norwood.

What is limited under Norwood is what we call "general damages," pain and suffering, mental anguish, things that cannot be quantified and punitive damages.

Mr. Chairman, the Norwood amendment is the best thing that this House has before it today to solve the problem of HMO abuse, of patients not having real access to recovery under Federal law today. I agree that it is not sufficient. Federal law today is not sufficient to allow a patient to redress wrongs done by a health plan.

But the Ganske-Dingell bill goes way too far. It really endangers the health care system as we know it. It will increase the costs of the health care system, and that is the last thing we need in this country.

When we talk about damages and unlimited damages and we keep talking about the AMA, I will refer my colleagues to some testimony by the AMA. In 1996, Dr. Nancy Dickey, the then-Chair of the AMA board of trustees testified, "Placing limits on punitive damage awards without simultaneously addressing noneconomic damages would lead to gaming of the system. If only punitive damages are capped, leaving noneconomic awards with no ceiling, plaintiffs' lawyers would simply change their complaints to plead greater economic damages."

The Norwood amendment rightly takes account of that reality and does place a limitation on noneconomic damages as well as punitive damages.

Mr. Chairman, the Norwood amendment seeks to give patients redress and yet not clog the courts, not open wide the gates of litigation. The Norwood amendment will allow patients to get that relief most quickly. They do not have to go through the courts. We provide for an expedited review by a panel of physicians and, after all, I think that is what everybody has been begging for is for doctors to make medical decisions. The Norwood amendment does that.

It is the superior bill before us. Let us adopt that and do something for patients in this country.

Mr. BOEHNER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, just 6 months into his Presidency, President Bush has worked with the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Kentucky (Mr. FLETCHER) to bring 6 years of gridlock to an end.

I remember when I met the gentleman from Georgia in the autumn of 1994 down in Georgia; he was running his first campaign. As we went around his district that day, his constituents were eager for health care reform, and I think Americans today are just as eager for reform of the health care sys-

tem. Families are worried about soaring costs, they are worried about declining access, and they are worried about access to quality health care. I think they want a reasonable solution.

Seven years later, families are still waiting for that solution. The number of uninsured Americans remains very high, at some 43 million today, and health care costs are on the rise once again. Cost and access remain the top two health care concerns of most Americans.

But Americans today are also concerned about the quality of coverage they receive for managed care, and they want a comprehensive solution to the problems that they see each and every day. But as much as they want a solution, they want a balanced approach that will let patients hold their health plans accountable without sending costs spiraling into the stratosphere and increasing the ranks of the uninsured.

There is no one, no one in this Congress over the last 6½ years who has done more to bring this issue to our attention and to bring it to the attention of the American people than the gentleman from Georgia (Mr. NORWOOD). He has put his heart and his soul into trying to find a compromise, trying to find a solution for this problem that we have been locked in over the last 6 years. I think what he wants and what he has said oftentimes to all of us is that he wants a bill signed into law.

Well, I think the President shares that goal. I share that goal, and I think the American people share that goal. They want a solution that will be signed into law, and I think that we finally have that solution.

I want to thank the gentleman from Georgia (Mr. NORWOOD) and I want to praise the President for reaching out to him and other Members in trying to find a solution to 7 years of legislative gridlock.

The underlying bill that we have before us causes me great concern, because I do believe it will raise costs for employers and their employees who share in the cost of their health insurance. Secondly, the underlying bill, in my view, will cause many employers to simply drop their health care coverage for their employees. That is not what the American people expect from their Congress.

One of the real strengths of the Norwood approach is that it is balanced, is that it will bring patient protections, it will increase access to courts, it will bring new remedies, but it will contain them so that we do not drive up the cost of health care for American employers and their employees. But I think the proposal that we have before us is a hard-earned compromise, and when we compromise here, it is the American people who win, and they are going to win when we pass this bill later on tonight.

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

Mr. STARK. Mr. Chairman, I yield 1½ minutes to the gentleman from

Massachusetts (Mr. TIERNEY) to set the record straight.

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

The only thing that has been compromised here with the Norwood amendment is the rights of the American people as patients. In 6 months, the President has done to this bill what he was unable to do in Texas: he has killed those rights of the American people.

I wish the gentlewoman from Connecticut had stayed longer, because she would realize that in the second sentence of the applicable section of the Norwood amendment, what appeared to be giving States rights is taken away, in essence, what appears to be a preemption for the managed care industry of all underlying State law related to health care quality.

On economic damages, yes, you can get the money for the cost of your operation back, but now this law is going to tell you what your arm is worth, what your eyesight is worth, and the limit is quite low.

Lastly, we spent over 5 years trying to deal with an industry that we do not trust, that has made bad decision after bad decision, that the American people have recognized; and the way this amendment deals with it is to say that when you are sick, when you are down and out, you do not just have to prove that you are right by the preponderance of the evidence, as anybody else would with any other type of claim, but you also have to overcome a presumption that is a rebuttable presumption.

This is the HMO protection act. This is something done in the dark of night. I wish the gentleman from Georgia and others had had a chance to get enough light to read its provisions, because if they did, they would know that the only thing the President has done here is what he could not do in Texas: kill patients' bills of rights, kill protection for patients.

We can do better and we should do better. Let us hope the Senate, in conference, can at least get us back on track.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER), the former chairman of the Subcommittee on Workforce Protection of the Committee on Education and Workforce.

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for yielding time.

As most of my colleagues know, I have continually criticized the Norwood-Dingell-Ganske bill because of the liability language which threatens the employer-based system of health care. The gentleman from Georgia (Mr. NORWOOD) continually promised me that my company back home in North Carolina would not be sued because of his legislation. I did not believe him. I had 250 insured employees to worry about who might lose their insurance if the trial lawyers got their way.

Well, with the adoption of the Norwood compromise amendment crafted with President Bush, I am now confident that employers will be protected when voluntarily providing health insurance, just as the gentleman from Georgia told me they would. The Norwood amendment excludes employers from being held liable for selecting a health plan, choosing which benefits are available under the plan or advocating on behalf of an employee for coverage.

This amendment also adds the ability for employers to choose a designated decision-maker who will have the sole liability for benefit determinations. These are all essential to protect the employer-based system of health care, protect them from trial lawyers.

Mr. Chairman, in an ideal world, Congress should be considering legislation to tackle the problem of 45 million uninsured Americans. Unfortunately, we are not there yet. But we can make a good start by not only voting for the Norwood compromise amendment, but also the Fletcher amendment to increase access to health care. Through medical savings accounts and associated health plans, we will finally begin attacking the looming problem of the uninsured.

By voting for both the Norwood compromise amendment and the Fletcher access amendment, we protect both employees and employers under the successful employer-based system in place today and start to provide health care for millions more.

Mr. Chairman, I strongly urge my colleagues to vote for these amendments and with their adoption, the final passage of the Bipartisan Patient Protection Act. Protect us all from the trial lawyers.

Mr. STARK. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this is, as many speakers have said before, a sad day for those of us who are neither lawyers or physicians, but from time to time become patients in the medical delivery system. Because what my Republican colleagues have done under the leadership of the President of the United States and the Republican Speaker of the House is just sold out the insurance companies and created a system for the very richest people in the United States.

One might say, there they go again, harming the average working person and bailing out the rich insurance companies, the rich pharmaceutical companies, the rich managed care companies, and making it easier for them to make a profit by denying us care. There is no other way that a managed care company makes a profit, except to withhold care, pay less for it, give us less quality, or harm us.

I am sorry that the gentleman from Georgia (Mr. NORWOOD) sold out for a brief display of the Rose Garden. I am sorry that many of my colleagues would like to make this an issue of trial lawyers.

I would suggest to my colleagues that the American public, when they are faced with a pharmaceutical company or Aetna Life Insurance Company, are going to trust the trial lawyer a whole lot more. And when the doctor cuts off the wrong leg or when care is denied, that doctor is not going to do anything to bring back a loved one, that doctor is not going to redo the procedure. That doctor is going to run and hide.

And the only way we will get the doctors to do the right thing is to take them to court occasionally and make them live up to their professional creed, which we are not seeing much of here in the House today.

□ 1645

I hope that we will continue to support the Ganske-Dingell legislation which is a compromise. It comes close to the Senate bipartisan agreement which again is a compromise. These two bills, when fit together, will do a lot to provide those of us who use managed care with a reasonable certainty that we will be treated fairly, our medical decisions will be decided by people with medical experience and qualifications and not by clerks who will deny care to make a bonus or a profit for their company.

I think we will find that the cost of medical care will not go up as it has not in States which have these programs. The quality of medical care will improve; and who knows, we may find that we may expand coverage to those 40 million people that the Republicans have chosen to ignore.

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

Mr. BOEHNER. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. FLETCHER), who spent months and months developing this issue.

Mr. FLETCHER. Mr. Chairman, I certainly appreciate the work that has been done by the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce; and as he has excelled in education, now he has certainly excelled in this issue of protecting patients.

Yesterday was a very fine day for the patients across America. After months and months of negotiating, the gentleman from Georgia (Mr. NORWOOD) agreed that it was time to strike a very good compromise, something that was focused on patients. I certainly appreciate the work of everyone that has been doing a great deal regarding this issue over the last 6, 8 years.

But one thing I think we must realize is that we need to have a patients' protection bill that will be signed by the President, one, that makes sure that we stress the quality of health care; two, that we protect access to health care and consider the uninsured; and, three, we hold HMOs accountable. We do that with the Norwood amendment.

It is surprising the respect that the gentleman from Georgia (Mr. NORWOOD) has across this Nation. According to the majority leader in the Senate, he is the most respected voice on patient protection across this Nation. Now because of political reasons, the other side would change their tune because they are more concerned about politics than they are the health of patients.

We have 43 million uninsured in this country, 10 million more than a decade ago. Nearly 40 percent of uninsured adults skipped a recommended medical test or treatment, and 20 percent said they did not get the needed care for a serious problem in the last year.

The uninsured are more likely to be hospitalized for avoidable conditions such as pneumonia and uncontrolled diabetes, and are three times more likely to die in the hospital than an insured patient. That is a striking, a very striking statistic from the Journal of the American Medical Association. It is beyond me how the other side, who has always talked about the most vulnerable in our society, low income and minorities, how they could show such a flagrant disregard for the uninsured, willing to drive up the costs with the frivolous lawsuits to favor the personal injury lawyers over the patients.

It is striking to me how they can ignore this particular fact and the impact of having more uninsured in this Nation will have on the health of Americans. We need to come together, lay aside politics and make sure we cover the uninsured.

That is the reason why I am glad we provide some access programs in the amendment through association health plans to allow small businesses to come together to be able to reduce the cost of premiums from 10 to 30 percent and allow some medical savings accounts.

Again, I appreciate the work that has been done on this by a number of individuals. I certainly want to thank the President for his passion of making sure we get patient protection. I want to encourage everyone to support the Norwood amendment to the Ganske-Dingell bill.

Mr. STARK. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Iowa, Mr. GANSKE.

Mr. GANSKE. Mr. Chairman, I thank the gentleman from California (Mr. STARK), and I thank the gentleman from Kentucky (Mr. FLETCHER).

The underlying Ganske-Dingell bill does have access provisions that I think are bipartisan, for instance, 100 percent deductibility for the self-insured and other small business provisions to help increase access. There will be an amendment on the floor for that that will get debate on further access provisions, and I think that debate will be a fruitful debate.

Mr. STARK. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, first I would like all the Members to join me

in congratulating the gentleman from California (Mr. STARK) for becoming a father with twins born to Deborah. We know that August will be a very busy month for him.

Mr. Chairman, I want to respond very briefly to the points of the gentleman from Kentucky (Mr. FLETCHER). Most of the protections in the Patients' Bill of Rights, many of our States have passed laws that provide that to state-regulated plans. There is no evidence that employers have dropped coverage. The enactment of good medical policy will not reduce the number of people insured in this Nation.

Mr. Chairman, let me point out, many people have said that the Bush-Norwood agreement is a compromise.

It is not a compromise; it is a complete victory for those who oppose a Patients' Bill of Rights. We will take a look at some votes later today, and I think that will be borne out by the people who will be supporting the amendments and those who will be opposing them. This really is a victory for people who want to see us do nothing.

Let me just give one example. Mr. Chairman, I have been working many years with colleagues on the other side of the aisle for access to emergency care protection so that people who go into the emergency room, who have emergency symptoms, find out later that their bills will in fact be paid. We have, in many cases, people going to the emergency room with chest pains, only to find out that they did not have a heart attack, but they have a heart attack later on when their HMOs refuse to pay the bill.

We provide protection in this legislation to deal with that, in the underlying bill. But when we look at the amendment that the gentleman from Georgia (Mr. NORWOOD) will be offering, we give with one hand and take away with the other. We say we give protection, but we offer no enforcement, so the HMOs can continue to deny reimbursement without any fear of any repercussion from their actions. That is not providing patient protection. That is not doing what we should be doing here in this body.

It is even worse than that, Mr. Chairman, because there are certain protections that have been afforded by our States. Forty-one States have passed an external review. That is where people can go to their insurance company, to their HMO, and have a review done by an independent body. Forty-one States have now enacted an external review that is now providing help to those plans that are regulated under State law. So what does the Norwood amendment do? It preempts our 41 States.

My colleagues on the other side of the aisle talk about federalism and protecting the rights of States. The Norwood amendment will preempt the State laws in those areas, and take away protection that the States at least have had the courage to provide

to its citizens that are regulated under State plans.

That is not what we should be doing. A Patients' Bill of Rights protects patients. The Norwood amendment will take it away. Vote down the Norwood amendment.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I had a personal experience with my chief of staff who had what was diagnosed as incurable cancer, had a gatekeeper problem, and I became one of the first cosponsors of the gentleman from Georgia (Mr. NORWOOD) when he initiated his initial legislation.

We talked about the Norwood amendment today. We went over the fact that one is going to have accountability, and yet, they are not going to have so much exposure that small businesses will be denied coverage.

The key element in this entire debate has been balance. This approach is well-balanced. It is going to enable small businesses to have coverage. It is going to have accountability. It is going to move us forward. My old friend and I had a good discussion this morning, the gentleman who was most concerned about this who had incurable cancer. He looked at this thing and he says, this is what we need. Support the Norwood amendment.

Mr. STARK. Mr. Chairman, I am happy to yield 2½ minutes to the distinguished gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Chairman, it is amazing to sit here and listen to the debate, how a person can go in less than 24 hours from an SOB to a PAL, and there is such glowing praise for one of the Members of this body. Wow, where was that praise last year? Where was it 5 years ago when he introduced the Patients' Bill of Rights? What a turnaround.

I know the White House operatives have been looking for somebody to bring forth a poison pill to this bill. The insurance companies, the HMOs, do not like it. The Republicans do not like it; the President does not like it. So what we do in this legislation is sell out the patients.

The operatives in the White House came here and were looking for someone to do the poison pill. They looked at the gentleman from Michigan (Mr. DINGELL) and did not get too far there; they looked at the gentleman from Iowa (Mr. GANSKE) and did not get too far there; then there is a new and sort of popular TV show which I think sums up what happened. My friends, it is called *The Weakest Link*. They found the weakest link.

So, in a hurried fashion, we are presented with that change, which gives insurance companies privileged status; status that doctors do not have, hospitals do not have, but HMOs, health insurance companies, will have under this bill. I think that is sad.

Now the opponents of the real Patients' Bill of Rights bill say premiums are going to go up 4 percent. Hundreds of thousands of people are going to lose their health insurance. What is that based on? That is based on a real Patients' Bill of Rights passing, the HMOs not changing their bad practice of denying care to sick people, and all of them being sued. That is what it is based on.

However, if a real bill would pass, we know they would change their behavior. No one wants to be sued. But what happens under this bill? They do not have to change their behavior. They can deny us care, ending up in injury, possibly death for the patient, and under the special protections, the preemptions of State laws throughout the country, they are not going to get hit.

I ask my colleagues to reject Norwood, or in other words, good-bye.

Mr. BOEHNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I say to my colleagues, I am confused. We have been through 6 years of legislative gridlock on this issue. They all know it. It has been not exactly a partisan divide, but almost.

Finally, the President of the United States reaches out on a bipartisan effort over the last 6 months, does not get many takers on the other side of the aisle, but finally over the last couple of weeks he and the gentleman from Georgia (Mr. NORWOOD) come to an agreement to break this legislative logjam and to move this issue down the road.

It is beginning to sound to me like it is "my way or the highway." Members all know compromise is the art of legislating. I think what we have before us is a bill that only is different in one respect, and that is just how much liability, how much right to sue, and how many damages we can impose on people. That is the only difference in this bill.

The American people want access to health care, not access to the courtroom.

Mr. STARK. Mr. Chairman, I am happy to yield 3 minutes to the gentleman from Florida (Mrs. THURMAN), who, unlike previous speakers, has read the bill.

Mrs. THURMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

I would say to my colleague who talks about gridlock, that is wrong. This House, that Senate, passed a bill, Senate to conference, and would not by the majority put on conference committee members who voted for the bill that the House voted for.

□ 1700

So if my colleague wants to talk about gridlock, the gridlock has been because the other side would not allow people to have the will of the House, and they do it over and over and over again.

But let me make a point. When I come to this floor to vote today, my

mind is not going to be on the gentleman from Georgia (Mr. NORWOOD) or the gentleman from Michigan (Mr. DINGELL) or the gentleman from Arkansas (Mr. BERRY) or any of them. My mind is going to be on one person.

This is an editorial that was written by the editor of our newspaper. Roz is your typical over-achieving college kid. She is a hard worker and extremely intelligent. As she graduated from college, she and her whole life are in front of her. But several years ago Roz found a small lump in her breast. Being a smart kid, she contacted her HMO and was referred to a physician. When she went in for an exam she was told the small lump was a torn ligament or muscle and it would just go away. The HMO physician decided that no further expensive tests were needed. But the lump did not go away. In fact, it grew larger.

After a second visit to her HMO-assigned physician, she was told again that the lump in her breast was a muscle; no expensive tests were needed. When Roz went home to her parents for a holiday break, they sent her to a family physician who conducted the expensive test. It was then determined that Roz had breast cancer. The cancer had been with her so long that it had spread to her brain and her spinal cord. She died at the age of 25.

I want a bill, whether the President signs it or not, that takes care of Roz. She will be on my mind when I vote tonight.

Mr. BOEHNER. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Ohio (Mr. BOEHNER) has 10 minutes remaining and the gentleman from California (Mr. STARK) has 7 minutes remaining.

Mr. STARK. Mr. Chairman, I yield 3½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, a patients' bill of rights should be about helping patients: someone who has just received the bad news from her doctor that she faces a life-threatening illness requiring extensive and expensive medications, a parent, who has a child with a serious disability, a family that has been shocked by an accidental injury to a bread winner. With the patient already at a disadvantage, and then further disadvantaged by an abusive insurance company, this Congress has to decide today whether it wants to provide patient protections or insurance loopholes.

The kind of bill that is being advanced by our Republican colleagues is a little like the fine print of some worthless insurance policy that promises much, but in the fine print limits coverage only to those struck by lightning on a summer's midnight during leap year. That is the kind of protection, riddled with countless loopholes for insurers, that Republicans would afford.

In Texas, we stood and chose. We chose the patient and adopted a model

law that the rest of the Nation has looked to for our patients' bill of rights. We adopted that law, it should be noted contrary to the suggestion today, not because of, but in spite of then Governor George W. Bush, who fought it every step of the way, who tried to undermine it, as he has this bill, who vetoed the state legislation once before it became law. He finally let it become law without his signature as he worked hand-in-glove with the insurance companies in Texas in making the very same arguments that are being advanced here today.

Our Texas law has worked well. Our newspaper in the capital city, the Austin American-Statesman, editorialized that this law had "changed the health care climate in Texas." Yet there was a serious problem. The courts interpreted an old Federal law called ERISA, designed originally to protect employees with their pensions, as overriding or preempting our state patient guarantees. This Federal law meant that while some Texans can get state protection, millions get nothing. Federal law wipes out what the State of Texas, over George Bush's objection, adopted to protect our citizens. ERISA preempted that law.

Today, what do we find? We find George W. Bush, now as President, perhaps using the same pen with which he vetoed the guarantees in Texas, and he comes forward and says that preemption for some Texans is not enough. With this Norwood amendment, preemption will apply to all of those State guarantees for all, Texan's and folks in States with such guarantees. These State patients' rights provisions will be wiped out, and replaced with this new federal loophole law. Well, that is not a patients' bill of rights, that is only protection for the insurance industry.

Before I came to this Congress, I served as a judge on the highest court in the State of Texas. I was called a "Justice" and expected to do justice. And yet time after time I saw victims of insurance company abuse come into our court and like other judges, my hands were tied. They were tied by Federal interference in States' rights under ERISA. Our laws, our guarantees, our consumer protections were preempted, and no judge could do justice. Justice was not only blind, but rendered helpless.

In this Congress, we are not helpless. We can reject the same approach that Governor George W. Bush tried to impose on our State and not let it be imposed on this country. We can stand up for patients and reject loopholes for insurance companies.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from the Great State of Ohio (Mr. PORTMAN), my good friend and colleague.

Mr. PORTMAN. Mr. Chairman, I thank the gentleman for yielding me this time and affording me this opportunity to talk a little about patient

rights, and I rise today in very strong support of giving patients more protection and in support of patients' rights.

I would also like to thank the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. THOMAS), the gentleman from Louisiana (Mr. TAUZIN), and particularly the gentleman from Kentucky (Mr. FLETCHER), and the gentleman from Georgia (Mr. NORWOOD) for all the good work they have done on this issue, good people coming together in a common cause to reach a result that will help all Americans.

Under the Norwood-Fletcher amendment that we are going to vote on a little later today, this legislation that we are talking about now will be improved, in my view. But this underlying legislation will continue to provide a number of very important patient care improvements. Patients will have better access to specialists. Patients will get guaranteed coverage for appropriate medical care in emergency room settings. Patients will be able to designate a pediatrician as their child's primary care provider. Patients with serious illnesses will be assured of continuous care from their existing physicians. All these patients' rights and many more are going to be included in the legislation, and again I commend the Members of this House who have worked so hard to get to this point.

Perhaps most importantly though, Mr. Chairman, this legislation provides these protections without risking the most important single protection of all, and that is guaranteed health care coverage. I have heard on the floor this afternoon a lot of concerns raised by opponents to the Norwood-Fletcher amendment about what is not going to be included in that amendment. I want to talk about that for a second.

I, too, want to talk about what the Norwood-Fletcher amendment will not do. It will not allow unnecessary and frivolous lawsuits. It will not risk dramatically increasing the cost of health care insurance and thereby risking the number of people who can be insured and have insured access to health care. And it will not take valuable dollars out of the health care system and put them in the legal system. Yet it provides all the protections we talked about and, most important, there is no question that when HMOs and insurance companies wrongfully deny care, they will be held accountable under this approach. I urge all my colleagues to support it.

Mr. BOEHNER. Mr. Chairman, I am pleased to yield 3 minutes to the gen-

tleman from Texas (Mr. SAM JOHNSON), the chairman of the Subcommittee on Employer-Employee Relations.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I thank the chairman for yielding me this time.

We have to work for our employees, those who are uninsured. I rise today in support of a hard-fought agreement that would give patients access to an emergency room, assure patients access to independent external review, and hold health maintenance organizations accountable for their actions. However, unlike Ganske-Dingell, the Norwood-Bush compromise does all these things in a responsible way.

The Ganske-Dingell bill subjects employers to as many as 50 different external review standards and treats some patients better than others, depending on where they live. The Norwood compromise guarantees that employers and employees are treated equally no matter where they live.

Unlike Ganske-Dingell, which would subject employers to frivolous lawsuits, this bill would protect employers from Federal lawsuits in all but the most extreme cases. Ganske-Dingell would also subject employers to lawsuits in 50 different States. This bill does not allow suits against employers to be filed in State court. Unlike the base bill, our bill assumes that employers or their agents are using ordinary care if the medical reviewer upholds their decision.

It is time to put patients first. It is time to pass a patients' bill of rights that increases the number of Americans with health insurance. By the end of this debate, I hope to have an amendment included that would increase access to affordable health insurance to the 43 million Americans who currently do not have health insurance through the use of medical savings accounts or association health plans.

Mr. Chairman, we must support the Norwood amendment. It is good for America.

Mr. BOEHNER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG), who has spent many, many hours on this issue.

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me this time, and it has been a pleasure to work with him on this legislation. He has been tireless in his efforts to pass good legislation.

These comments about a partisan divide and a deadlock are absolutely accurate. We have struggled to get legis-

lation passed here. And, sadly, the extremes at each end have precluded us from doing so. The extremes who want the plans to have no liability under any circumstance, and the other extreme, which are the tort lawyers, who want to be able to sue over anything, any time, anywhere and get everything.

The Norwood amendment pursues a goal that is absolutely fair, and it is the goal we ought to pursue. Patients get the right care at the earliest possible time. One of my colleagues on the other side said what is wrong with the current system is that HMO bureaucrats make health care decisions, and he is right. But the Norwood amendment, unlike the Ganske-Dingell bill, moves that decision-making authority over the quality of health care in America, what is the standard, what care should people really get, away from those HMO bureaucrats. It takes it away from the HMO bureaucrats and it gives it to a panel of at least three medical doctors who are practicing physicians with expertise in the field.

That is where the decision should be. We should get it away from HMO bureaucrats, and we should give it to doctors so doctors can set the standard of care in America. But here is what is wrong with the underlying bill. They want to take it away from HMO bureaucrats, but they do not want to give it to doctors. What they want to do, and what their bill does, is give the ability to set the standard of care not to a panel of independent doctors but rather to trial lawyers.

Under their bill an individual has to go through external review, but it means absolutely nothing. It is a chimera. It is of no value. Because whether someone wins or loses, they can go right ahead and sue, which means it will get us nowhere. It becomes a battle of experts. It does not advance health care in America. It does not empower doctors to set the standard. It empowers plaintiffs' lawyers. And that is a tragedy.

I urge my colleagues to defeat the underlying bill and support the Norwood amendment.

Mr. STARK. Mr. Chairman, I yield 45 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, it is interesting to hear that it is lawyers that are responsible for the rising cost of health care premiums, but it is not lawyers who are responsible for awarding damages. It is jurors.

## NOTICE

*Incomplete record of House proceedings.*

*Today's House proceedings will be continued in the next issue of the Record.*



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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, FIRST SESSION

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No. 111

## Senate

The Senate met at 9:30 a.m. and was called to order by the Presiding Officer, the Honorable JACK REED, a Senator from the State of Rhode Island.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have promised that, "In quietness and confidence shall be our strength."—Isaiah 30:15. Thank You for prayer in which we can commune with You, renew our convictions, receive fresh courage, and affirm our commitment to serve You. In Your presence we simply can be and know that we are loved. You love us and give us new beginnings each day. Thank You that we can depend on Your guidance for all that is ahead of us this day. Suddenly we realize that this quiet moment has refreshed us. We are replenished with new hope.

Now we can return to our outer world of challenges and opportunities with greater determination. We want to serve You by giving our very best to the leadership of our Nation to which You have called us. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BILL NELSON, a Senator from the State of Florida, led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, August 2, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

### SCHEDULE

Mr. REID. Mr. President, today, the Senate will resume consideration of the VA-HUD Appropriations Act under the able leadership of the two managers, Senators MIKULSKI and BOND. The first matter of business today will be an amendment of Senator NELSON of Florida. There will be rollcall votes on amendments to this bill throughout the day. When I say "throughout the day," we have every expectation this bill will end sooner rather than later. We need very badly to get back on the Agriculture emergency bill. We hope to do that very soon.

Cloture was filed on the Agriculture supplemental, so all first-degree amendments must be filed prior to 1 p.m. today. I have conferred with the Democratic manager, Senator MIKULSKI, and both her staff and the staff of Senator BOND have looked at their amendments and are in a position to make a determination as to these

amendments. We hope, as I have indicated, there will be just a few amendments offered today. We know Senator KYL of Arizona has an amendment, perhaps two amendments he will offer, but hopefully we can wrap up this bill quite soon.

### MEASURE PLACED ON THE CALENDAR—S. 2602

Mr. REID. Mr. President, I understand there is a bill at the desk for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2602) to extend the Export Administration Act until November 20, 2001.

Mr. REID. I object to further proceedings.

The ACTING PRESIDENT pro tempore. Under the rule, the bill will be placed on the calendar.

### DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2620, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 2620) 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.

Pending:

Mikulski/Bond amendment No. 1214, in the nature of a substitute.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Florida, Mr. NELSON, is recognized to offer an amendment.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Mr. NELSON of Florida. Mr. President, I am waiting for the amendment to arrive. I seek counsel of the manager of the bill.

Ms. MIKULSKI. Mr. President, we know the direction in which the Senator from Florida wants to go. He is deeply concerned about arsenic-treated wood. What he is evaluating, based on our advice, is whether he wants to offer something that is a mandate or pursue a more prudent direction in terms of a study. I believe his staff is coming over with the amendment.

The Senator has a lot of concerns about this. I recommend he state now what those concerns are, and when staff gets here we can step back and he can offer his amendment. I encourage the more prudent course; however, the Senator is within his rights. Either way, we look forward to hearing the Senator's arguments.

Also, I note the cooperation of my colleague, Senator BOND, that we could start at 9:30 and be ready to move forward. He is missing a very important Republican caucus and I thank him for his cooperation. I know President Bush and the Vice President are here. In his commitment, particularly to moving this bill and the funding for veterans and other compelling needs, he was willing to be gracious enough to work with the Democratic leadership and meet earlier in the day. I publicly thank him.

Mr. BOND. Mr. President, my sincere thanks to my colleague from Maryland. Obviously, this is the most important thing we have to do. I share Senator MIKULSKI's view we should begin discussion of this serious concern of the Senator from Florida. We look forward to working with the Senator. I thank the Chair and the manager on the Democratic side, who has a very good idea. Normally, when she has a good idea, it is much more successful than some of the other approaches that might be taken. I offer that as a humble suggestion.

Ms. MIKULSKI. I note the Senator from Florida is reviewing his materials with his staff. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1228 TO AMENDMENT NO. 1214

Mr. NELSON of Florida. Mr. President, I send to the desk an amendment.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 1228.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

**SEC. . ARSENIC IN PLAYGROUND EQUIPMENT.**

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

(1) The Department of Health and Human Services has determined that arsenic is a known carcinogen, and the Environmental Protection Agency has classified chromated copper arsenate (CCA), which is 22 percent arsenic, as a "restricted use chemical."

(2) CCA is often used as a preservative in pressure-treated wood, and CCA-treated wood is widely used in constructing playground equipment frequented by children.

(3) In 2001, many communities in Florida and elsewhere have temporarily or permanently closed playgrounds in response to elevated levels of arsenic in soil surrounding CCA-treated wood playground equipment.

(4) The State of Florida recently announced that its own wood-treatment plant would cease using arsenic as a preservative.

(5) PlayNation Play Systems, which manufactures playground equipment, announced in June 2001 that it would no longer use CCA as a preservative in its playground products.

(6) In May 2001, the Environmental Protection Agency announced that it would expedite its ongoing review of the health risks facing children playing near CCA-treated wood playground equipment, and produce its findings in June 2001. The EPA later postponed the release of its risk assessment until the end of the summer of 2001, and announced that its risk assessment would be reviewed by a Scientific Advisory Panel in October 2001.

(7) The EPA also plans to expedite its risk assessment regarding the re-registering of arsenic as a pesticide by accelerating its release from 2001 to 2003.

(8) The Consumer Product Safety Commission, which has the authority to ban hazardous and dangerous products, announced in June 2001 that it would consider a petition seeking the banning of CCA-treated wood from all playground equipment.

(9) Many viable alternatives to CCA-treated wood exist, including cedar, plastic products, aluminum, and treated wood without CCA. These products, alone or in combination, can fully replace CCA-treated wood in playground equipment.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the potential health and safety risks to children playing on and around CCA-treated wood playground equipment is a matter of Branch, state and local governments, affected industries, and parents.

(c) REPORT.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Consumer Product Safety Commission, shall submit a report to Congress which shall include—

(1) the Environmental Protection Agency's most up-to-date understanding of the potential health and safety risks to children playing on and around CCA-treated wood playground equipment;

(2) the Environment Protection Agency's current recommendations to state and local governments about the continue use of CCA-treated wood playground equipment; and

(3) an assessment of whether consumers considering purchases of CCA-treated wood playground equipment are adequately informed concerning the health effects associated with arsenic.

Mr. NELSON of Florida. Mr. President, I say to the chairman of the ap-

propriations subcommittee, the Senator from Maryland, I thank her and the Senator from Missouri, the ranking member, for giving me the opportunity to offer this amendment having to do with arsenic-treated wood. This problem has manifested itself, particularly in Florida recently, because of arsenic leaching from treated wood on playground equipment and then flowing into the soil. The health departments have analyzed the soil and found the level of arsenic at a level to create concern about the danger to the children. Thus, local governments have been reaching out to the federal government, wondering whether they should close their playgrounds.

We have asked EPA, the appropriate federal agency, to conduct the study. They say it is underway. Much to my horror, as my constituency of Florida is rising up in arms, wanting to know is this a danger or not, EPA is on a schedule to do a study not to be completed until 2003.

I say to the chairman and ranking member of the subcommittee, this has nothing to do with partisan politics. This has to do with safety standards and EPA doing a study. The question is: When are they going to finish?

We urged the EPA to accelerate this study because of the conundrum confronting local government in deciding whether to keep playgrounds closed or whether to close other playgrounds that are now open. They want some direction.

We are talking about arsenic. It is a poison. We talked about it last night. We adopted the Boxer-Nelson amendment that will require the EPA to take certain standards into consideration when setting the level of arsenic in our drinking water.

What alarms so many of us, and brought about the Boxer-Nelson amendment last night, was that the EPA—which had announced the deadline when they were supposed to come forth imposing this reduced amount of arsenic in drinking water—announced that they were suddenly pushing that off, thus the reason for the amendment having to do with arsenic in drinking water, which passed overwhelmingly last night.

Now I bring to the Senate for discussion, and hopefully adoption, an amendment that will require the EPA to accelerate this study. Initially, when we had voiced our concern because of the playground situation in Florida, EPA had said it was going to complete its study by June. Then they delayed, and said it would be sometime in the fall. Mind you, this is after we had pushed them pretty hard, because their study was not going to be completed until 2003.

This amendment requires them to complete this study within 30 days of enactment of this bill, so we can give some certainty as to the scientific conclusions. Is the arsenic in the treated lumber leaching into the playground soil? Is this a sufficient hazard that the



city governments and the county governments ought to be closing those playgrounds, or is it at such a level that, with a change in this or that—in the construction, in the wood—that we could eliminate this potential hazard to our children?

I bring to the Senate today a safety issue. Let me recap. What I am asking our colleagues to do is join me in our quest to determine if arsenic-treated playground wood is hazardous to our children. That treated wood is everywhere. It is in our playground equipment. It is in picnic tables. It is in desks. It is in fences. Mr. President, 98 percent of outdoor wood sold in the United States today is treated with CCA, chromated copper arsenate.

CCA is an insecticide that is 22 percent arsenic. As I stated, in our State and in other parts of the country, public playgrounds have been closed or closely examined and are due to be closed because of the potential health hazards that may be posed by high concentrations of arsenic found in the soil in and around the arsenic-treated wood playground equipment.

There are communities all across Florida: Gainesville, Tarpon Springs, Tampa, Port Orange, Ormond Beach, Deland, Deltona, Clermont, Miami, whose local governments have shut down their parks and are looking to the federal government, the EPA, for guidance as to whether or not those parks are safe.

Some communities, such as the one in Cambridge, MA, have already decided to replace all of their playground and park equipment treated with arsenic because many consumer and health groups have urged the State of Massachusetts to ban arsenic-treated wood. Imagine the horror of a parent whose child played in the soil on a playground with equipment treated with arsenic, and that playground was later closed down or torn down due to the high concentrations of arsenic in the soil of that playground.

This amendment is designed to speed the process so the EPA will give us an answer because parents need to know whether their children are playing on or around equipment that poses a health hazard.

At the beginning of this year when we first asked the EPA if chromated copper arsenate, CCA—that is arsenic-treated wood—was safe, they said they would know in 2003, when they completed a reregistration of CCA as a pesticide. As I said earlier, we said that was not good enough. So the EPA revised its timetable and said they would complete their reassessment of the arsenic-treated wood by 2002. They said they would tell us if the arsenic-treated wood playground equipment is safe. Then they changed that to by June of 2001. The EPA missed its own June deadline. They now say they will complete a risk assessment regarding children and arsenic-treated wood at the end of this summer—on into the fall. The EPA also plans to assemble a sci-

entific advisory panel in October of 2001 to review the playground data.

Meantime the Consumer Product Safety Commission has agreed to conduct a review of the safety of CCA-treated wood for use in playground equipment. As my colleagues know, the Consumer Products Safety Commission has the authority to immediately ban CCA-treated wood for use in children's playground equipment if it finds that CCA-treated wood poses an imminent and immediate risk to children.

I am heartened but I am not satisfied with all these announcements because that is all they are: announcements, meaningless declarations, while the American people still do not know if arsenic-treated wood playground equipment is safe.

Earlier, I introduced S. 877 that requires the EPA to complete a risk assessment of the hazards to children within a date certain and to require mandatory labels on each piece of arsenic-treated wood. The wood-preserving industry, in conjunction with EPA, recently committed to a voluntary labeling program.

I personally think mandatory labeling is necessary to ensure the American people are properly informed. But that fight is for another day. We know arsenic is classified by the EPA and the World Health Organization as a known human carcinogen.

In 1999, the National Research Council concluded that there was an indisputable link between arsenic and skin-bladder- and lung cancer. A University of Florida researcher commissioned by the Florida EPA recently declared that simply touching arsenic-treated wood could be a health risk for children. And a research team from the Connecticut Agricultural Experiment Station found that arsenic is readily available on the surface of CCA-treated wood. The Environmental Working Group has concluded from reviewing the Connecticut study and others that significant quantities of arsenic can be dislodged from the surface of CCA-treated wood and that the cancer risk could be as great as 1 in 1,000. Therefore, the Environmental Working Group is seeking a ban of the substance.

For all these reasons, we need the Environmental Protection Agency and the Consumer Product Safety Commission to give the American people the guidance they deserve.

This amendment stresses the sense of the Senate that the potential health risk to children playing on and around CCA-treated wood and playground equipment is a matter of great importance. This amendment says the EPA must submit a report to Congress within 30 days of enactment, detailing the most up-to-date understanding of the health and safety risk to children playing on and around CCA-treated wood playground equipment. It seeks the EPA's current recommendations to state and local governments about the continued use of CCA-treated wood playground equipment.

It mandates that within 30 days—no more delays. This amendment would require within 30 days of the enactment that the EPA come forth with their recommendations so the people of America will know what to do about their children playing on these playgrounds.

Those are my remarks in offering the amendment.

Does the chairman of the committee have any particular inquiry she would like to make at this point?

Ms. MIKULSKI. No. I wish to make some comments.

Mr. NELSON of Florida. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, our colleague from Florida raises some very valid concerns. All of us want to ensure that our playgrounds, our back decks, and our picnic tables and anything with wood outside are not harmful to our children's health. If it is harmful to our children, it will be harmful to special needs populations such as the elderly. Of course, there is playground equipment that has a particular risk associated with it.

The issue of arsenic in the ground and around playgrounds has also raised considerable attention. I acknowledge the validity of the Senator's concerns. I also want to acknowledge his frustration that the bureaucracy has not rigorously stood sentry over their voluntary effort and also that they have been a little slow in moving on an evaluation of this matter.

This is an issue of great concern to this committee. In fact, the issue is in two agencies—the EPA and the Consumer Product Safety Commission. The good news is you have two agencies looking at it. The bad news often is getting them to work together and move it, which requires bilateral treaty negotiation.

We think the Senator's amendment kind of moves it because that is what his amendment is. He doesn't take the position on the outcome. He doesn't come in with a muscular amendment to mandate without an evaluation. We think the Nelson approach is very prudent. He wants to have the EPA study, but at the same time he doesn't want the study to be a career in and of itself.

We need to know. The kids need to know. The parents need to know. Guess what. The wood industry needs to know. They have been cooperating with the EPA in a voluntary way for a voluntary program.

But to give you an idea of the complexity, the Consumer Product Safety Commission has jurisdiction over treated wood and any risk that might come from wood; the EPA has jurisdiction over the chemicals used to treat wood. One has jurisdiction over the chemicals and the other has jurisdiction over the wood. Now we are trying to get them to work together to come up quickly with an evaluation on treated wood.

Both agencies have said they are working to ensure that wood-treated products are safe. The EPA has a voluntary labeling program with which the forestry industry has cooperated, but an evaluation shows that it has some very significant flaws. They say they are now working to enhance the program. But, again, I think we need to push them along to come up with the report that we need.

Senator NELSON's amendment requires EPA, in consultation with the Consumer Product Safety Commission, to report to Congress on health and safety risks of chemically-treated wood and to recommend how consumers and State and local governments can be better informed about the potential health risks. And I am sure the forest industry wants to know that. They want to be good citizens. This is one of the important by-products.

In early July, the Agency completed its review of the American Wood Preservers Institute proposal to strengthen information available to the consumer. The EPA says they are going to hold a public hearing of a scientific advisory board during the week of October 2 to give peer review on the Agency's hazardous assessment methodologies for calculating potential exposure in playgrounds.

The Senator's amendment says 30 days within enactment; Is that correct?

Mr. NELSON of Florida. That is correct.

Ms. MIKULSKI. Within enactment, or 30 days of the fiscal year?

Mr. NELSON of Florida. Enactment.

Ms. MIKULSKI. That pretty much takes us into October and November.

We think that is a strong message to EPA to move this process along. We think it is important they hold public hearings. We think it is important that they consult with their scientific advisory board. But we also would like them to operate within a 30-day framework to move this issue along.

I thank the Senator. Rather than coming in saying legislate, mandate, and regulate, let's get the report. Then we can identify the most prudent way to protect consumers and to provide important information for the industry.

I support this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, the Senator from Florida raises a valid concern. We certainly want to ensure that our playgrounds, boardwalks, and backyard decks are not harmful to our children's health, our grandparents' health, or to our neighbors' health.

The issue of arsenic in the ground around playgrounds receives considerable attention, as has already been indicated. Let me be more specific. This issue is of great concern to two agencies funded in this bill, both the EPA and the Consumer Product Safety Commission.

For the information of all my colleagues, the CPSC has jurisdiction over

treated-wood products and any risks that might come from them when the wood products are used for playground sets and decks; the EPA has jurisdiction over the chemicals used to treat the wood. These chemicals are used to prevent the wood in our decks, boardwalks, and playground sets from rotting and therefore becoming unstable and unsafe. Both agencies have been working to ensure that treated-wood products are safe. I can appreciate the frustration the Senator from Florida feels about the delay in seeing a result to those studies.

EPA currently oversees a voluntary labeling program so that consumers who purchase treated-wood products are made aware of the potential risks from the chemicals. Admittedly, the program can be more effective. EPA has learned that the program has flaws and is now working to improve that program. By this fall, every piece of chemically treated wood will be labeled and there will be better information made available to the public.

I sympathize with Senator NELSON on the media attention in his State on wood products treated with chromated copper arsenic, or CCA. As I said, EPA has already established a voluntary labeling program. There has been extensive pressure on wood preserver manufacturers to ensure voluntary compliance. Caution labels with EPA-approved wording will be affixed to CCA-treated lumber within 90 days, and information signs will appear in lumber stores and home centers in about 30 days.

For the information of my colleagues and those who might be watching, there is a Web site, [www.ccasafetyinfo.com](http://www.ccasafetyinfo.com), and a toll-free number, 800-282-0600, to answer consumer questions in both English and Spanish.

The products, while they may sound bad, have previously been approved by EPA and the Consumer Product Safety Commission. They have been in use for over 70 years. As far as we are aware, no scientifically peer reviewed medical or science journal has ever documented harm to anyone from the regular use of CCA-treated wood. In spite of this, EPA and the CPSC are taking steps to put any doubt to rest by conducting further reviews specifically on the risk to children.

As the manager of the bill, the chair of the subcommittee, has indicated, there is to be peer-reviewed scientific discussion early in October, depending upon when this bill gets enacted. Thirty days may or may not cover it. But it is clear that we will adopt it.

I urge my colleagues to support the amendment that would make sure we do not wait until 2003 to get the results. We do not yet know when the scientific information can be ready, but whether it is 30 days or 45 days or 60 days, I am confident it will, and must, be during this calendar year, and sooner rather than later.

Sometimes you can set any deadline you want, but if you do not have the

scientific reviews, if they physically cannot get in, you cannot come up with the study. I am sure EPA will do the study. This amendment, that I trust will be adopted overwhelmingly, will send a clear signal to them that they must put all due speed behind it and get this study completed as quickly as humanly possible.

Again, I urge my colleagues to support the amendment. I thank the Senator for framing it in a way that makes good sense.

The PRESIDING OFFICER (Mr. MILLER). The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I rise in support of the amendment offered by the Senator from Florida. This is an issue that he brought to my attention some months ago following the initial debate over the arsenic standard. We had a good debate last night, with a very strong vote, to ensure that we get the right kind of standard as soon as possible so people will know what to expect from their drinking water. We also made it very clear that we want to help communities be able to meet these standards.

It should not be an unfunded mandate to take care of your health. We ought to have the best scientific information, made available through the studies that are done or commissioned, to provide the help that communities need to be able to protect themselves, particularly their children.

Senator NELSON came upon a problem I never knew existed. I cannot tell you how many times I have been around playground equipment that is wooden. I always thought it was really attractive. It is the kind I preferred. It is what I bought for my own daughter. It certainly never crossed my mind that—for good reasons, to prevent pest and termite infestations—manufacturers would want to treat that wood. I never thought about it.

But what Senator NELSON has determined—and I applaud him for this because it became an issue in Florida, and he brought it to our attention—is that something called CCA, chromated copper arsenic, is widely used as a preservative in pressure-treated wood, including playground equipment. This CCA is 22 percent arsenic.

I remember when I used to practice law, which seems as if it was a very long time ago, I had a case that involved treated wood that was treated at a plant in Tennessee. I went to visit it. The wood was treated with all kinds of chemicals, but it was used for telephone poles; it was used for railroad tracks; it was not used in playground equipment.

What Senator NELSON has learned is that, through rain and natural deterioration, the arsenic that is in this compound, CCA, to treat this wood, can leach into the ground and can even come off on one's hands. You think about all those little hands and all those little mouths and those little bodies kind of rolling around this playground equipment.

I really commend the Senator for bringing this problem to our attention. Because of his hard work, the EPA and the Consumer Product Safety Commission are conducting reviews of the health and safety risks to children playing on and around CCA-treated wooden playground equipment.

I believe the Senator's amendment is necessary because, again, it sets a deadline. Otherwise, folks can just keep studying and talking and avoiding making a decision. But he is trying to put some teeth into this appropriations bill, which I commend and support because just the other day I had a friend of mine say she heard Senator NELSON speak on this issue in relation to playground equipment. She was just about ready to buy some playground equipment for her grandchildren. She does not know whether to buy it or not. She does not know whether it is safe or unsafe.

If you live in a State that gets as much rain as the good Senator's State of Florida, you have to be even more worried. If it is as humid as it is down there, you have to be more worried.

We do not want to make a decision that is not scientifically based, so we need to get these science studies done and the EPA and the Consumer Product Safety Commission making their decision. They have asked for public comment. But we should pass this Nelson amendment because it really directs the EPA to report to Congress as soon as possible—which is, in effect, a report to the public—so my friend can decide whether or not she is going to buy wooden playground equipment or plastic or steel, or whatever choice she is going to make.

I commend the Senator for understanding this is an issue that is not one of these abstract issues that only concerns somebody sitting in some ivory tower somewhere. This is an issue that concerns every mother and father who takes their child to play at a playground or anybody who is thinking about buying equipment for their backyard.

We need to look to a nonpartisan, independent source such as the scientists who will examine this issue, find out whether this CCA is or is not a health hazard, or whether it can be fixed, and if it can, so it can be a problem that can be prevented. This is one of those public service issues to which I really think we owe the people of this country an answer; otherwise, we may be unfairly tarring this industry. We may be preventing people from buying playground equipment that is totally safe. We don't know. We just know this CCA has arsenic in it. We need to get to the bottom of whether that is harmful or not.

I commend the Senator for his approach. I hope my colleagues on both sides of the aisle will support this amendment so we can get an answer sooner instead of later.

Mr. President, I yield back whatever time I might have been given.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I think the statement of all of our colleagues points out why we really have to move this study along. I believe the committee is prepared to accept the Nelson amendment. As we move to conference, we also want to consult EPA about how long it will take them to collect their information.

Here is where we are. EPA and the Consumer Product Safety Commission are in the jurisdiction of this subcommittee. We take our mandated reports to agencies very seriously because then we need them for the following year's appropriations. And the authorizers need them for the second session of the 107th Congress.

So let's shoot for this 30 days because I think there is this sense of urgency, particularly at the local government rec center level. Right now they are worried about two things. They are worried about their kids being exposed to arsenic-treated wood, and they are worried about lawsuits.

Local government should not be worried about either one. It is our job to stand sentry and give the best advice. I am ready to stand sentry over the bureaucracy to ensure a timely completion of this report so that not only will the concerns of Senator NELSON be settled, but really the concerns of the Nation. We thank him for being so assertive in this area.

We are prepared to accept the amendment.

Mr. BOND. Mr. President, we are prepared to accept the amendment. We have had a discussion with the Senator. The manager on the Democratic side and I are ready to push for this to make sure we get the information. We are happy to accept the amendment.

Mr. NELSON of Florida. Mr. President, I am so grateful to the chair and the ranking member for their recognition of the emergency nature of this issue. I am very grateful for their acceptance of the amendment.

Mr. KENNEDY. Mr. President, I am pleased to see that after almost 40 years, the American people may finally see action that will protect the public from arsenic.

I strongly support Senator NELSON's amendment to direct the EPA, in consultation with the Consumer Product Safety Commission, to report to Congress on levels of arsenic in children's playground equipment, and to recommend how consumers and State and local governments can be better informed about these potential health risks. Preliminary studies have shown that arsenic, used as a preservative in wood may be a harmful carcinogen, especially to children. Last April, the EPA itself found a possible direct link between arsenic and DNA damage.

Senator NELSON's amendment sends a strong message to the EPA that parents must know if their children are safe, and we are taking long overdue action on other aspects of this issue

too. Yesterday, we adopted Senator BOXER's amendment, which requires EPA to immediately put into effect a standard for arsenic in drinking water, and inform the public about the amount of arsenic in the water. Last Friday, the House passed an amendment to reinstate the EPA rule wrongly delayed by the Bush administration, to reduce the accepted standard of arsenic in drinking water from 50 parts per billion to 10 parts per billion and protect millions of Americans. That rule is the result of decades of debate, scientific studies, rule-making, and public comment, and it deserves to be implemented now.

We know that arsenic is a serious threat to public health. The 50 parts per billion standard for drinking water was originally set in 1942, and is clearly out of date. A National Academy of Sciences study in 1999 found that arsenic in drinking water is extremely carcinogenic, causing lung, bladder, and skin cancer. As a Wall Street Journal article on April 19 stated on the 10 parts per billion standard, "few government decisions could have been more thoroughly researched, over so many years."

Action by Congress is long overdue. Senator NELSON's amendment is a needed step in the continuing battle to protect Americans from the dangers of arsenic, and I urge my colleagues to support it.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to amendment No. 1228.

The amendment (No. 1228) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, we are waiting for 10:30 for the Senator from Arizona to offer an amendment. If there is no business on this bill, I ask unanimous consent to be permitted to proceed up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BOND are located in today's RECORD under "Morning Business.")

Mr. BOND. 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. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I will take 2 or 3 minutes to speak in anticipation of an amendment that will be offered by Senator KYL. I

reluctantly have to oppose the Senator's amendment, although I understand the situation he faces. His amendment would alter the formula for the State revolving fund for the Clean Water Act.

Senator KYL's amendment would alter a Clean Water Act formula for the SRF that has been in place since 1987. While I recognize the Senator's concerns about the lack of funds for his State and the money that goes to Arizona and other States in the face of these great economic needs, I have to oppose the amendment as the ranking Republican on the Environment and Public Works Committee which has jurisdiction over the Clean Water Act.

Very simply, this is not the place to change the formula for the SRF—on an appropriations bill. I urge my colleague and other colleagues, if Senator KYL does offer the amendment, to think seriously. They can take a look at a chart, which I will enter into the RECORD, which shows how all of these

formulas will affect everybody's States. If it is simply a matter of will they get more, will they get less, they can vote that way if they wish, but that is really not the issue. I hope my colleagues will understand that this is not the place to try to get into the authorizing business on something as complex as the formula for the SRF, State revolving fund, for the Clean Water Act.

The Environment and Public Works Committee has committed to examine the waste and drinking water concerns of our country and amend the Clean Water Act and the Safe Drinking Water Act. Senator JEFFORDS has pledged to move along those lines. I know when I was the chairman and Senator REID was the ranking member, we did that, and I have been assured by Senator JEFFORDS that water infrastructure will continue to be a priority for the committee.

I commit to Senator KYL right now to examine the issue of the formula he

is looking at, and I urge him to allow us to put this together in a way that is a proper legislative package with the appropriate vehicle. If the Senator does offer the amendment, I urge my colleagues to oppose it and work with me and others on the committee to solve the water infrastructure problems over the years.

Finally, I recognize Arizona and other States, mostly in the West, have been shortchanged on this formula, but this is a complex issue. It should not be adjusted simply by raising somebody's numbers and lowering somebody else's, which is what is going to happen here. It is not the way to do it. I hope we can do it otherwise, and I urge my colleagues to consider that if there is a vote on the Kyl amendment.

I ask unanimous consent that the chart to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

State or Territory	Need	Percent of total need	Current allocation	Kyl amendment	Kyl amendment allocation	Net change
NEW YORK .....	15987	12.3516	\$150,144,455	8,2500	\$110,818,125	—\$39,326,330
CALIFORNIA .....	11839	9.1468	97,287,568	8,2500	110,818,125	13,530,557
ILLINOIS .....	11203	8.6554	61,520,850	8,2500	110,818,125	49,297,275
OHIO .....	7698	5.9475	76,578,683	5,9475	79,889,507	3,310,824
NEW JERSEY .....	7357	5.6840	55,387,715	5,6840	76,350,623	20,762,908
PENNSYLVANIA .....	6034	4.6619	53,883,131	4,6619	62,620,587	8,737,456
FLORIDA .....	5400	4.1720	45,916,315	4,1720	56,040,963	10,124,648
MIAMI .....	5062	3.9109	58,626,146	3,9109	52,533,214	—6,092,932
INDIANA .....	4964	3.8352	32,783,360	3,8352	51,516,174	18,732,814
TEXAS .....	4702	3.6328	62,176,356	3,6328	48,797,150	—13,379,206
NORTH CAROLINA .....	3973	3.0695	24,550,580	3,0695	41,231,620	16,681,040
VIRGINIA .....	3955	3.0556	27,838,856	3,0556	41,044,817	13,205,961
MASSACHUSETTS .....	3804	2.9390	46,453,615	2,9390	39,477,745	—6,975,870
MISSOURI .....	2957	2.2846	37,709,057	2,2846	30,687,616	—7,021,441
KENTUCKY .....	2317	1.7901	17,313,149	1,7901	24,045,724	6,732,575
ARIZONA .....	2245	1.7345	9,187,830	1,7345	23,298,512	14,110,682
WISCONSIN .....	2042	1.5777	37,042,805	1,5777	21,191,786	—15,851,019
OREGON .....	1929	1.4903	15,366,780	1,4903	20,019,077	4,652,297
CONNECTICUT .....	1781	1.3760	16,664,360	1,3760	18,483,140	1,818,780
WEST VIRGINIA .....	1734	1.3397	21,207,231	1,3397	17,995,376	—3,211,855
GEORGIA .....	1721	1.3296	22,999,127	1,3296	17,860,463	—5,138,664
SOUTH CAROLINA .....	1548	1.1960	13,934,876	1,1960	16,065,076	2,130,200
KANSAS .....	1414	1.0925	10,935,398	1,0925	14,674,430	3,739,032
MARYLAND .....	1378	1.0646	32,902,909	1,0646	14,300,824	—18,602,085
PUERTO RICO .....	1358	1.0492	17,741,646	1,0492	14,093,264	—3,648,382
WASHINGTON .....	1281	0.9897	23,655,976	0,9897	13,294,162	—10,361,814
RHODE ISLAND .....	1281	0.9897	11,820,600	0,9897	13,294,162	1,473,562
LOUISIANA .....	1044	0.8066	14,979,924	0,8066	10,834,586	—4,145,338
TENNESSEE .....	927	0.7162	19,760,551	0,7162	9,620,365	—10,140,186
IOWA .....	877	0.6776	18,410,585	0,6776	9,101,468	—9,309,117
MINNESOTA .....	866	0.6691	25,001,912	0,6691	8,987,310	—16,014,602
HAWAII .....	837	0.6467	10,535,110	0,6467	8,686,349	—1,848,761
ALABAMA .....	801	0.6189	15,210,963	0,6189	8,312,743	—6,898,220
MISSISSIPPI .....	797	0.6158	12,255,813	0,6158	8,271,231	—3,984,582
MAINE .....	782	0.6042	10,529,737	0,6042	8,115,562	—2,414,175
NEW HAMPSHIRE .....	748	0.5779	13,593,690	0,5779	7,762,711	.....
DISTRICT OF COLUMBIA .....	609	0.4705	6,677,296	0,5500	7,387,875	710,579
NEBRASKA .....	563	0.4350	6,958,035	0,5500	7,387,875	429,840
ALASKA .....	489	0.3778	8,141,438	0,5500	7,387,875	—753,563
COLORADO .....	461	0.3562	10,880,325	0,5500	7,387,875	—3,492,450
OKLAHOMA .....	334	0.2580	10,990,472	0,5500	7,387,875	—3,602,597
VERMONT .....	320	0.2472	6,677,296	0,5500	7,387,875	710,579
UTAH .....	315	0.2434	7,167,582	0,5500	7,387,875	220,293
IDAHO .....	314	0.2426	6,677,296	0,5500	7,387,875	710,579
ARKANSAS .....	270	0.2086	8,899,031	0,5500	7,387,875	—1,511,156
TERRITORIES .....	230	0.1777	3,395,736	0,2500	3,358,125	—37,611
DELAWARE .....	226	0.1746	6,677,296	0,5500	7,387,875	710,579
NEW MEXICO .....	161	0.1244	6,677,296	0,5500	7,387,875	710,579
SOUTH DAKOTA .....	130	0.1004	6,677,296	0,5500	7,387,875	710,579
MONTANA .....	119	0.0919	6,677,296	0,5500	7,387,875	710,579
NEVADA .....	116	0.0896	6,677,296	0,5500	7,387,875	710,579
NORTH DAKOTA .....	94	0.0726	6,677,296	0,5500	7,387,875	710,579
WYOMING .....	39	0.0301	6,677,296	0,5500	7,387,875	710,579
Total .....	129,433			99,9454		

Sate or Territory	Popu- lation	Need	Sate or Territory	Popu- lation	Need	Sate or Territory	Popu- lation	Need
New York .....	18976	15987	Missouri .....	5595	2957	Rhode Island .....	1048	1281
California .....	33872	11839	Kentucky .....	4042	2317	Louisiana .....	4469	1044
Illinois .....	12419	11203	Arizona .....	5131	2245	Tennessee .....	5689	927
Ohio .....	11353	7698	Wisconsin .....	5364	2042	Iowa .....	2926	877
New Jersey .....	8414	7357	Oregon .....	3421	1929	Minnesota .....	4919	866
Pennsylvania .....	12281	6034	Connecticut .....	3406	1781	Hawaii .....	1212	837
Florida .....	15982	5400	West Virginia .....	1808	1734	Alabama .....	2845	797
Michigan .....	9938	5062	Georgia .....	8186	1721	Mississippi .....	7825	782
Indiana .....	6080	4964	South Carolina .....	1548	1548	Maine .....	1236	748
Texas .....	20852	4702	Kansas .....	2688	1414	New Hampshire .....	572	609
North Carolina .....	8049	3973	Maryland .....	5296	1378	District of Columbia .....	1711	563
Virginia .....	7079	3955	Puerto Rico .....	3809	1358	Nebraska .....	627	489
Massachusetts .....	6349	3804	Washington .....	5894	1281	Alaska .....		

State or Territory	Population	Need
Colorado .....	4301	461
Oklahoma .....	3451	334
Vermont .....	609	320
Utah .....	2233	315
Idaho .....	1294	314
Arkansas .....	2673	270
Territories .....	411	230
Delaware .....	784	226
New Mexico .....	1819	161
South Dakota .....	755	130
Montana .....	902	119
Nevada .....	1998	116
North Dakota .....	642	94
Wyoming .....	494	39

Mr. SMITH of New Hampshire. I yield the floor.

AMENDMENT NO. 1229 TO AMENDMENT NO. 1214

Mr. KYL. Mr. President, if there is not an objection by the assistant majority leader or ranking members of the committee, I offer this amendment that was just spoken about.

I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CARPER). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. FITZGERALD, Mr. MCCAIN, and Mr. BROWNBACK, proposes an amendment numbered 1229 to amendment No. 1214.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To specify the manner of allocation of funds made available for grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure)

On page 105, between lines 14 and 15, insert the following:

**SEC. 4. STATE AND TRIBAL ASSISTANCE GRANTS.**

Notwithstanding any other provision of this Act, none of the funds made available under the heading "STATE AND TRIBAL ASSISTANCE GRANTS" in title III for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) shall be expended by the Administrator of the Environmental Protection Agency except in accordance with the formula for allocation of funds among recipients developed under subparagraph (D) of section 1452(a)(1) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(1)(D)) (including under a regulation promulgated under that section before the date of enactment of this Act) and in accordance with the wastewater infrastructure needs survey conducted under section 1452(h) of that Act (42 U.S.C. 300j-12(h)), except that—

(1) subject to paragraph (3), the proportional share under clause (ii) of section 1452(a)(1)(D) of that Act (42 U.S.C. 300j-12(a)(1)(D)) shall be a minimum of 0.675 percent and a maximum of 8.00 percent;

(2) any State the proportional share of which is greater than that minimum but less than that maximum shall receive 97.50 percent of the proportionate share of the need of the State; and

(3) the proportional share of American Samoa, Guam, the Northern Mariana Islands, and the United States Virgin Islands shall be, in the aggregate, 0.25 percent.

Mr. KYL. Mr. President, I appreciate the comments of the Senator from New

Hampshire a moment ago, but it illustrates exactly why we need this amendment. The Senator, who is the ranking member of the authorizing committee, says we should not be doing this amendment on an appropriations bill, which is the pending business before the Senate; we should allow the amendment to come out of the authorizing committee.

He is right, in theory, because almost everyone recognizes the current formula for allocating wastewater treatment grants under the EPA's program is unfair. It is way out of date. It is based on 1970s data and, as he noted, especially for growth States, it is woefully inadequate.

The problem is the authorizing committee has had 14 years to change the formula and has not done so. There comes a time when one's patience begins to wear thin. In representing the interests of the States that are growth States, where needs far exceed what they were back in the 1970s or even 1980s, I think we have an obligation to say enough is enough; it is time to change this formula.

Almost everyone in this body has at one time or another made note of the fact that one of the unique things about the Senate is any 1 of the 100 Senators can offer amendments to change law or to fix things. In the House of Representatives where I served, it is more difficult to do that because of the numbers of people and the rules.

The nice thing about the Senate is we have this opportunity. That is why it is frequently the case that amendments are offered on legislation that comes before us, even though it would be nice to deal with that subject in another way. We do it all the time. Mostly we do it when the need is so great, the case is so good, and the degree of fairness involved is such it would be unfair and unwise for us to do anything else.

I say to my friend from New Hampshire, who says let us take care of it in the authorizing committee, he has had many years to do that. This act has not been reauthorized since it was passed in 1987. It needs to be reauthorized, and it needs to be fixed.

I commend Senator JEFFORDS, the new chairman of the committee, for saying he intends to take this up so he can get a reauthorization. I hope that is done, and I hope it is done this fall. I also hope it includes a formula reallocation if we are not able to do it in this bill, but we have heard that story year after year after year and nothing happens. There is a reason nothing happens—because the States that have it good under the formula do not want to change. That is human nature. There is nothing wrong with that. I do not blame them.

As a simple matter of fairness, if a formula has grown so out of whack over the years that it treats more than half of the people in this country very unfairly, then something needs to be

done. We have it within our power to do it.

This amendment is germane and will be ruled such by the Parliamentarian if there is a question about it and, therefore, it will be offered and it will be voted on.

Since there are far more Senators whose States benefit under this amendment than those that would lose funds because they are getting more than their fair share today, I hope it will be adopted. Those Senators who vote against this amendment, notwithstanding the fact their States benefit, will certainly have some explaining to do to the folks back home.

What does the amendment do? We have some funds in the Federal Government that help localities construct facilities to ensure their drinking water is safe and that they have good wastewater treatment facilities. These are conducted under the Environmental Protection Agency.

The EPA does a needs survey every 4 years. It decides what communities need. It does this on a State-by-State basis. We base the allocations of the drinking water fund strictly on the basis of that needs survey because we recognize EPA is not being political in this endeavor. EPA understands what the needs are. It does this survey and says: Here are the communities that need the money the most.

The formula for the drinking water is based upon that EPA quadrennial needs survey. EPA also does a quadrennial needs survey for wastewater treatment, but we do not base our allocations for wastewater facilities on the basis of that needs survey. No, we base it on a 1970s era construction grant program which has no relevance to wastewater treatment, is way out of date, even if it ever did, is based on 1970 census data, I believe, and, therefore, has been overcome by events and time with respect to the real needs throughout the United States.

Based on the chart, we can see visually what the situation is. There are several States that have a need, and that need, represented by the red bar, is based on the percentage of need the States are currently receiving. In other words, EPA says: This is how much you need, and then here is how much Congress gives.

To use my State of Arizona as an example, we can see Arizona receives a very small amount, less than 1 percent. This is why I am offering the amendment. My State is being treated very unfairly. Under the formula which does not provide a 100-percent allocation, Arizona, as all of the other States, would get up to this minimal level. We can see on the chart the blue line for all the States is the same. Those States below the line would be brought up to that level.

The State of Maryland is the State that has the highest bar on this particular chart. The percentage of current need fulfilled in the State of Maryland is far in excess of my State

of Arizona, even though my State of Arizona has more population and is faster growing. Is that fair? This is according to the EPA. This is not according to population, JON KYL, or the Governor of Arizona. This is the Environmental Protection Agency's survey of needs. Here is Arizona, less than 1 percent, and here is Maryland, much higher.

What we are saying is, let's even it out and make sure everybody gets at least a percentage of what the EPA says they deserve to have. That is what we are trying to do, to make it fair for everybody.

Incidentally, the formula change is very simple. The amendment is a two-page amendment. It reads as follows: "shall be a minimum of 0.675 percent and a maximum of 8.00 percent" of the needs survey of the EPA. So there is a top and a bottom, and within that, everybody receives funds according to the percentage that EPA has recommended.

It reads further:

(2) any State the proportional share of which is greater than that minimum but less than that maximum shall receive 97.50 percent of the proportionate share of the need of the State.

That is the percent everybody within the maximum and minimum will receive.

(3) the proportional share of American Samoa, Guam, the Northern Mariana Islands, and the United States Virgin Islands shall be, in the aggregate, 0.25 percent.

I note that even though the EPA lists Arizona as No. 16 on the list of the States in terms of need—we rank 16th from the top—we are 53rd in how much money is received after a couple of the territories and the District of Columbia. That is why I am standing before you today.

There are many other States—I think 28—in addition to Arizona that are in the same box. Some are in a little worse shape than Arizona—actually, I do not think any are in worse shape than my State of Arizona, but there are several that receive more because EPA has said they need more than the State of Arizona. States such as New Jersey and Illinois, for example, receive substantially more money under this amendment.

This is not about anything complicated. It does not take a lot of work to figure out how it works. It is simply a readjustment based on EPA's own figures.

Included in the appropriations bill on VA-HUD and independent agencies is an increase in funding of \$500 million over that requested by the President in the EPA's clean water State revolving fund. It is my understanding that the increase brings current year funding up to a historic level of \$1.35 billion.

I applaud both Senator MIKULSKI and Senator BOND, who are the chairman and ranking member respectively of the committee, for the work they put in on it. Having been a member of the Appropriations Committee, I know how

difficult it is and how hard they work on this. I appreciate the work they have put in on it.

I wish to make it clear that I support the funding for this program established under the Clean Water Act of 1987. Our States do depend on this revolving fund to provide much needed financial assistance. It comes in the form of low interest rate loans to sewer utility ratepayers who otherwise bear the brunt of the costs associated with compliance of EPA clean water regulations. This is one of the ways in which we impose a mandate on communities but then help them to fulfill that mandate financially.

It is particularly beneficial for customers of the small rural water companies that serve so much of the population in the Western and Midwestern States. Unfortunately, the EPA has been administering this program since its inception with a very seriously flawed allocation formula that I described earlier. It was based on a formula that was derived for Federal construction loans using data that was gathered in the early 1970s.

During these 30 years, I think we are all aware of the fact that the demographic distribution in the country has changed dramatically, as have the other factors that would cause the EPA to rank localities based upon their need for this kind of funding.

In my State of Arizona, our population has nearly tripled from 1.8 million to 5.1 million since 1970. Just think about the changes that has required in terms of infrastructure in the State. I might add, that does not include a very large population that is probably not counted.

Much of that shift in population has come from other regions of the country, so you not only have burgeoning needs in the growth States—and I know the State of the Presiding Officer is in the same position—but you also have declining need in some of the other States that historically have a higher population and receive more money to take care of that population.

It should be obvious that over time these formulas should be adjusted, but as I say, it has never been adjusted, and I have no reason to believe that circumstances today create any greater opportunity for us to do that than last year or the year before or the year before that.

The formula that currently exists reflects neither this current population distribution nor the EPA's documented need of individual States as established in its quadrennial wastewater infrastructure needs survey. The EPA will update its wastewater needs survey in the year 2002, but based on the most recently completed survey from 1998, there is a vast discrepancy in the percentage of need fulfilled from State to State.

I have no doubt that after this next survey, this chart is going to be even more skewed. States that are primarily the growth States are going to be in an

even more difficult situation—States such as California, for example, and my own State of Arizona.

Let me illustrate this disparity using, however, the 1998 EPA wastewater infrastructure need survey and the actual clean water revolving fund allocations to the States in fiscal year 2000. The State of Arizona received funding in fiscal year 2000 to address only .41 percent; that is four-tenths of 1 percent of the validated infrastructure needs. By contrast, four States with populations very similar to Arizona—Wisconsin, Maryland, Minnesota, and Louisiana—each received funding that met from 4 times to 7 times the percentage received by my State: 1.43 percent in the case of Louisiana and 2.89 percent in the case of Minnesota. So there is a 7-to-1 ratio of States with almost equal population.

That is not fair. I understand why the Representatives of those States want to defend what they have, but they cannot defend its fairness, so they are relegated to an argument that procedurally we should not do it on this bill but on another bill. But we never get around to doing it on another bill. It is a catch-22 for us.

My constituents back home ask, Why is Congress so partisan and why can't it ever just act in a fair way to get things done. I have a hard time explaining it in this case because it is a totally bipartisan issue. There are winner States and States that have to give back some of the money they are in effect receiving today, in the future. And it doesn't respect party lines. People from both parties are winners and losers under this current formula and would be under the new formula. I don't think anybody can defend a formula that, based upon EPA's own recommendations, gives one State seven times more than another State of the very same population. It is very hard to defend.

If my colleagues would refer to the floor chart again, we see by graph what I illustrated in terms of actual numbers. It only includes those States not covered by the minimum or maximum shares under the proposed formula, so it avoids a skewed representation.

I make another point about this amendment because there is another fund out of which the committee is able to allocate money, and it is based on so-called earmarks. My change here, this amendment, this formula change, does not in any way affect those earmarks. I make that crystal clear to everybody. Their earmarks are not affected today or tomorrow. They are totally outside the scope of this amendment.

Let me illustrate how the earmarks also work. There is only one State that has double-digit millions of dollars in earmarks. That is the State of Missouri, which receives \$10.250 million in earmark funds, in addition to the formula funds. My State, by the way, gets \$1 million. So there is a 10-to-1 ratio.

For those who say we even it out in the earmarks, no, it is not evened out

in the earmarks. There are only three other States that received over \$5 million in earmarks: Maryland, Mississippi, and Arkansas. We have a situation where not only does the formula discriminate but the earmarks also discriminate.

We have and will hear the argument we should not be legislating on an appropriations bill. After having complimented the chairman and ranking member, I note they represent two of these four States. They are able, in the committee, to ensure that their State is treated as they would consider to be very fairly. However, they argue that those not on the committee shouldn't be able to do anything on the floor of the Senate; that would be legislating on an appropriations bill; we cannot do that. Again, it is a catch-22. You have to be on the Appropriations Committee; otherwise, if you are not on the Appropriations Committee, don't offer an amendment on the floor or they will come to the floor and say they will stick together and urge their colleagues to vote against this amendment because it would be legislating on an appropriations bill. Again, a catch-22 situation.

Last year, I was on the Appropriations Committee, I voluntarily left, so I guess I can't complain, but I didn't think I would be treated unfairly as a result of leaving the committee. This boils down to a matter of unfairness. Every one of my colleagues, I know, has only the best interests of both their constituents and the country at large in their mind. But nobody wants to give up an advantage. If you are inadvertently given \$100 in change from a clerk who should have given you \$10, do you keep the \$100? Most would say no. It is similar here.

The allocation of funds boils down to fairness and honesty. I defy anybody in this body to tell me there is a more equitable distribution, a more equitable fashion to distribute these funds than on the basis of a proportional share of the total validated need as determined by EPA. I don't ask anything more than a fair share of funding for the people of Arizona, my State, and for all other Americans.

As I said, mine is not the only State that is adversely affected. In fact, a majority of the States are adversely affected by the unfair and outdated formula that is in the bill today. Using the simple needs-based formula that I proposed, 27 States and the District of Columbia will receive more than they are currently receiving—not their total percentage share but at least more than they are receiving now. Using this formula, all but three States receive, at a minimum, their exact proportion of share of total need.

This is a very fair way to make an adjustment. Ordinarily, you have to take away from half and give to the other half. This formula works in such a way that very few States could argue they are being shortchanged. In the case of those States, they have simply

been receiving far too much in comparison to what EPA has said their needs are. Two of the three States I noted subjected to the cap in the formula will still receive substantially more than they do under the current system.

It is time to do something to rectify what I think is a gross disparity that impacts the health and welfare of so many of our citizens. I ask my colleagues to recognize the inequity and join me in supporting a reasonable reformulation that takes into account both the aging systems in the East and the growing infrastructure needs in the West that have been driven by this population shift over the last 30 years.

I close by talking just a little bit about the way the committee has legislated on an appropriations bill because we will hear we cannot do that, and also to talk directly to some of my colleagues on the Environment and Public Works Committee.

I note the distinguished chairman of the committee is here. I complimented him—I don't know if he was here—on his, I think, publicly expressed but certainly privately expressed desire to take up in his committee later this fall the reauthorization of the underlying legislation which is very sorely needed. I applaud the Senator for that. Obviously, there is no commitment to take up the formula or to change the formula, and it will be too late for the fiscal year 2000 funds which, again, will fall far short of what is needed and will be unfairly distributed.

Before anyone votes no on this amendment because Members think it is an inappropriate vehicle, think for a moment about what happens to the fiscal year 2002 funds that we are appropriating if the necessary authorization bill is not passed in time to affect the allocations. I suspect my colleague from Vermont will confirm that would be a tall order to get a formula changed, done in time, and signed into law to affect the appropriations for fiscal year 2002.

Back to the question of legislation on an appropriations bill. Ordinarily, we shouldn't do something dramatically different on an appropriations bill than the appropriators have put in the bill. But it is not true that the amendment is outside of the norm of what we do. Let me focus attention on just a section of the State and tribal assistance grants, which is where we find the funding for the State clean water revolving fund. In other words, you do not have to go very far afield. You can stay right in the same section and find out that we have legislated on an appropriations bill.

On page 76, line 3, I see we are providing funding:

... for Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that notwithstanding section 1452(n) of the Safe Water Drinking Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for

health effects studies on drinking water contaminants.

On page 76, line 21, grants specified in the Senate report accompanying this Act are provided:

... except that, notwithstanding any other provision of law, of the funds herein and hereafter appropriate under this heading for such special needs infrastructure grants, the Administrator may use up to 3 percent of the amount of each project appropriated to administer the management and oversight of construction of such projects through contracts, allocation to the Corps of Engineers, or grants to the States.

And on page 78 line 4:

Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional existing colonia areas, or the development within an existing colonia [or] the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

So that is pretty heavy duty legislating, I would say. It comes straight out of the appropriations bill before us, in fact the exact same section I am attempting to amend.

Basically what we are saying is the Appropriations Committee can amend and legislate when the bill is before the committee, but the rest of the Senators are denied that opportunity when the bill comes to the floor.

As I said, as a general rule it is probably a good thing to let most of the work be done by the committee. But in a case such as this where there is so much disparity, so much unfairness, and where we have not been able to get the authorizers to do this reauthorizing notwithstanding many years of effort, I think we have to take the opportunity that lies before us.

Mr. FITZGERALD from Illinois, Mr. BROWNBACK from Kansas, and Mr. MCCAIN are all cosponsors of this amendment and they and some other Members would wish to speak on this amendment. But at this point, since I see the distinguished ranking member from Missouri here and the chairman of the authorizing committee, I will yield the floor to them for their comments.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, it is with mixed emotions that I rise to respond to the amendment offered by my good friend from Arizona, mixed emotions because, No. 1, I could not agree more with the emphasis he has put on the need for clean water, safe drinking water, and proper water infrastructure in this country.

One of the most important things we do on this committee is to get the money that we need to assure healthy water—healthy wastewater systems and healthy drinking water systems



throughout this country. When we look at the needs for water infrastructure, they are overwhelming. We have an annual shortfall of funding of about \$12 billion per year for clean water. Over the next 20 years it is estimated we are going to need \$200 billion in water infrastructure. That excludes operation and maintenance.

We, the distinguished chair and I, have fought every year to increase the amount of money set out by OMB. We have always said the President is underfunding water, but we all know OMB represents the bad guys. They have always decided to cut the money going to the State revolving funds to fund other priorities. So each year we have taken the inadequate—grossly inadequate—funds for State revolving funds for water infrastructure and increased them. We have increased them because even with the increases we have been able to include, we are falling far short.

I do not think there is any other environmental program which has the potential to have more impact on the health of this country than assuring clean drinking water, safe drinking water, and cleaning up wastewater. If we do not do those jobs well, we will have failed in the most basic health requirements for our country.

I have heard, in every area of this country, the cries for more water infrastructure. There is not a community in this country, I do not believe, urban or rural, that does not have tremendous funding needs to upgrade water and sewer systems: Baltimore, MD, St. Louis, MO, Safford, AZ. We all need it. It could be Delaware—the whole State could use some. I know because this is a broad-scale problem. I appreciate the Senator from Arizona raising it to the level of bringing it to the floor because I have been adamant, demanding of our ranking member on EPW and our chairman of EPW that they focus on water problems. I am a humble toiling servant of the EPW committee, and I have said we have to have water issues high on our agenda. It has been too long since we have dealt with the Clean Water Act.

Certainly the funding formula ought to be one component of that review because we have tremendous water needs throughout our country. Whether it is east coast, west coast, the Great Plains, the South, the North, we have water needs. That is why I am glad he brought it up.

The other part of the emotion is it is the wrong place. I am sorry, but we cannot deal with reviewing a complicated formula as part of an overarching programmatic review that is needed on the entire water issue on this appropriations bill.

We come to the floor and we have just now received an amendment. The amendment says that its proportional share, if there is a minimum of .675 percent and a maximum of 8 percent but the State proportional share is greater than the minimum, then they shall re-

ceive 97.5 percent of the proportionate share.

If we fell below the minimum, if we really were way down and we fell below a minimum somehow, then we would be shut out. What happens to those who fall below the minimum? What happens to those who are above the maximum? How do you calculate the proportionate share?

These are all issues that ought to be worked out in a committee markup. They are complicated issues. I have questions that I could debate all day long on how to make this formula work. I do not want to do that in this Chamber. I don't think we have time to do that here. I would like to have my staff spend time, working on a bipartisan basis with the staffs of both sides, with the EPA, with the others who are knowledgeable, to figure out how this works, getting input from the States and the localities that receive the funds to see how it works. Then I can turn in anger and disgust to a staff member if they cannot explain it to me.

Right now we are looking at something that I think has great problems. For that reason, among many others, I say, please, let's take this to the authorizing committee.

If the author of this amendment had come to me last year or the year before or the year before or the year before, I would have been more than happy to sign on to a bill that says let's update this formula. I would be happy to sign on. And I have supported broader measures that said let's deal with this whole problem and figure out how we are going to meet the \$200 billion water infrastructure needs over the next 20 years. This is a vitally important matter for human health.

We talk about a lot of things that have only that much, that tiny impact on the health of our country. We spend so much time debating things that are about a gnat's eyebrow worth of difference, if we do this or do that.

What we are talking about now is something that makes a huge difference, that makes a difference between whether communities are healthy, whether the children, the older people, the people who are sick, who are needy, are getting healthy water. Are the people in that community subject to the disease that comes from untreated wastewater? These are vitally important questions that need to be referred to the committee.

I know the new chairman of the committee has put this issue at the top of his agenda. I know EPA is currently working on a needs survey for clean water funding.

I understand the survey will be completed in early 2002. I would love to get in the middle of the debate over how we utilize these SRF funds. I would like for the authorizing committee to send a clear signal to OMB, to our Budget Committee, and to the Appropriations Committee that we need more money in State revolving funds,

or find another means of funding them, because we are falling far behind.

I appreciate very much this significant issue being raised. I know if I were in Arizona I would want to have a good water infrastructure myself because you get thirsty out there in the heat. But this, unfortunately, as the Senator so well surmised, is not the place, this is not the time, and this is not the vehicle. I wish him well in some other venue. I will be a strong supporter trying to help him get it done.

I urge and plead with my colleagues to recognize the importance of the issue he raised but to vote against it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I want to say that the way the opposition to my amendment was delivered by the distinguished Senator just proves yet again why he is such an effective Member of this body and such a great representative of his State and the constituents of the whole country. He has in some sense agreed that we need to do something, but makes an argument, which he indicated last night he would have to make, in opposition to the amendment. I appreciate that fact. But I don't think one could ever ask for an opponent to an amendment who has more graciously expressed his views. I want to let the distinguished Senator from Missouri know that I appreciate that.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, as was pointed out, I am chairman of the committee that has jurisdiction over this matter. I appreciate the Senator from Arizona bringing to the attention of this body the seriousness of the freshwater problems that we have in this country.

When I became the chairman of the Environment and Public Works Committee, one of my top priorities was to craft legislation to ensure that the Federal Government meet its responsibilities to assist communities in meeting their drinking water and waste water infrastructure needs. Under the leadership of our ranking member, Senator SMITH of New Hampshire, the committee has already begun to investigate proper procedures to ensure that every community in this country has good freshwater and is able to dispose of their waste water.

I think it is important that we discuss this, and it has been brought up. But I would have to object very strenuously to the amendment. It is under the jurisdiction of our committee, and we are dedicated to trying to help make sure that we have better quality water and the quantity of funds available for making sure that we improve our freshwater system.

I have to object to the amendment on the basis that it is under the jurisdiction of my committee. But I will certainly do all I can to work with the Senator from Arizona as we move forward in the process of developing a better system.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. KYL. Mr. President, let me also acknowledge the comments of the Senator from Vermont. They are very welcome. I appreciate the fact that the authorizing jurisdiction lies within the committee that he chairs, and that in the ordinary course of events he is absolutely right; the formula should be modified when the act is reauthorized under his committee. There are reasons why we make exceptions to that.

Sometimes in the U.S. Congress, the exceptions prove the rule. There are frequent times when we don't do the work in the authorizing committee but rather do it on appropriations bills. In fact, every one of my colleagues—including, I am sure, the distinguished chairman of the committee—will acknowledge that on more than one occasion we have ground our teeth and said it looks as if the authorizing committees are no longer relevant around here; that the appropriators are taking the jurisdiction from us and are making all of the decisions. It is probably a bit of an exaggeration, but I am sure every one of us has felt that at times.

I certainly appreciate the concerns expressed by the chairman of the committee, who has to protect his committee's jurisdiction. I absolutely understand that. As I said, in the normal course of events, I wouldn't disagree with him at all, as a member now of several authorizing committees, having gotten off of the Appropriations Committee. But we are in a situation today where I think almost everybody will acknowledge that the formula is unfair, and yet we haven't been able to get a reauthorization of this act since its inception in 1987. That is not the fault of the distinguished chairman.

But the fact is, it is very difficult to ever change formulas once they are in place because of the opposition of the Senators who perceive that they would be losing under the formula. Let me turn to a chart that I think will also make the point.

Under the Kyl-Fitzgerald-McCain legislation, some States will lose some of the windfalls that they have been receiving. But every State except three, as I have pointed out, still does very well. If you look in the far corner, there is a State that is pretty much above every other State. The line for New York State is way up here. It is true that under our amendment it would be brought down to here. But every other State else in the formula is down here.

While it is true that there are States that will lose—and New York State, I confess to my colleagues from New York, will lose funding under this act. They have been getting a windfall for a number of years. That must be a testament to their great work before the committee. And I suspect a former Senator from New York also had a little something to do with that.

My point is, yes, there are a few States that will lose funding because

they have been getting too much, and almost all of the other States that are within this minimum-maximum range are way down here. I don't think one can say it is unfair.

With respect to the comment that my colleague from Missouri made, that is a complicated formula. I want to make it very clear exactly what we are talking about because it is the epitome of simplicity.

Three factors. In accordance with the wastewater infrastructure needs survey, what does EPA recommend?

You get 97.5 percent of the funds that are available. There is a minimum and a maximum. The minimum is 1.675, and the maximum is 8.0.

It couldn't be simpler. We have available a chart that shows exactly the dollars and percentages—which States receive more, which States receive less, and how the earmarks relate to that. We don't affect the earmarks in any way. The earmarks are untouched. The 2002 earmarks are indicated on this particular chart.

I don't think the formula is at all complicated. I don't think it takes a lot of work to figure out how you fared under the amendment.

I also note that while the Senator from Missouri was concerned about States that receive the minimum amount, actually we shouldn't be concerned about the States receiving the minimum because, according to the survey, they actually would receive less money than that but we guarantee that all States receive a minimum amount. They actually end up receiving more percentage-wise than they should based upon the recommendations.

I think it is a very fair formula. It is very similar to other formulas that we have. We already have a similar kind of formula with respect to drinking water under the same act. The EPA makes a recommendation. We have a formula that allocates funding based upon those recommendations.

I think, A, it is fair; B, the minimum States are protected; and, C, you can see that only a few States that have been receiving what I would refer to as windfalls are going to be rather substantially reduced. Everyone else is reduced only a small amount. There are a few States that actually increase a fair amount. That is, frankly, because of the fact that they have been significantly shortchanged in the past.

For the benefit of my colleagues, I would like to relate a few of the statistics.

The distinguished Presiding Officer represents the State of Delaware, which is currently receiving \$6.7 million but would receive \$9.1 million under the formula.

Let me start at the top. We all know California is a fast-growing State. It is slated to receive \$97 million under the current allocation. It would receive \$108 million under the Kyl-Fitzgerald-McCain amendment.

I think the State of Illinois has been significantly shortchanged probably

more than any other State. It received \$61 million. According to the allocation, it should receive \$108 million. It would gain \$48 million.

I think for the citizens of Illinois, it is just unconscionable that it has fallen that far behind.

The State of Ohio similarly has been receiving less.

The State of New Jersey, which is receiving \$55 million, would receive almost \$75 million—about a \$21 million increase.

This just illustrates the point. I could go on down the list.

Next is Pennsylvania, which is receiving \$54 million but would receive \$61 million. The State of Florida receives \$46 million; it would receive \$55 million. The State of Indiana receives \$32 million; it would receive \$50 million.

You can see how there are States that are really significantly below. Just in the spirit of full disclosure, going down to my own State of Arizona, it receives \$9 million; it should be receiving \$22 million.

My point is, there are a lot of States that are way behind what EPA thinks they should be receiving. There are a few States that are way ahead of what they should be receiving. But as I said, only three States will actually receive less as a result of our amendment. Let's see if I actually have those States listed.

All but three States will receive, at a minimum, their exact proportionate share of total need. And two of them subjected to the cap in the formula will still receive substantially more than they do under the current system.

Mr. President, there are other Members who would like to speak to this amendment. I promised them they would have the opportunity. At least two of them are tied up in the Commerce Committee, which I assume is going to be done with its business pretty soon. So I would like to have an opportunity for them to speak. But I also note the distinguished chairman of the subcommittee is in this Chamber.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I move to table the pending amendment.

Ms. MIKULSKI. Would the Senator withhold? I want to speak. I also understand there are two other Members who wish to speak. Will the Senator withhold because I understand the other Senator from Arizona wishes to speak?

Mr. KYL. That is correct.

Ms. MIKULSKI. If the Senator makes his motion to table, does that terminate the debate? I ask the Senator, in the spirit of—

Mr. JEFFORDS. I withdraw my motion to table at this time.

The PRESIDING OFFICER. The motion is withdrawn.

Ms. MIKULSKI. Mr. President, I thank both Senators because last night

the Senator from Arizona, Mr. KYL, said he would be here at 10:30 this morning, ready to offer his amendment and ready to debate it and line up his speakers. He really met that commitment. We thank him for honoring that commitment.

Also, he made it very clear last night that the other Senator from Arizona wished to speak. We want to be able to accommodate him because I think we have been moving along in a spirit of comity. I would just ask the proponent of the amendment if we could encourage those speakers to come to the Chamber. My remarks will not be of a prolonged nature. If the two Commerce Committee Senators could come over, I believe we could have this amendment wrapped up before lunch and, I think, would be moving in a well-paced way.

Again, we want to keep the kind of atmosphere of civility that has set the tone of the bill. If everyone would notice, there has not even been a quorum call. So I am ready to make my remarks. We would then go to those two other colleagues to speak.

I ask the Senator, are they coming?

Mr. President, we are going to have a little quorum call, just for clarification.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, again, I thank the Senator from Arizona for proposing his amendment and moving with a promptness that is appreciated by both Senator BOND and I. I acknowledge the validity of many of the concerns that the Senator from Arizona raises.

When you have a State such as Arizona, that certainly is growing in population, and you find out you are down on a list of Federal funds, it is, indeed, troubling.

I also acknowledge the fact that the Nation is facing a clean water funding crisis. It is estimated that we have an annual funding shortfall for clean water infrastructure of at least \$12 billion. I can honestly tell the Senator that if I gave \$1 billion to every State in the Union over and above what is in our bill, it would be well used because it is needed.

We have heard about water problems from failing septic tanks in the Delmarva region that you and I represent, where the rural poor really do not have the bucks to do it. We have heard about the big failing water systems in the Chicagos and the Baltimores, where they were built over 100 years ago, and it is beyond the scope of this Appropriations Committee to deal with it.

We need full-scale authorizing hearings on the needs for America's water

infrastructure—both the needs and the formula. So I acknowledge that this is a big deal and a big problem.

There is not a community in this country—urban or rural—that does not have some important funding need related to water, whether it is from Baltimore to St. Louis to Stafford or Scottsdale, AZ. However, I must say, Senator KYL's amendment is outside of the scope of the VA-HUD bill. I truly believe, because it is a formula change, that it will trigger essentially a water war on the VA-HUD bill.

This is, indeed, an authorizing issue and should be addressed by the authorizers in comprehensive water infrastructure legislation.

Last night we had an excellent discussion on the issue of arsenic. We all agreed that arsenic is a problem. We all agreed that complying with the Federal mandate on arsenic will also be a problem. So our colleague, the Senator from New Mexico, Mr. DOMENICI, offered an amendment for authorizing on funding. We thought that was an excellent way to go and, wow, suddenly you had a Domenici-Mikulski-Schumer-Clinton-Bond—an amazing list of co-sponsors. The message of that was not only that arsenic is a problem, but, like last night when we talked about it, how do we pay for these water issues?

What we have done—again, working on a bipartisan basis—the VA-HUD bill does not break new ground on environmental issues. We essentially broke no new ground, whether it was on enforcement, whether it was reallocating from sewers to State revolving funds, and so on. We essentially kept the framework from last year to get the President to put his arms around it, to get our new EPA Administrator to put her arms around it, to then look at what EPA should be and what are some of the new changes we need to make.

We think we have gotten off to a good start. Because this is a year of transition, both within the executive branch and also within this subcommittee, that was the framework we approached, so that we could be prudent, that we would not lurch ahead in either the executive or legislative branch and make mistakes that we would have to then go back and evaluate.

As my colleagues know, often on environmental issues, we end up with either unfunded mandates or, in some instances, unintended consequences to what seems to be a good idea.

The new chairman of the Committee on Environment and Public Works believes that water should be at the top of his agenda. He is here today to speak on that. EPA is currently working on a needs survey for clean water funding. This should be done early in the next calendar year.

I cannot support the Kyl amendment until the authorizers have had an opportunity to examine the needs survey and we have the very important census data related to growth that the Sen-

ator from Arizona has talked about. We all acknowledge that Arizona has grown, but we want to have more data on that. Then we need to have recommendations on how to clearly allocate our clean water.

There is also another issue with the actual formula that the Senator is proposing. It is going to be a little geeky here so stick with me.

This amendment would require EPA to allocate the fiscal year 2002 clean water State revolving fund appropriation to the States using an allocation formula for the drinking water State revolving loan fund.

Remember, we have two revolving loan funds: one for clean water and the other for drinking water. You might say: Why is that such a big deal? Dirty water is dirty water, and why not commingle the formulas?

This is really inconsistent with the Nation's wastewater and clean water needs. Drinking water systems and wastewater systems are fundamentally different. They deal with two different problems. They focus on different pollutants. Wastewater systems concentrate on removing pollution that deteriorates our rivers, lakes, and our bays—the Chair is familiar with it—the nitrogens, the phosphorous. That is why we have those problems on the Chesapeake Bay.

The drinking water system removes pollutants and treats water to make sure it is safe to drink. One, we are drinking it; and the other drops it into the big drink like the Chesapeake Bay—two different things and two different kinds of pollution.

When we get our drinking water, we are not dealing with phosphorous and nitrogen and those issues with which we have had to deal.

In addition, the wastewater systems need to address shortcomings from the past, such as combined sewer overflows. Anyone from the city knows that this combined sewer overflow and the sanitary overflows are really big issues. There is no parallel to those issues in the drinking water systems. You can see how they are different. Then to use the same formulas, it gets to be a problem.

Also, this amendment has another fundamental flaw. It references a water infrastructure needs survey to be conducted under the Safe Drinking Water Act. EPA has advised the committee today that no such survey exists. The wastewater needs survey is required under the Clean Water Act, not the Safe Drinking Water Act.

We are going to get lost here. We don't want to get lost on the Senator's needs or what we want to accomplish. This shows exactly why this is the wrong place to offer this amendment. It is so complicated. We have needs surveys. We have formulas. We have safe water. We have clean water. We have drinking water. We have dirty water. We have wastewater. We need to be clear that the formulas are based on the problem to be addressed as well as on population.

Section 2 of the Senator's amendment is unclear. The Agency would be at a loss on how to calculate the formula given this direction.

The needs for surface water quality projects differ geographically from drinking water projects. For example, some communities are served by central drinking water systems, but there is no municipal wastewater system. In another circumstance, a community may have a minor drinking water problem but might have a terrible or significant combined sewer overflow or a sanitary sewer overflow. As a result, surveying the construction needs of drinking water systems has no connection to the wastewater treatment system in the same community.

The Presiding Officer was a Governor. I am sure he follows that. But most of all, local government follows it.

Which brings me to another issue: Changes of this magnitude applied here with such scant notice would severely disrupt State programs. States must plan ahead. They have to use an expected range of capitalization grants for planning purposes. You have to know what you are going to get and when you are going to get it. Changes of the size implicit in the amendment would stop the State CWSRF, the clean water State revolving fund, loan programs for a significant period of time. This means that States would have to scurry around, prepare new intended-use plans, hold public hearings, try to get their bond issues straightened out.

As you know, States have capital budgets. We don't. Capital budgets are based on what is going to come out of general revenue and what able Governors take to the bond market. A lot of our water and sewer is done on bonds, particularly at the local level.

This is going to wreak havoc in all States. I know the Senator's intention is to get more money into some States. It will wreck havoc even in his own State.

Keep in mind, we will not only have the loss of money but we will have the loss of time. It will affect our drinking water as well as our commitment to the environment.

The clean water State revolving fund addresses clean water needs which are very different from drinking water. I have talked about that. The use of the drinking water State revolving fund would misdirect resources, resulting in a mismatch between the allocation of Federal funds by States and by the State's needs.

I could go on: Who are winners, and who are losers.

The important thing is, when it comes to water, there should be no losers. We all have our needs. We all have our problems. These formulas were originally established to meet those needs.

Maybe there is the need to adjust those formulas. In every formula, some States gain and some States do not do as well as they should. Formulas are

really complicated. They do approach the level of treaty negotiations.

To try to do this on this bill would wreck havoc. It would trigger Senators coming to see what they are going to get and what they are going to lose.

The more prudent way would be for there to be some type of instruction to EPA for evaluation. We would be happy to enter into a colloquy with both Senators from Arizona. We would be happy to sign a letter to the very able Administrator at the EPA outlining the concerns the Senators have. But we don't think we should have this amendment. If we pass this amendment, it is going to wreak havoc in the States with their ability to administer their programs; it is going to wreak havoc with the capital programs; it is going to wreak havoc with their bonds; and, most of all, it is going to wreak havoc with, really, the confusion that is going to come with using one formula for wastewater and use it also for drinking water. We really encourage—because it is not sound—this is not the place to enter into such a significant, complex public policy debate with enormous consequences to our constituents, to our communities, to our States and their ability to meet their fiscal responsibility as well as their environmental and public health stewardship. I am telling you, this is really the very wrong place to do this amendment. I oppose it.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank my colleague, the chair of the subcommittee, the Senator from Maryland, for laying out the concerns, first, that the EPA has about it. I am relieved to see I was not the only one confused by the formula. I tried to figure out how the formula in section 2 would work, and I found a lot more questions than answers.

The EPA has advised us that they don't know how the formula would work. That is why I said a few moments ago that on these complicated items there needs to be substantive hearings. There should be hearings on how the changes might affect existing water bonding issues, existing water programs in the States. There should be hearings on how these changes would affect the States where the needs are. Most important, we need to sit down with all of the players and make sure we have a formula that everybody understands and that works.

So I believe the EPA has given us the reasons that we described in general about the problems in trying to adopt a significant change on the floor. Having said that, I am very enthusiastically a supporter of the suggestion the chair of the committee has made that we join either in a colloquy, letters and instruction, first, to the EPA, to present to us options for revising and updating the formula, if needed, for both the drinking water revolving fund and the clean water revolving fund and the one that deals with wastewater, to

give us their best assessment and to actually provide that to the Environment and Public Works Committee so we will have something with which to work.

As I have said before, I am a most enthusiastic proponent of revising these formulas and finding ways to put more money into this very badly needed area, for investments for the future health and well-being of our community.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, let me say to my colleagues I very much support the Safe Drinking Water Act. There are tremendous needs throughout America and in our Commonwealth of Virginia, especially in the southwestern region of Virginia.

This issue deals with wastewater and the need for cleaning up our wastewater, where there are combined sewer overflow situations in Lynchburg, Richmond, and other areas, as well as the Northern Virginia area, which flows into the Potomac, which affects the Chesapeake Bay, which is important to Virginia and the State of Maryland; and the Chair's home State of Delaware has a few tributaries that flow into the Chesapeake Bay. It is also important to Pennsylvania and New York, which are also part of that watershed.

Now, again, I am very much in favor of all these ideas. The question is: How do you meet the needs? In trying to determine how you meet the needs for clean water, drinking water, and clean water as regards wastewater treatment, you want to have a good, objective, up-to-date determination of needs.

The drinking water allocations are based on EPA's recommendations. There is a needs survey. But as I best understand it—and I may ask, in a moment, my colleague from Arizona, Senator KYL, to join me to explain this because some fellow Senators are saying they don't understand this, and I want to have a better understanding.

The wastewater moneys are based on a 1970s population number and have not changed since the law was passed in 1987, 14 years ago. As I understand this formula change, what it attempts is to bring in fairness and equity and address the needs for wastewater cleanup and base the numbers on EPA's wastewater needs survey. So it is a similar sort of logic and formula and survey that is used for drinking water that we would want to use for wastewater.

It strikes me, regarding the matter of fairness, that a minority of States in this proposal get way more than the percentage EPA recommends under the current formula and a majority receive much less—mostly in States that are growing faster. Regardless, everyone recognizes—and I haven't heard anybody listening to the debate on the floor or in between saying that the current formula is right—now is the time

to make sure the wastewater allocations, the taxpayer dollars, are being utilized in a way that addresses the needs of the various States.

The formula change also does not affect the so-called earmarks. That is separate and in a smaller pot of money. I ask the Senator from Arizona, Mr. KYL, if he will please take the floor and let me ask him a few questions so we can clear up any misunderstandings that have been proffered here by others who may not seem to understand this proposal.

I ask the Senator from Arizona this: The current plan, the current allocation for wastewater moneys, is it a formula based on population from the 1970 census?

Mr. KYL. Mr. President, I say to the Senator from Virginia, my staff has tried to find out the basis for the current formula, and they have had a very difficult time getting anybody to tell them what it is. We have gone back in the debates, in the records, and so on. As best we can tell, it is a formula that is based upon a construction grant program using 1970s data, including population data. That is as clear as I can be about it. I urge anybody—of course, I find it interesting that those who are opposing the amendment do so on procedural grounds, not defending the existing formula. I haven't found anybody to defend, let alone explain, what the basis of the existing formula is.

Mr. ALLEN. If the Senator will yield for a further question, I ask the Senator from Arizona this: The formula he is proposing here, though, is based, as he states, on needs, actual needs. How do you determine those needs? What is the formula? What is the criterion by which needs are addressed?

Mr. KYL. I appreciate that question from the Senator because there has been, I think, a misunderstanding here. My understanding is that EPA has at least two different "needs surveys," as they call them. They survey needs of communities for drinking water, and we use that survey with a formula for the allocation of drinking water moneys in a different place in this bill. They also do a survey for wastewater needs.

It is my proposal that we use that survey as the basis for the allocation of wastewater funds. Those are different surveys. We should not confuse the two. We are not suggesting that we use the drinking water survey for wastewater allocations. Leave the drinking water survey for the drinking water allocations and use the wastewater survey for the wastewater allocations.

It is further my understanding that each of these is redone every 4 years on a rotating basis.

In 2002, there will be the new 4-year wastewater treatment survey. Two years ago, we had the most recent drinking water survey. So every 2 years, we have a new survey. One is for drinking water; one is for wastewater. My concern is we will wait until the 2002 wastewater survey, and then it

will be at least fiscal year 2003, or later, when it can be implemented, even if we are all in agreement to use that survey. Clearly, we will be yet another year or even 2 years down the road without having made the formula safe.

To summarize, the Senator from Virginia is correct. There are two different needs surveys, one for drinking water and one for wastewater. We are not using the drinking water survey; we are using the wastewater survey. The formulas also differ slightly.

I believe there is a 1-percent minimum on drinking water for that fund. In ours, it is a .675-percent minimum, 8-percent maximum, and everybody else within that range receives 97.5 of what is available. It is a very simple formula and not dissimilar to the drinking water formula, but it is not the same formula.

Mr. ALLEN. Mr. President, I ask the Senator if he will yield for a further question.

There was an assertion that this will affect some of the bonding and expected amounts of money. The Senator is saying after the 2002 analysis, or the survey for wastewater monies, which is calculated on an antiquated, outdated, inaccurate formula, there would be a change. Even if nothing happened, even if the Senate does not act in a far-sighted, appropriate way and vote for the amendment, there still would be changes in allocations to the different States anyway. Isn't that correct?

Mr. KYL. The Senator from Virginia is correct. That is based on two primary factors:

First, as both the Senator from Maryland and the Senator from Missouri have noted, they have fought very hard for increased funding. One never knows. Each year, from one year to the next, we never know what amount of money is going to be available; that is very true. It would be folly for someone to count on a particular amount of money.

Second, as I said, we do not touch the earmarks. The earmarks come from a separate pot, basically, if we want to simplify it. That comes from a separate pot of money, and the committee can certainly do a lot of adjusting within their earmark authority from year to year. We cannot predict, obviously, from year to year what that would be.

So, yes, the Senator is correct. There are at least two bases, and maybe others, for not knowing exactly how much money one is going to get from one year to the next, even under the existing formula.

Mr. ALLEN. As far as that is concerned in bonding and hypothecating expected revenues from the Federal Government, it is a risky business for State governments or local or regional municipal waterworks anyway.

As I understand it, the Senator is trying to make sure we are allocating scarce taxpayer resources; we are making a priority. Obviously, on drinking water—and that is not affected by

this—in the wisdom of the Senate, the House, and the Federal Government, they said—before the Presiding Officer and I were in the Senate, but it made sense—let us make sure the money is getting to those who need it the most.

The same logic is applied in the measure of the Senator from Arizona, as far as wastewater is concerned, which is very important for recreation, for water treatment and, obviously, for our enjoyment and health.

It seems to me the Senator from Arizona is moving forward, making sure, when the survey is done next year, it will utilize a needs assessment, not outdated population figures that are 20 or 30 years old, and making sure we are getting the funds to the areas that need it the most.

Most tributaries do not just flow out of one State; they start in one State and sometimes travel through several others. For example, as I mentioned, Delaware: Folks from Delaware say everything flows into the Atlantic Ocean or towards the oceanside. Some of the rivers or streams will flow through Maryland into the Chesapeake Bay. Therefore, if there is some waste coming from a stream that—and I am sure there would not be too much, but there can be from time to time, as we all know, on the Delmarva peninsula. But the point is, if one is cleaning it up on the riparian areas of the river in Delaware, that helps Maryland and that helps Virginia as well.

Sometimes we look at it on a State-by-State basis. The Colorado River flows, obviously, out of Colorado through Utah, through Arizona, through a part of or at least the border of Nevada and California. The Potomac River actually starts some of the tributaries in Virginia, goes through West Virginia, obviously through Maryland, and obviously on the banks of Virginia. The same with the Missouri, the Mississippi, the Ohio, the Kanawa, the Cheat—all sorts of rivers go through many States.

I ask the Senator from Arizona one final question: What would he say is the most salient point in how his proposal would more accurately reflect the actual wastewater treatment needs of this country than the old formula that is admitted by all to be outdated and wrong? How would his proposal, in the most salient way, make it a more accurate determination and allocation of scarce funds to the actual needs of wastewater cleanup?

Mr. KYL. I will answer the question of the Senator from Virginia by simply saying it is based upon EPA recommendations. We know growth States, population changes, account for a big part of the increased needs.

The Senator is also correct that there are some other localized factors, including waterways, the existence of waterways and other factors that bear on this. That is why I note that States that have been significantly underfunded include a big growth State such as California and the State of Illinois.

I just do not understand why Illinois has been so drastically underfunded. Ohio, maybe that is because both Ohio and Illinois have substantial waterways, as the Senator from Virginia does.

New Jersey is another State that has been woefully underfunded. Yet it is not as big a growth State as California or my own State of Arizona.

Indiana is another State that is underfunded. It could be that series of rivers in the Ohio, Indiana, and Illinois area. I cannot explain why the EPA recommends exactly what it recommends and, in comparison to the existing formula, why some States are so much out of skew. One general reason is that of population growth. There are others, as the Senator has pointed out.

The main reason this formula makes sense is EPA looks at all of this, applies a needs-based test, makes the recommendations, and those are the recommendations that we plug into the formula.

Mr. ALLEN. I thank the Senator from Arizona, and I urge my colleagues to join me in supporting the Senator from Arizona. I think it is the Kyl-Fitzgerald-McCain amendment.

It is a matter of fairness. It is addressing actual needs, and there is a reason population would be more of a concern, because as population increases, obviously there may be a corresponding increase in wastewater treatment needs.

I conclude by saying I urge my colleagues to use objective standards. Do not use politics but look at objective needs to clean up the wastewater in this country.

I am very grateful to the Senator from Arizona for spending this amount of time and effort to try to correct this inequity. It seems to have been around for several decades, and this is the time to act. Who knows when we will have another chance, the way the Senate moves.

Again, I commend the Senator from Arizona. I urge my colleagues to join me in supporting this amendment. It will be good for the water in their States and the water throughout the United States.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I reiterate before a fellow Bay Senator leaves the Chamber, EPA has informed me why this amendment has a fundamental flaw. The amendment references a wastewater infrastructure needs survey to be conducted under the Safe Drinking Water Act. No such survey exists, according to EPA. The wastewater needs survey is required under the Clean Water Act, not the Safe Drinking Water Act. I wanted to make that point.

I have a question for the Senator from Arizona. I know he has put a lot of work into trying to develop this formula, but I really wanted to bring to his attention what EPA has apprised me of, and I think we need to check

that. I know the Senator likes to always operate off the basis of fact.

The EPA says the agency would be at a loss as to how to calculate a formula given this direction. So there is no needs survey on which to calculate it. We are getting "section this of that act" and "section that of that act," et cetera, which is why we need this in an authorizing bill and not on an appropriations bill. I do not dispute the Senator believes this—I want to share this information with him.

I suggest the absence of a quorum to share this information with the Senator.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll. The senior 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 ask unanimous consent that the Kyl amendment be temporarily set aside at the concurrence of the managers, Senator KYL and Senator REID, and that when Senator SCHUMER offers his amendment regarding the HUD gun buyback, there be 60 minutes of debate prior to a vote in relation to the amendment, with no second-degree amendments in order to either the Kyl or Schumer amendments; that at 12:30 p.m. today, Senator MCCAIN be recognized to speak with reference to the Kyl amendment, with that time not charged against the time on the Schumer amendment; that any time remaining after the time for debate on the Schumer amendment be equally divided among Senators MIKULSKI, BOND, and KYL, with the understanding that Senator FITZGERALD will have some of Senator KYL's time; that at 1:55 p.m. today, there be 2 minutes for explanation prior to a vote in relation to the Kyl amendment, to be followed by 2 minutes prior to a vote in relation to the Schumer amendment, with the time equally controlled and divided in the usual form. I further ask unanimous consent that in case Senator KYL, in his original offer of amendments, cited the wrong statutory section, he have the right to modify his amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. There is no objection on this side. We believe this is an appropriate accommodation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. 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. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1231 TO AMENDMENT NO. 1214

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending

amendment be laid aside and we move to the Schumer amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1231.

Mr. SCHUMER. I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make drug elimination grants for low-income housing available for the BuyBack America program)

On page 25, line 23, before the period, insert the following: "Provided further, That of the amount under this heading, \$15,000,000 shall be available for the BuyBack America program, enabling gun buyback initiatives undertaken by public housing authorities and their local police departments".

Mr. SCHUMER. Mr. President, I will be brief. I thank the Chair of the VA-HUD subcommittee for her help on this amendment and for her general help to this Senator, for which I am forever appreciative.

I rise to introduce an amendment to restore a valuable initiative to reduce gun violence in the Nation's public housing authorities. The amendment sets aside \$15 million of the \$300 million that we allocate to the public housing drug elimination program for BuyBack America, a gun buyback program to eradicate violence in our Nation's public housing authorities. BuyBack America was introduced by the Department of HUD in November, 1999. In the first year alone, it helped local police departments in 80 cities take 20,000 guns off our streets. Guns were bought back for around \$50. The guns were taken in and then destroyed.

Since the gun buyback policy was first introduced through New York City's Toys for Guns programs in 1993—someone I have come to know, Mr. Mateo, was the initiator—thousands of low-crime, underserved neighborhoods have seized the opportunity to eradicate gun violence. The program works. From Annapolis to Atlanta, from San Francisco to Schenectady, it has helped raise gun control awareness and lower rates of violence. However, HUD last week announced its plans to discontinue BuyBack America. The program has been targeted as part of a campaign, in my judgment at least, by the administration against any kind of gun control, no matter how moderate, how rational, and how protective of the rights of legitimate gun owners—which this program clearly is.

In fact, the President's budget this year zeroed out funding for the entire Public Housing Drug Elimination Program, which had been funded through Senator MIKULSKI's leadership, and I know my colleague has been involved as well, for which we thank him.

If we do not set aside a certain amount for gun buyback programs, it will not be done by the administration,



given its unfriendly position toward even modest measures dealing with taking guns away from kids and criminals.

So I ask that this amendment be supported. I, temporarily at least, yield back my time with the right to come back later and speak further on the amendment.

Ms. MIKULSKI. I acknowledge the cooperation of the Senator working with us. Before I speak on the amendment, I am going to inform the Senator that we are scheduled to move his amendment aside at 12:30 when those tied up in Commerce are coming over. Then we are scheduled to come back to the amendment of the Senator, I believe, at quarter of 1.

I want to advise the Senator of that. I think he was dealing with a very pressing New York need and did not hear the unanimous consent agreement, though we had the cooperation of his staff.

Mr. SCHUMER. I thank the Senator. I yield the floor. I will be back at 12:45 to resume the debate.

Ms. MIKULSKI. Before he leaves, the Senator from New York should know I am going to support his amendment.

Mr. SCHUMER. Once again, the Senator from Maryland hits a home run for New York, Maryland, and America. Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, one of the things that occurred in the VA-HUD budget as it came from the President was to eliminate \$300 million for drug elimination in public housing.

The Presiding Officer's predecessor was one of the champions of that, the distinguished former Senator from New Jersey, Mr. Lautenberg. We worked hands on, on many of the items. We think that \$300 million in drug elimination is a very important program.

At the same time as we have been saying to the Senator from Arizona and others we are not going to break new ground in this bill because of the transitions both of the executive branch as well as the legislative branch, the committee has restored the \$300 million in drug elimination funds. We have restored that because we know we have to get drugs out of public housing. We know we have to make sure, in getting the drugs out of public housing, that public housing provides an opportunity to be not only a way of life, but to lead to a better life.

We turned to the authorizers and we encouraged them to hold hearings on what has the most efficacy, making sure public housing is neither a slum landlord nor an incubator for drug dealing, and we encouraged them to do that. The Schumer amendment mandates that we keep the gun buyback program which Secretary Martinez would like to eliminate.

We think, again, it is the executive branch acting and so on. We need conversation, again, on what is the most effective way to deal with crime in our

communities, gun violence in our communities. I have had in the past several years the most gruesome statistics in Maryland. I like being from a State of Super Bowl champions, and I love the show "Homicide" that was on, that was so terrific. But what I did not like was the homicide rate. Thanks to Mayor O'Malley and Commissioner Norris, we are bringing that down. But gun violence—we are like a war zone.

The Schumer amendment would give our local police departments and our public housing authorities the opportunity to operate a gun buyback program using Federal dollars. But it is their choice. In other words, the Feds do not say you must do it, nor do the Feds say you cannot do it; it leaves it up to the local community whether they think it has efficacy in that area. It might not work in every community. We do not have that one-size-fits-all on how to deal with ending violence and getting drugs out of public housing. But each city or county should have the opportunity to operate a gun buyback program if it chooses.

Many public housing complexes function almost as small cities unto themselves. They have their own police departments; they have their own governing authority. They really are, in some instances, small towns. We, of course, would like to make sure they have the sense of being a village. They have unique needs, require special help and attention.

This program was started in 1999 during the Clinton administration. It provided up to \$500,000 for police departments around the country to buy back and destroy weapons. During the first year of operation, 20,000 guns were taken off the street in 80 different cities.

The amendment gives our local police more resources in fighting crime. We should not second-guess those local decisions on how to do it. Whether it is the cops on the beat or gun buybacks, it will allow the local authorities to do that. We must do everything we can to protect our citizens who live in public housing and those who live around public housing because everything that goes bad with public housing goes bad with the neighborhood near public housing.

I support this Schumer amendment. I look forward to its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield myself 5 minutes from the opponent's time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished chair of the subcommittee, the Senator from Maryland, for explaining why this is an important but misdirected amendment.

First, I express my sincere appreciation to the chair of the subcommittee for including in the bill the money that was zeroed out by the administration for the drug elimination program. I

worked with the distinguished senior Senator from North Carolina several years ago to include money for eliminating drugs in public housing because it has been our heartfelt belief for a long time that we need to make assisted housing—whether it be public housing or whether it be section 8 financed housing—the kind of housing where a mother, or mother and father, would want to raise their children in a proper atmosphere.

Getting drugs out of public housing, making sure it is safe, is probably one of the very first steps in addition to keeping the rain out and keeping the cold out in winter. Making sure it is safe and drug free is vitally important. I was very disappointed that the administration zeroed it out.

We now have it back in the bill, and there is the flexibility in the PHAs to use this money however they want. The amendment by the Senator, my good friend from New York, would establish a \$15 million set-aside in the public housing drug elimination fund for the gun buyback program. It is unnecessary because right now, if they wish to do so, a PHA can use money for the buyback. It takes away the choice and the decision from the local levels.

Local public housing authorities can conduct drug buy-back programs under the drug elimination grant. The bottom line is it is not mandatory. The PHA makes a choice, based upon its need to eliminate crime and illegal drug activity, what is the best thing we can do in this community to protect our friends and neighbors from drug crime.

That is a legitimate choice. I support that local choice, despite the fact to my knowledge there is no evidence that gun buyback programs actually reduce crime or illegal drug activity. They make people feel good. It is a feel-good program.

But let me ask you, my colleagues. Let's apply a commonsense test. Sometimes back home some of the things you hear on the street corner at the place where you have breakfast make a whole lot more sense than some of the very sophisticated things that we discuss up here. I was talking to some of the guys out at the livestock market breakfast place where I go out for breakfast every Saturday morning. They said: Tell me. If you were a criminal and they had a gun buyback program, would you go in and sell your gun to the gun buyback program?

I said: What do you mean? Say the cops or the PHA have a gun buyback program. Rather than using my good gun to go out and make holdups, I am going to get \$5 for the buyback.

He said: No. You find an old gun that doesn't work, or you go out and steal a few more guns. Say I have 15 or 20 guns that are inoperable, outdated, and ineffective. I will trade them in. You know what I can do with that money. I can either get drugs or buy some ammunition for my good gun.

Ask the gang back home. Go to the town square and ask them. How many



criminals do you think are going to sell their guns to the buyback program? They are going to tell you none, or fewer.

That is just common sense. I don't believe there is any evidence on the other side.

Having that said, if PHA believes it will make everybody feel good, and if they think it will help to use money for a gun buyback program, go for it.

But I tell you it is one program that I just think doesn't meet the common-sense test. It just does not make any sense to me.

I urge my colleagues to leave the discretion with the public housing authorities and not seek to take money away from security needs, or from other things, or from programs that have some questions about it.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

Mr. MCCAIN. Thank you, Mr. President.

First of all, I thank the managers of this bill for their courtesy. I know they appreciate the fact that we had a markup of some important legislation this morning in the Commerce Committee. I apologize for any delay that may have caused in completing this very important appropriations bill. I thank the Senator from Maryland and the Senator from Missouri for their courtesy in not only allowing me to speak on the amendment of my colleague from Arizona but also for allowing me to propose my amendment.

I understand that it is the wish of the managers that it be laid aside after I propose it, and then I would speak on it after 2 o'clock. I ask the Senator from Maryland if that is the case.

Ms. MIKULSKI. Mr. President, will the Senator from Arizona repeat his question?

Mr. MCCAIN. Mr. President, my understanding of the parliamentary procedure is that at this time I will speak on behalf of the Kyl amendment, propose my amendment, then ask that it be laid aside, and that I would be allowed to speak on my amendment after the two votes at 2 o'clock.

Ms. MIKULSKI. If the Senator will withhold, we have a very complicated unanimous consent here to accommodate Senators. I wish to bring to the Senator's attention that at about 5 until 2 we are going to have two votes: one on Kyl and one on Schumer. Then we will be happy for the Senator to send up his amendment. Maybe we will not be happy with the Senator's amendment, but we will be happy for the Senator to offer it.

Mr. MCCAIN. I thank the Senator from Maryland.

Again, I express my appreciation for her accommodation. I know it is difficult to accommodate each Senator who has a very busy schedule. I thank the managers for their accommodation to mine.

AMENDMENT NO. 1229

I rise to support my colleague, Senator KYL, as a cosponsor of his amendment to the VA-HUD appropriations bill. I believe this is a very good amendment, one that is entirely appropriate to this bill as it directly relates to a more fair distribution of Federal dollars for water and wastewater infrastructure needs among the 50 States and territories of our nation.

This amendment is simple—it will address a funding inequity in EPA funding by applying the formula under the Safe Drinking Water Act revolving loan fund to the Clean Water Act revolving loan fund for fiscal year 2002.

Why is this important?

For about 12 years, the EPA has managed a Clean Water State revolving loan fund for capitalization purposes to construct water infrastructure and related projects. The funds are distributed on a State-by-State basis and utilized as seed money for State-administered loans for water infrastructure needs. It operates as an important source of capital with State flexibility to set their own priorities.

Back in 1996, the Safe Drinking Water Act was amended to establish a similar State revolving loan fund to address safe drinking water infrastructure needs.

While these two operating loan funds are similar in intent, the Clean Water revolving loan fund utilizes outdated information in its allocation distributions. As my colleague, Senator KYL, has noted, it's very difficult to address the various States' growing needs when the allocation formula is based on information relevant to the 1970's.

I would like to describe how my State has changed since the 1970s. We have grown from a very small State in the 1970s with two Members of Congress. As a result of the latest census, we are now a very medium to a large State that will now have eight members of our congressional delegation. Our State has grown, according to the 1990 to the 2000 census, in a 10-year period 40 percent—40-percent growth in a 10-year period.

There has been similar growth in other States in the West. New Mexico, Colorado, California, and a number of other States have grown significantly—perhaps not percentage-wise as large as ours but certainly in the case of numbers; Nevada has also experienced dramatic growth.

What Senator KYL and I are arguing here is that there needs to be a reformulation to reflect demographic reality.

I want to point out what everyone who lives west of the Mississippi knows. Water is more precious than gold. Water is the limiting factor in the growth of our States in the West. Water is what will be and has been the cause of major disputes throughout the West.

I believe Mark Twain said that in the West whiskey is for drinking and water is for fighting. Mark Twain had it right

because water is the key factor in the ability of our States to sustain the growth and maintain a lifestyle that allows people to choose to move to the West and have the kind of lifestyle that they deserve. The formula has not been updated to consider states with substantial growth or more recent documented needs established by the EPA in its own analyses.

In contrast, the similar Safe Drinking Water revolving loan fund has been operating by the designated allocation formula under the 1996 Act that required the EPA to allocate funding according to the agency's Drinking Water Infrastructure Needs Survey. While these two revolving funds are substantially similar, only one uses updated and relevant data. This is an unfortunate discrepancy and it should be fixed.

This amendment simply tries to fulfill the intended purpose of the original Clean Water Act by allocating important Federal dollars on a needs-based system that is current and valid to the States' identified priorities.

Communities in my home State of Arizona have been frustrated by the formula distribution inequity as their water and wastewater needs continue to be underfunded and ignored. The Arizona State water authority estimates it may have lost out on \$250–300 million due to the oversight in establishing a fair and updated formula. However, this is not just about Arizona. It is about a majority of the States funded through the current Clean Water revolving loan fund distribution formula whom are facing the same disparities.

Unfortunately, the Clean Water Act has not been amended since 1987. While authorization for the act expired in 1990, the programs under act are continued by annual appropriations while the Congress continues to work toward a comprehensive reauthorization.

In the meantime, Congress has circumvented the act by earmarking as much as 30 percent of the general funds available for water and wastewater needs for special interest projects through this appropriations bill. Many of these funded projects are not authorized in the Clean Water Act and do not abide by the funding distributions process identified in the act.

This continuing earmarking process is not a practice favored by State water quality officials, State infrastructure financing officials, or by the EPA. Earmarking funds from the overall State revolving fund decreases the amount available to other communities that desperately need assistance. It undermines the intent of the State revolving loan fund; it does not allow States to determine their own priorities; and, it prolongs the wait for States to receive the necessary funds to address their water needs.

In my review of the EPA section of this appropriations bill, I found that one-fourth of the earmarks of the 180 earmarks included in the EPA section are not targeted for States—but for

consortiums, universities, or foundations. How is this abiding by the intent of the law?

While I disagree with the earmarking process and I hope that it changes, I also understand that this amendment does not affect those projects identified for funding in this bill under the current water and wastewater accounts. We did that, with all due respect, because we knew that if we affected any earmarking, we would remove whatever chance we might have of adoption of this amendment. What it will impact is the undesignated amounts of funding for the clean water revolving loan fund to ensure a more fair and equitable distribution for this coming fiscal year. This is particularly important as this VA-HUD appropriations bill proposes to increase overall funding in this account by \$500 million, for a total of \$1.35 billion.

With an estimated \$300 billion needed over the next 20 years to fix our existing water systems and build new ones, we simply cannot allow this inequity to continue.

EPA's guidelines stipulate that the intent of the revolving loan fund is:

To provide a basis for equal consideration of all eligible water quality projects for state revolving fund funding.

Let's remedy this problem and fulfill the intent of this important act.

Mr. President, I would just like to mention my appreciation for Senator KYL's efforts on this issue. As many of my colleagues may know, Senator KYL's background in the legal profession was on issues of water. I would put his credentials against those of anyone in this body on this very important issue.

I already described earlier how important water is in the whole future of the western part of the United States, particularly those of us in the Southwest. Barry Goldwater, my predecessor, used to say quite often, only half humorously: "We have so little water in Arizona, the trees chase the dogs." We have not reached that point yet, but the fact is, what we do need, as in every situation where there have been demographic changes—and in the Southwest and in the West there have been profound demographic changes, as we all know, since the 1970s and the 1980s—we just need to upgrade and modernize this formula.

We are not asking for a special deal for Arizona. We are not asking for a special deal for any State. We are simply asking—and we are not even affecting the present earmarking process, on which my views are well known in this body—that an update year 2001 formula be implemented so that everyone can receive funding according to the greatest need, again, according to the guidelines that are stipulated, "to provide a basis for equal consideration of all eligible water quality projects for state revolving fund funding."

I thank my colleague from Arizona for bringing forward what some view as an esoteric issue in some respects but a

vital issue—a vital issue for all of those States that are now not being treated on an equal basis—of our water supplies and projects.

So I thank my colleague from Arizona and urge my colleagues to support this important amendment.

Mr. JEFFORDS. Mr. President, I rise today to speak in opposition to the amendment to the VA/HUD appropriations bill offered by Senator KYL.

The Senate Committee on Environment and Public Works, of which I am the new Chair, has jurisdiction over the Clean Water Act. Through the Clean Water State Revolving Fund provisions of this act, Federal funding is provided to communities throughout the Nation to protect water quality. Senator KYL's amendment would significantly alter the formula used in the "SRF" to allocate these federal funds among States.

Last evening, in the debate related to arsenic, many Senators noted the tremendous financial challenge that communities face in continuing to provide clean, affordable drinking water. It is important to recognize that these communities face an equally tremendous challenge when it comes to keeping pace with the wastewater treatment, stormwater management, and other types of water infrastructure they need to protect water quality.

The Clean Water SRF was specifically designed to help communities meet these water infrastructure needs. However, over the next 20 years, the water infrastructure needs of our Nation are estimated to be as much as \$1 trillion—\$1 trillion. The current annual level of funding provided through the SRF—averaging roughly \$1 billion per year—comes nowhere near meeting needs of this magnitude.

Because these funds are so desperately needed by so many communities, the Senate should proceed very cautiously when making changes to the Clean Water SRF.

When I became the chair of the Environment and Public Works Committee, I stated that one of my top priorities was to craft legislation to ensure that the Federal Government meets its responsibility to assist communities in meeting their drinking water and wastewater infrastructure needs. Under the leadership of the now ranking member, Senator SMITH of New Hampshire, the committee has already begun this process.

I am committed to continuing this effort, and I look forward to working closely with Senator SMITH, the chair and ranking member of our Water Subcommittee, and other members of the committee and the Senate as we move forward.

The Environment and Public Works Committee will carefully consider a number of issues critical to meeting our national water infrastructure needs as this legislation develops. Among these issues will be the subject addressed by Senator KYL's amendment—the allocation of money to States through the Clean Water SRF.

We will be thoroughly studying the current "formula" used for allocating Federal funds by this program and, if appropriate, we will modify it to ensure it is fair and adequately serves the Nation.

As I mentioned previously, the tremendous water infrastructure needs faced by our Nation—coupled with inadequacy of Federal resources currently available to help communities meet them—demands that we proceed cautiously.

I am concerned that changing the funding "formula" for the Clean Water SRF in an appropriations bill, as we rush to complete Senate business before August recess, is not such a cautious approach.

For that reason, I urge my colleagues to oppose the Kyl amendment, and allow the Environment and Public Works Committee the opportunity to craft legislation that reflects a carefully and thorough consideration of the solutions to our Nation's water tremendous infrastructure needs.

Mr. BAUCUS. Mr. President, I appreciate the issue that my distinguished colleague from Arizona has brought to the attention of the Senate with his amendment, and that is the need to re-evaluate how we distribute funding to the states under the Clean Water Revolving Fund. The Senator is right. It appears that it has been a long time since we took a hard look at where our most pressing infrastructure needs are. And don't get me wrong, Montana looks like it would do very well if Senator KYL's amendment were to succeed.

But addressing the serious problems that exist with our Nation's water and wastewater infrastructure is something that falls squarely within the jurisdiction of the Committee on Environment and Public Works. This is an issue that needs the full time and attention of the authorizing Committee. What is the most appropriate floor, or minimum share for each state, because that's where Montana would fall. What is the most appropriate ceiling? Again, I think this just is too important an issue to address in a short debate over an amendment to an appropriations bill. I understand that this is one of the issues Chairman JEFFORDS plans to take up in the fall, and I will encourage him to do that, because frankly, I agree with Senator KYL that it's high time we took a look at these formulas to make sure we are spending our limited resources in the most efficient and effective way possible.

AMENDMENT NO. 1226, AS MODIFIED, TO  
AMENDMENT NO. 1214

Mr. MCCAIN. Mr. President, at this time I rise to offer an amendment. I have a modification to my amendment. I believe it is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], proposes an amendment numbered 1226, as modified to amendment No. 1214.

Mr. MCCAIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, No. 1226, as modified, is as follows:

(Purpose: To reduce by \$5,000,000 amounts available for certain projects funded by the Community Development Fund of the Department of Housing and Urban Development and make the amount available for veterans claims adjudication)

On page 105, between lines 14 and 15, insert the following:

SEC. 428. (a) REDUCTION IN AMOUNTS AVAILABLE FOR PROJECTS FUNDED BY COMMUNITY DEVELOPMENT FUND.—The amount appropriated by title II under the heading “EMPLOYMENT ZONES/ENTERPRISE COMMUNITIES” under the paragraph “COMMUNITY DEVELOPMENT FUND” is hereby reduced by \$5,000,000. The amount of the reduction shall be derived from the termination of the availability of funds under that paragraph for projects, and in amounts, as follows:

(1) \$375,000 for the Fells Point Creative Alliance of Baltimore, Maryland, for development of the Patterson Center for the Arts.

(2) \$150,000 for the County of Kauai, Hawaii, for the Heritage Trails project.

(3) \$375,000 for infrastructure improvements to the School of the Building Arts in Charleston, South Carolina.

(4) \$50,000 for development assistance for Desert Space Station in Nevada.

(5) \$125,000 for the Center Theatre Group, of Los Angeles, California, for the Culver City Theater project.

(6) \$500,000 for the Louisiana Department of Culture, Recreation, and Tourism for development activities related to the Louisiana Purchase Bicentennial Celebration.

(7) \$225,000 for the City of Providence, Rhode Island, for the development of a Botanical Center at Roger Williams Park and Zoo.

(8) \$100,000 for the Newport Art Museum in Newport, Rhode Island, for historical renovation.

(9) \$125,000 for the City of Wildwood, New Jersey, for revitalization of the Pacific Avenue Business District.

(10) \$150,000 for Studio for the Arts of Pochontas, Arkansas, for a new facility.

(11) \$500,000 for the Southern New Mexico Fair and Rodeo in Dona Ana County, New Mexico, for infrastructure improvements and to build a multi-purpose event center.

(12) \$500,000 for Dubuque, Iowa, for the development of an American River Museum.

(13) \$500,000 for Sevier County, Utah, for a multi-events center.

(14) \$50,000 to the OLYMPIA ship of Independence Seaport Museum to provide ship repairs which will contribute to the economic development of the Penn's Landing waterfront area in Philadelphia, Pennsylvania.

(15) \$250,000 for the Lewis and Clark State College, Idaho, for the Idaho Virtual Incubator.

(16) \$500,000 for Henderson, North Carolina, for the construction of the Embassy Cultural Center.

(17) \$50,000 to the Alabama Wildlife Federation for the development of the Alabama Quail Trail in rural Alabama.

(18) \$175,000 for the Urban Development authority of Pittsburgh, Pennsylvania, for the Harbor Gardens Greenhouse project.

(b) INCREASE IN AMOUNT AVAILABLE FOR VETERANS CLAIMS ADJUDICATION.—The amount appropriated by title I under the heading “DEPARTMENTAL ADMINISTRATION” under the paragraph “GENERAL OPERATING EXPENSES” is hereby increased by \$5,000,000,

with the amount of the increase to be available for veterans claims adjudication.

Mr. MCCAIN. Mr. President, I ask unanimous consent that my amendment No. 1226 be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that Senator KYL, Senator GRAHAM of Florida, and Senator SMITH of New Hampshire be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. At this time I understand it is the wish of the managers that I lay aside this amendment and that we debate it following the votes that will take place beginning at 1:55.

Mr. REID. I did not hear the request.

Mr. MCCAIN. Mr. President, I ask unanimous consent that my amendment be laid aside until following the votes that will take place at 1:55.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Idaho.

#### AMENDMENT NO. 1231

Mr. CRAIG. Mr. President, may I inquire how much time remains for both sides on the Schumer amendment?

The PRESIDING OFFICER. The sponsor has 21 minutes 10 seconds; the opponents have 24 minutes 42 seconds.

Mr. CRAIG. Could you repeat that? The sponsor has how much time?

The PRESIDING OFFICER. The sponsor has 21 minutes 10 seconds; the opponents have 24 minutes 42 seconds.

Mr. CRAIG. Mr. President, I will now speak on the Schumer amendment, and I will use such time as I might consume on that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator may proceed.

#### AMENDMENT NO. 1231

Mr. CRAIG. Mr. President, the Senator from New York brings an amendment to this Chamber—certainly, I think, with the most sincere of intent—to set aside \$15 million; in other words, to mandate the gun surrender program that just a few weeks ago the Bush administration announced it was terminating, largely because it does not work. So what I thought I would do, for the next few moments, is sketch for us the facts about gun surrender programs over the last several years and why they do not work.

As we know, there is no mandate in the law. President Clinton and Secretary Cuomo changed the description of the Public Housing Drug Elimination Program to allow public housing authorities to make grants available for gun surrender initiatives. It is interesting that of the 1,000 housing authorities this change affected, only about 100 took advantage of the program.

There is a peculiar reason they took advantage of the program. Very early on, starting back in 1978, it became obvious gun surrender programs were a

great photo opportunity for local law enforcement and, in some instances, certain housing agencies or groups. Never mind that they did nothing to deter crime. In fact, they were not taking off the streets guns being used in crimes. It was an opportunity to get rid of some old guns, some antiques, something that filled your closet that your granddad had given you that might not be worth anything and you wanted to get rid of any way; and you did not know how to get rid of it; and along came local law enforcement that said: “We are going to have a gun surrender program.” So you take a gun down to the police station and get \$50 or \$100 or \$150 for it.

The guns turned in belonged to people who least likely were involved in the commission of a crime. For example, senior citizens and spouses who had inherited guns that may have been their husbands’ who had passed away were the ones most often who came to sell their guns.

Some guns turned in were the cheap handguns purchased, as the Senator from Missouri mentioned, for the express purpose of selling them: You go out on the street and buy a gun for \$15 or \$20 and sell it for \$100. Hey, let me tell you, folks are not stupid, they are going to play an advantage if they can find one, and in many instances they did.

So let me give you a little history.

In 1978, when we first saw gun buyback programs, overall crime was not significantly reduced in the 17-month period following the gun buyback program in Baltimore, MD. I believe that was the first one, in 1978. Who reports that? The Comptroller General of the United States.

Then we look at the 1992 Seattle gun surrender program. It too failed. It did not reduce gun injuries, deaths, or crimes. It didn’t save anyone from being victimized by crime. But it made for a great photo opportunity.

In 1996, the program that collected the greatest number of guns, as was mentioned, was the Baltimore program. Yet the rate of gun killings rose 50 percent and gun assaults more than doubled while the program was in effect. This was the largest gun surrender program ever implemented, in terms of the number of guns purchased. Gun deaths shot up 50 percent. And assaults more than doubled.

If you want politics and you want publicity, then gun surrender programs are great. You can show tables covered with 15- or 20-year-old guns that would never have been used in the commission of a crime. It is a great photo op.

In 1998, according to the National Institute of Justice looked at various crime fighting measures and asked, “What doesn’t work?” Their answer? Gun surrender programs. They failed to reduce violent crime in even two more cities: St. Louis, and Seattle.

Many of us who live part time in this city saw the publicity that went on and the very good-faith effort the Washington, DC, police made in 1999 with

their gun surrender program. More than half of the 2,912 weapons bought by the District of Columbia police for \$100 were 15 years of age or older, according to the District of Columbia police themselves.

The Senator from New York knows as well as I do that guns used in crimes are typically 9-millimeter or .38 caliber semiautomatic pistols. Those are the ones most often cited in crime reports that are used in the commission of a crime. Such are not the guns collected by these programs.

Gun surrender programs don't work. That is why the Bush administration—the President, HUD Secretary Martinez—came forward and said: This is a bad use of scarce resources. If we are interested in making public housing safer—and we are—if we are interested in getting drugs out of public housing—and we are—then the \$15 million the Senator from New York would waste on photo opportunities would better be used in law enforcement efforts within public housing and elsewhere.

What the Senator from Missouri, the ranking member of the appropriations subcommittee, has said is that within the current law, it is an option. In other words, if a housing agency wants to divert some of its funds for a gun buyback, they can do so. But the reason none of them do it is because they know it doesn't work. They know that funds are limited, and they know that they can use their money elsewhere to more effectively improve the safety of the citizens who live within those housing units and the community at large.

That is why gun surrender programs are on the wane today, are no longer popular, unless you are interested in a photo op. The facts are out there. They don't work. In many instances, unless you have good law enforcement on the street and you have let the criminal know that if he uses a gun in the commission of a crime he is going to have to do time, then the use of guns in the commission of a crime goes up. It has been proven in Baltimore. It is clearly true in Seattle. I don't think it changed the statistics in Washington, DC.

We did get a lot of old guns and some antiques out of the closets of law-abiding citizens because it was a way for them to market them, in some instances, for a great deal more than they might otherwise have gotten for them.

With that, I yield the floor and retain the remainder of our time.

Mr. HATCH. Mr. President, Senator SCHUMER's amendment would, if accepted, waste \$15 million in taxpayer money on a program that has proved to be a failure. This amendment has more to do with partisan politics than sound public policy. In my view, we should not spend even one red cent of taxpayer money for such purposes.

Housing, Urban and Development Secretary Mel Martinez was right to terminate the gun buyback program.

And he did so for a single, sound reason: such programs do not reduce crime. I will cite just a few of the conclusions reached by those who have examined these programs.

First, "overall crime was not significantly reduced in the 17-month period following the [Baltimore] buyback program." Report to the Congress by the Comptroller General of the United States, *Handgun Control: Effectiveness and Costs*, 2/6/78.

In addition, gun buyback programs may encourage gun thefts, with the Government serving, in effect, as a reliable fence for the stolen guns. Such programs also give offenders a profitable way to dispose of weapons used in crimes. Dr. Philip J. Cook, criminologist at Duke University.

Finally, another study found that "[1992] Seattle buy-back program failed to reduce significantly the frequency of firearms injuries, deaths, or crimes." Callahan, et al., "Money for Guns: Evaluation of the Seattle Gun Buy-Back Program," *Public Health Reports*, July-August 1994.

Thus, this debate should not be about gun politics. It should be about our responsibility to spend the taxpayers' money wisely. If the supporters of this amendment truly care about public safety, we should spend the \$15 million dollars on hiring additional police officers to patrol high-crime public housing areas.

The PRESIDING OFFICER. Who yields time? The Senator from New York.

Mr. SCHUMER. Mr. President, I yield myself such time as I may consume. I think I have 21 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. SCHUMER. First, it is always a pleasure to debate with my good friend from Idaho, Senator CRAIG. He makes very good but not persuasive arguments, at least in my opinion.

Let me say a couple things about this issue. First, we all know about methods of proof. Senator CRAIG is citing statistics: Crime went up here, gun use went up here while there was a buyback program. I could find just as many localities where crime went down while there was a buyback program.

The bottom line is, the buyback programs mainly occur in cities where there is lots of other factors going on, and no one can prove one way or the other whether this works or doesn't work. You can't prove it beyond a reasonable doubt.

Let's use commonsense logic. Commonsense logic is, if a gun is not in the hands of a family, a person who doesn't want it, isn't our society likely to have less gun violence? It is very hard to prove that is wrong.

Certainly, if you believe there is a moral imperative that everyone have a gun, you are against this program. If you believe the way to reduce law enforcement is to give every man and woman and child a gun—there are some who believe that—oppose this amend-

ment. But if you believe gun owners have rights and Americans are entitled to have guns, but there is also some danger to guns and that we should be careful, why not have a program that says: If you want—you are not being compelled—if you want to bring your gun back in and get \$50 for it, you can. It is perfectly sensible and logical to think that works.

I don't want to oversell this program. It is not a panacea. We have not put hundreds of millions of dollars in but merely 15. In the eyes of most people who should know, it has worked.

Let me quote the mayor of Houston in the State of Texas, hardly a State and a city known for its strong advocacy of gun control. Mayor Lee Brown was the former police commissioner of New York City so he has a great deal of law enforcement background:

Having spent my career in law enforcement, I recognize that gun buybacks are a very effective way of reducing the number of guns in circulation.

This has worked all over the country. In Lexington, KY, 1,517 guns were purchased; Toledo, OH, 1,050; Atlanta, 838. We can talk about criminals and kids going out and using the guns. What about accidents? If a family doesn't want a gun in a home and doesn't know how to dispose of it, doesn't allowing them to go to their local police precinct and have the gun bought back help?

Let's not debate theology here. I would be happy to debate theology, and I did with my good friend from Idaho in many different areas in terms of guns. But this is not a theological issue unless you are part of that small band who believe that the best thing that can happen to America is everyone should have a gun. I don't. I am sort of agnostic. I don't think we should take away everybody's gun, and I don't think we should give everybody a gun. I think we should let law-abiding people make their own decisions. But the very logic that my good friend from Idaho uses: let people make their own decisions, is gainsaid by this amendment.

Let's say somebody has bought a gun and wants to get rid of it. Why not? I don't understand the logic of the opposition. I do understand the opposition.

Let me say to my colleagues that the Bush administration, very quietly but really, has begun a campaign to roll back the moderate, sensible measures that we have had to keep guns out of the hands of children and criminals, not just in this issue. Attorney General Ashcroft sent a letter to the NRA, where he said there had to be a compelling State interest to have a gun control law. As a lawyer, we both know that "compelling State interest" is next to impossible to prove. Many lawyers argue that under that theory the Brady law could be thrown out as unconstitutional, despite the fact that not a single person has ever been shown to be legally deprived of a gun because of the Brady law. Yet it has

kept hundreds of thousands of felons from buying them.

Then, amazingly enough—you know, we keep records on everything; the IRS keeps records; every agency keeps records—well, the FBI has kept records on gun purchases, as the ATF has, by gun dealers. Jim Kessler, on my staff, a few years ago, found out something that changed the way we think about gun control. He found that 50 percent of the guns used in crimes came from 1 percent of the dealers. Let me repeat that because it is an astounding finding. Fifty percent of the guns used in crimes come from 1 percent of the dealers. When we found those numbers, I thought there was a real breakthrough because the NRA had always said, “Don’t pass new laws, enforce the existing laws.”

I, again, want to do something to reduce gun violence. And here we had the opportunity to go after the 1 percent of the dealers who are putting guns, a hugely disproportionate amount of guns, into criminal hands. We could come down on them and not come down on all the others—the very thing the NRA preaches, that most people who own and sell guns are law abiding was proven by this report and we could just come down on the 1 percent. All of a sudden, the administration wants to destroy the records so we can no longer come to 1 percent.

I will tell you what happened here. The administration stealthily has been moving to an extreme position on gun control. President Bush, when he campaigned, did not take such positions, but that is where they are moving. On issue after issue after issue, that has happened. That is why this buyback proposal, modest as it was, was taken out of the HUD-VA appropriation, not because they had done exhaustive studies about whether it works or not, not because we could not afford it; these are no new dollars; they come out of an existing program, but because that narrow band of ideologues, way out of the mainstream, the kind of people who think many of our brave law enforcement people are black-booted thugs, it was said, put pressure on the administration to move way over. Hence, they removed this provision.

Again, I say to my colleagues, anyone who tells you absolutely that this program doesn’t work doesn’t have the statistics. Conversely, anyone who tells you we can prove beyond any doubt that it does work is also overselling because they don’t have the statistics either, and I don’t want to claim that. But by simple logic, particularly in inner cities where we know there are too many guns, giving people an incentive to sell the gun back, an unwanted gun, it is very hard to disagree that it would reduce the amount of accidents caused in the home by guns and the amount of crime caused by kids and criminals with guns.

So if you want to brandish your ideological sword, show the NRA that you are with them all the way, vote against

this amendment. If you want to reduce crime or have a good chance of doing it, get some very dangerous things out of the hands of those who don’t want them, vote for this amendment.

This is hardly the most important issue on gun control we will debate. I am amazed it has brought such opposition, such attention, and such focus from the administration. But I do believe, with all due respect to my colleague from Idaho, that the motivation to remove this amendment is not people’s safety, but an ideology that says everybody, everybody, everybody should have a gun, and that makes America a better place.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will use such time as I might consume within our time limitation. I, too, enjoy engaging my colleague from New York on this issue. The Senator from New York, as I said while he was not on the floor, does, I think, bring this amendment with good intent. He has been an outspoken advocate of gun control and wants to eliminate crime in which guns are used. I certainly want to eliminate guns crime. We all do.

Let me suggest to you today that while the Senator from New York might like to engage me in a theological debate, this isn’t one. This debate is over \$15 million and how it can best be used in housing authorities to combat crime and drug use.

The committee has worked its will. They have said it is an option. If you want to do a gun surrender program, it is an option but it is not mandatory.

Let me tell you one reason why.

I think the Senator from New York would find this an interesting fact because it comes from New York City. If I may have the attention of the Senator from New York, I found this a fascinating problem because what is happening out there is that somebody is gaming a bad program.

Mr. SCHUMER. Will my colleague yield for a question?

Mr. CRAIG. I am happy to yield.

Mr. SCHUMER. When the Senator said this was an option before the amendment, it was an option for the administration. As I understand it, it would not be an option in the New York City Housing Authority, or any housing authority that got \$20 million out of this program; they would not be allowed to take \$1 million and set that aside for a buyback program. The administration has the option of not allowing these funds for this purpose under the present statute. If the Senator will answer that.

Mr. CRAIG. We have the chairman of the subcommittee on the floor. I have not read the specifics of the provision within the appropriation. But I was told by the ranking member that housing authorities, under this current legislation, have the option, if they

choose, to do a gun buyback. Is that accurate or inaccurate? I don’t want to misstate the reality of the legislation.

Mr. SCHUMER. If I may answer—

Mr. CRAIG. I ask the chairman of the appropriations subcommittee on VA-HUD if that flexibility exists within the law. Does the chairman know that?

Ms. MIKULSKI. Let me advise the Senator what my staff told me. I might also need a moment for additional clarification.

As I understand the legislation, there is currently an option. What the Schumer amendment does is do a setaside, am I correct?

Mr. SCHUMER. That is correct.

Ms. MIKULSKI. Does that clarify it?

Mr. CRAIG. Yes. Therefore, the statement I made was accurate. I said that within the law there is an option to use the money, if an authority wishes to, for the purpose of a gun buyback. Is that an inaccurate statement?

Mr. SCHUMER. If the Senator will yield, it is true, it is an option. As I understand it—

Mr. CRAIG. That is all I need to have.

Mr. SCHUMER. If I might finish.

Mr. CRAIG. On your time only.

Mr. SCHUMER. I ask unanimous consent that I be allowed to answer on my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. The option has been foreclosed by the administration. They said they would not spend any of this money and not allow the housing authorities to spend any of this money for a buyback program. That is what has happened. It would not be available to the housing authority, even though in the law it is an option. The administration sets out regulations, and the buyback program would not be part of the regulation.

I yield the floor.

Mr. CRAIG. I think that is appropriate. I am not going to disagree with the Senator from New York on that proviso, because what is in the law today was done by the Clinton administration and not a mandate of the Congress itself.

President Clinton and Secretary Cuomo did that by regulatory change. So there is flexibility. What is true in the law, which we are dealing with in this Chamber, is the option. The Schumer amendment would mandate a specific amount of money to be used for that purpose.

Let me quote an article I found most fascinating from the New York Daily News Online, July 28, 2000:

A gun buyback program to get illegal weapons off the streets had to be altered yesterday after a stampede of court officers [that is, law enforcement officers] tried to cash in. Brooklyn District Attorney Charles Hynes ordered changes in the initiative when he found out that court officers—some of them in uniform—were handing in their old .38 caliber service revolvers. Because the program had pulled in only about 200 guns since the one-month window began on July 1, Hynes upped the reward on Monday from \$100 to \$250 per gun.

In other words, it was not working, a point that has been driven home numerous times. The Senator from New York says: It feels good. So let us dump \$15 million because it feels good, while we all know it is a whale of a photo-op.

Here is what happened, and this is a quote from the district attorney:

We had a surge last night of about 100 guns and they all seemed to be .38 [caliber] service revolvers.

According to the article:

One court officer collected \$1,500 by turning in six guns.

And even though people were gaming the system, officials had to pay for the guns because they had made the offer. The point is—

Mr. SCHUMER. Will the Senator yield?

Mr. CRAIG. Let me finish.

Mr. SCHUMER. Would the Senator yield on my time?

Mr. CRAIG. Let me finish my thought, and then I will be happy to give the Senator his time to debate.

The reality is, it confirms the point that the program gets gamed. In 1978, in Baltimore, it did not work. Crime went up. In this city over 2,000 guns were purchased, many of them 15 years of age and older. They are not the current weapon used on the street in street crime.

If a family finds a gun on their hands which they inherited and they do not know what to do with it, they could take it down to the local police department and hand it in. They could do that. They do not have to be paid to get rid of a gun. They can hand it in or they can take it down to a pawn shop and get a little money.

I find this a fascinating quote, and I think the Senator from New York will find it fascinating also. The Boston Globe, Tuesday October 24, 2000:

The threat was gun violence—

And I must say the threat today is still gun violence.

the stakes, the lives of urban youth.

The stakes today, in many instances, the lives of urban youth. Both the Senator from New York and I are concerned about that.

The image was a body face down in blood and the sound was the wail of sirens, funeral hymns, and more gunfire. Amid the violence that gripped urban centers nationwide in the 1990s, America's call to stop the violence was a cry of civic activism: Everybody turn in your guns.

It caught on with the made-for-television popularity. Guns for money. Guns for food. Guns for concert tickets. Guns for therapy, for shopping trips, and in one town in Illinois, firearms for a free table dance at a strip club.

In this case, the offer was and I quote

Buns for Guns. Around the country and in Boston, gun buybacks spurred intense publicity. Private sponsors poured money into the programs. Led by groups Citizens for Safety, Boston collected 2,800 guns in four years.

With gun violence again on the rise this year—

That is the year 2000—

the cry to bring back the buyback is growing among some Boston activists. But almost five years after the last goods-for-guns event, crime specialists and some police officials are warning against them, saying gun buybacks were and are among the least effective tools for public safety.

Studies of gun buybacks, including a Harvard analysis —

And I know the Senator from New York says statistics do not matter. This is just a feel good amendment, but we are talking about \$15 million in taxpayer money

of Boston's program, say unanimously that the programs don't work. In an interview yesterday, Boston Police Commissioner Paul F. Evans said that in retrospect, buybacks failed to produce the impact many had hoped for or expected.

I could go on to quote more of the Boston Globe article. Whether it is food for guns, tickets for guns, or money for guns, it did not work. That is why the Bush administration has said it is a bad use of money. I do not care if one feels good or feels bad, or one does not want to believe in the statistics that come from Harvard University, the reality is we have to get at crime in our housing and it is not done by throwing \$15 million at a program that flat out does not work.

If someone has an old gun in their closet and they want to get it out of the hands of anybody in their family, take it to the police department and give it to them. They do not have to be paid, or they could take it to a pawn shop and get 5 or 10 bucks maybe.

The problem is that much of what we were buying for \$100 to \$250 was not pawnable because it was old, it was antique, and it was nonfunctional. As the Senator from New York says, though, if it feels good, then maybe we ought to do it. We should not do it for \$15 million, not when our budgets are tight and not when we are scrambling over where to get money to do all other kinds of programs that are important to the American people.

I do not always agree with Harvard, but Harvard has studied the program in Boston and they say it does not work. Law enforcement says it does not work and ought not be used. My guess is, that is why President Bush and Secretary Martinez said, let's don't do it anymore. It is not a philosophical or evangelical reason. The reality is: It does not work.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, the Senator from Idaho is trying to oversell his point. He says it does not work. He cited one anecdote from a police commissioner in Boston. Then he talked about the Brooklyn program. And then he talked about food and theater tickets. That is like saying we ought to scrap all automobiles because the Edsel did not work.

We are not talking about those programs. We are not talking about \$100; we are not talking about \$250; and we

are not talking about theater tickets. We are not talking about any of those. We are not even talking about law enforcement unless they live in a public housing project, and I do not think many do. We are talking about a program that housing authorities have run with great success. Again, I am not going to cite statistics.

My friend from Idaho has some police saying this is "feel good." No, this is not feel good. It is life and death.

I am trying to be honest in saying neither he nor I can prove whether these programs affect the statistics. It cannot be proven because there is no control. We do not have two identical cities or two identical housing projects, one that had the program and one that did not.

I do not have to oversell my case because it is such a strong case. The strong case is a simple case, and that is when guns are off the streets and not in unwanted hands, our society is likely to be safer.

I go back to the argument I made before. There are some—maybe my friend from Idaho—who do not believe that, but there are some who believe the more guns people have the better. Most people, most Americans, most gun owners do not believe that.

As for his argument about old guns being turned in, the Senator is an expert on law enforcement. Old guns are more dangerous. They misfire more frequently; they fire inaccurately more frequently. And the program, as it is set up, is not supposed to give a reward for a gun that does not work but only those that do. Again, more strawman arguments, maybe about some programs somewhere that did not work, but this program has.

We cannot cite the name and case, but someone is alive today because of this program. Probably more than one person is alive because of this program.

I ask my colleagues not to get wrapped up in the whole ideological fervor here; rather, to commonsense arguments, not some program about movies for guns and not about some program about \$250 for guns but about this program which has a track record. Ask housing authorities throughout the country and law enforcement people in those housing authorities throughout the country if they

Because of this administration's assault on rational laws that keep guns out of the hands of criminals, they took it out. It would be a lot better for our society if we put it back.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time will be charged equally against both sides.

Mr. REID. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Idaho has 4 minutes 24 seconds remaining; the Senator from New York has 6 minutes 43 seconds remaining. Time will be taken from both sides until someone yields time.



Mr. REID. I say to my friends, if they do not wish to use all their time, they can yield it back. Senator KYL can speak on his amendment.

Mr. SCHUMER. Mr. President, I will be happy—I just made eye contact with my friend from Idaho—to yield back my time. I believe he will yield back his, and we will vote at 1:55 p.m.

I yield back my time.

Mr. CRAIG. Mr. President, I ask unanimous consent that some articles and some of those terrible statistics from different gun buyback programs be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 2, 1994]

ADD GUN BUYBACKS TO THE PUBLIC WISH LIST

(By Erik Eckholm)

It may have started as a holiday exercise in wishful thinking. But last week, as a "toys for guns" exchange in Manhattan's embattled Washington Heights continued to draw in scores of weapons each day, grizzled police veterans were becoming believers and even the National Association for the Advancement of Colored People had joined in, laying plans to sponsor similar programs in other cities.

Before Christmas, Police Commissioner Raymond W. Kelley had compared the new program to chicken soup: can't do any harm. But his tone changed as the guns poured in in response to a local businessman's offer of a \$100 Toys-R-Us gift certificate for each surrendered weapon, on top of \$75 in cash offered from an existing city gun-purchase program. "I'm converted," the Police Commissioner told reporters. "Sometimes chicken soup works."

The N.A.A.C.P. saw the buoyant response as a glimmer of sanity in a culture of urban violence that is especially devastating to blacks. Other private sponsors have gotten on board, with makers and sellers of athletic shoes and even Dial-A-Mattress pledging gift certificates for their products. And there was talk in Congress of tax breaks for corporations that contribute.

Gun-purchase programs have been tried over the years in many cities, with varied results. In New York City, the standing cash-for-guns program had yielded modest numbers of guns; somehow, this new combination of toys, Christmas, private leadership, tabloid frenzy and a general desperation about gunfire has worked magic, drawing in some 550 guns in the first eight days of the program, which began Dec. 22.

In Dallas, too, an offer of coveted goods—tickets to Cowboys games—seemed to pull in more weapons than cash alone. Still, probably the most spectacular response yet to any gun buying program involved cash only. In St. Louis in the fall of 1991, the police over a one-month period collected 7,547 guns by offering \$50 for handguns and \$25 for rifles. But the program was not continued, a St. Louis police official said last week, for one reason: money. The cost had been \$351,000, and no police department can sustain that level of spending for long.

Corporate donations may help support the new programs, but the question of costs and benefits remains. It is easy to be skeptical. After all, what difference does it make to melt down a few thousand guns in a country owning 200 million of them? And nobody thinks criminals are selling off the tools of their trade.

Buyback proponents point instead to more modest possible benefits. Fewer guns in

dresser drawers, they say, may mean fewer accidental shootings, fewer crimes of passion, fewer guns stolen for later use in crime and reduced chances of teenagers grabbing household weapons to settle scores. "Taking guns out of circulation is a good thing in itself," said Jeffery Y. Muchnick, legislative director of the Coalition to Stop Gun Violence.

But some criminologists are unenthusiastic about gun purchase programs, arguing that resources could be better spent and warning about possible unintended consequences.

Lawrence W. Sherman, a professor at the University of Maryland and president of the Crime Control Institute, said gun buybacks would have to be coupled with a national ban on new sales of handguns, or at least of the semiautomatic pistols wreaking the most havoc, to do any good over the long term. "Otherwise," he said, "taking guns out of circulation in the face of constant market demand unwittingly subsidizes the gun industry."

Philip J. Cook, a professor of public policy at Duke University, studies the economics of street guns and warns that the entry of a major new gun buyer, albeit the police department, can have unforeseen effects.

"You can't see this as exempt from normal market processes," he said. Between vouchers and cash, a person could get \$175 for a gun last week in New York, well above the retail price of many new handguns. Dr. Cook says buyback programs may encourage gun thefts, with government serving, in effect, as a reliable fence. Such programs also give offenders a profitable way to dispose of weapons used in crimes, he said.

On the positive side, Dr. Cook said that if a sustained gun-purchase program were to succeed in raising the floor price for privately traded guns in a community, some teenager seeking illegal guns could be priced out of the market. But this would be achieved at enormous expense, he added, raising questions about the best use of resources. In New York City, at least, where restrictive laws have already prompted black market prices of \$250 to \$300 for pistols retailing in the South for \$39, and prices of \$500 or more for higher-quality weapons, that floor would have to be quite high to seriously alter the market.

At best, a gun-purchase program nibbles at the edges of gun violence. "The central problem of criminal justice is not just to get the guns off the street, but to get the gunmen off the street," said Thomas Repetto, a former police officer and head of the private Citizen's Crime Commission in New York. He calls for more aggressive enforcement of the gun laws, using specially trained gun squads to identify and arrest gun carriers, drawing on knowledge gleaned by community police officers.

Still, whatever their weak points, buybacks are here and happening. Even skeptics have to appreciate their symbolic value in dispirited neighborhoods; responses like the one elicited in Washington Heights suggest that people have had it with senseless killings. "You work on many fronts at once," Mr. Repetto said, "What's most impressive about Washington Heights is the outpouring of community sentiment against guns. That's even more impressive than the numbers of guns turned in."

[From the Boston Globe, Oct. 24, 2000]

SPECIALISTS COOL ON CALLS TO REVIVE GUN BUYBACKS

(By Francie Latour)

The threat was gun violence. The stakes, the lives of urban youth. The image was a body face-down in blood and the sound was a

wail of sirens, funeral hymns, and more gunfire.

Amid the violence that gripped urban centers nationwide in the 1990s, America's call to stop the violence was a cry of civic activism: Everybody turn in your guns.

It caught on with made-for-television popularity.

Guns for money. Guns for food. Guns for concert tickets. Guns for therapy, for shopping trips, and in one town in Illinois, firearms for a free table dance at a strip club: Buns for Guns.

Around the country and in Boston, gun buybacks spurred intense publicity. Police unveiled bins of guns. Private sponsors poured money into the programs. Led by the group Citizens for Safety, Boston collected 2,800 guns in four years.

With gun violence again on the rise this year, the cry to bring back the buyback is growing among some Boston activists. But almost five years after the last goods-for-guns event, crime specialists and some police officials are warning against them, saying buybacks were—and are—among the least effective tools for public safety.

Studies of gun buybacks, including a Harvard analysis of Boston's program, say unanimously that the programs don't work. In an interview yesterday, Boston Police commissioner Paul F. Evans said that in retrospect, buybacks failed to produce the impact many had hoped for or expected.

And despite Mayor Thomas M. Menino's appearance on the White House lawn last year, where he and other mayors landed President Clinton's \$15 million federal program to fund buybacks through local housing authorities, the city has yet to take advantage of its share of that money and is unlikely to do so.

"We'll never know the impact of taking even one gun off the street in terms of how many lives that act could have saved," Evans said yesterday. "But you have to step back and analyze the bottom-line results. We found the neighborhoods where we needed the guns to come in were the neighborhoods that brought in the fewest guns."

A series of studies published by the Washington D.C.-based Police Executive Research Forum offers a bleak analysis.

In cities such as St. Louis and Seattle, surveys of buyback participants showed that a significant minority planned on using the money to buy a new gun. In St. Louis, the surveys showed that those who had been arrested at least twice were three times as likely as law-abiding citizens to say they would buy a new weapon; 18- to 34-year-olds were 10 times more likely than older participants to say they would do so.

According to a study of Boston's 1993 and 1994 gun buybacks by Harvard criminologist David Kennedy, few buyback guns were the semiautomatic pistols used in crimes. Nearly 75 percent of the guns were made before 1968, with some qualifying as museum pieces.

That was the case as recently as April, when Springfield conducted a gun buyback using the federal funds. Malden and Worcester have also participated in the federally funded buybacks, which started last fall.

A spokesman for the Springfield Housing Authority, Raymond Berry, said the city's Police Department took 287 guns off the street. They included some handguns, but no assault weapons, and some guns were donated to the Springfield Armory National Historic Firearms Museum.

The Boston Housing Authority said this week it could spend up to \$20,000 from its drug prevention funding to coordinate its own buyback. According to HUD, the federal government would provide \$43 for every \$100 the city uses toward the program. In the past, the city has paid \$50 per gun.



Some Boston Activists, including the gang-intervention group Gangpeace and former members of Citizens for Safety, have said that with gun violence on the rise, it is time to take advantage of the federal money for a program that, at the very least, offers residents a safe way to get rid of unwanted handguns.

"I think Boston is making a mistake by not reinstituting the buybacks that relieved our streets of almost 3,000 firearms," said Lew Dabney, who participated in buybacks from 1993 to 1996.

The payoff from buybacks was not just in removing guns from homes, Dabney argued, but in the way it empowered residents to take action against gun violence. It allowed ordinary volunteers to become civic heroes, broke down racial barriers, and created memorable images such as that of author/activist Michael Patrick McDonald coaxing teens to turn over firearms.

According to HUD, the national buyback program has recovered 21,600 guns from 95 public housing developments.

But a spokeswoman for the BHA said investments in youth activities, community policing, and drug intervention were more cost-effective ways to reduce violence.

Even of BHA wanted to initiate a program, spokeswoman Lydia Agro said, it could not do so without the Police Department.

Yesterday, Commissioner Evans said he had discussed the buybacks with BHA officials, but none was planned so far.

"I wouldn't rule another buyback out," Evans said. But with the limited resources we have, and the money and man hours in setting up a buyback, you have to ask what is the value?"

Next to none, according to Kennedy, who authored the Harvard study.

"I don't think anybody who's looked at buybacks in my detail thinks they have very much impact," Kennedy said.

On the one hand, he said, the buybacks offer a civic function akin to garbage disposal, to help people remove unwanted guns they are too afraid to handle.

But the cost of police departments can be considerable, from staffing checkpoints and overtime costs to ballistics testing and disposing of the guns.

The decision to pump \$15 million into a national buyback comes two years after a 1997 study commissioned by the Justice Department called buybacks the least effective use of crime control dollars.

"I think the best conclusion to draw is that the federal HUD buyback program will be a waste of money," said Lawrence Sherman, a criminologist at the University of Pennsylvania who authorized the Justice Department study. "The problem is, there is still this wonderful idea of one life at a time, one gun at a time, that you can associate with these programs. There's an emotional aspect to crime prevention that has nothing to do with the evidence about whether they work or don't work."

[From the National Review, June 15, 2000]

THE MADNESS OF GUN BUYBACKS—ANDREW CUOMO'S POLICY IS FULL OF HOLES

(By Dave Kopel, of the Independent Institute)

Housing Secretary Andrew Cuomo held a press conference last week to announce his success in paying Americans not to exercise their constitutional rights. Although Congress never appropriated money for the project, Cuomo has used federal tax dollars to conduct a "BuyBack America" program, which Cuomo says has claimed more than 10,000 guns in recent weeks.

The program isn't really a "buyback." Since Cuomo's Department of Housing and Urban Development didn't sell the guns in

the first place, it can't buy them "back." Nor will the program contribute anything to public safety.

A criminal, for whom a gun is a tool of the trade, is unlikely to sell his tool for \$50. Instead, the typical sellers in a "buyback" are the widows of hunters, other older people, or other non-dangerous types—rather than teenage gangsters who have suddenly decided to abandon a life of violence.

Because most people who surrender their guns are very unlikely to commit a violent gun crime, the public safety benefit of a buyback, if any, must lie in reducing the supply of guns which can be stolen, or in removing a potential suicide instrument. But the buyback doesn't even provide much in the way of disarmament: a study of a gun buybacks in Seattle reported that sixty-six percent of sellers had another gun that they did not surrender. Indeed, three percent of gun sellers said they would use the money to buy another gun, or would donate the proceeds to the National Rifle Association. [Charles M. Callahan, et al., Money for Guns: Evaluation of the Seattle Gun Buy-Back Program 84 PUB. HEALTH REP. 474 (1994).]

Moreover, the guns sold at buybacks are often old or defective. This shouldn't be surprising; a rational person with a gun worth more than \$50 would sell the gun at a gun store for a fair price, rather than giving it to the government for \$50.

Unsurprisingly, the social science evidence shows that buybacks have absolutely no positive effect in reducing gun crime, gun accidents, or any other form of gun misuse. The research is detailed in Under Fire: gun Buybacks, Exchanges and Amnesty Programs, a book published by the D.C.-based Police Foundation (a think tank for big-city police chiefs).

The money wasted on the Cuomo buyback came from a Drug Elimination Grant Program. Although Congress gave HUD money for the battle against drugs (which are illegal), Cuomo used the money to get rid of guns, which are not only legal, but are specifically protected by the Second Amendment and by forty-four state constitutions.

Why is so much energy invested in buybacks by the anti-gun forces? One reason is that it's a path of relatively little resistance. Gunowners may fight against efforts to take their guns, but they are indifferent to the government buying guns from other people.

Second, buybacks can be initiated without legislative approval, as long as there's an executive branch official, like Cuomo, willing to spend tax money "creatively" or unlawfully.

More importantly, anti-gun activists really do believe that guns are inherently evil. The people who want the government to buy and destroy guns enjoy the same satisfaction that others have enjoyed at book burnings, or at the prohibitionists' rally where whiskey is poured into the river. From the destroyers' viewpoint, there's no need to wait for social science to find benefits from the destruction. The destruction of the wicked object is good in itself.

In a free country, destructionists have every right to their own opinions, including opinions that paying other people to stop exercising constitutional rights is a good idea. But it's hard to balance the motives of a politician who claims not to be against law-abiding citizens owning guns—and then takes satisfaction every time a citizen surrenders her firearms to the government to be melted into a slab of useless metal.

[From the New York Daily News, July 28, 2000]

GUN BUY-BACK BACKFIRES WHEN OFFICERS CASH IN

(By Mike Claffey)

A gun buy-back program to get illegal weapons off the streets had to be altered yesterday after a stampede of court officers tried to cash in.

Brooklyn District Attorney Charles Hynes ordered changes in the initiative when he found out that court officers—some of them in uniform—were handing in their old .38-caliber service revolvers.

Because the program had pulled in only about 200 guns since the one-month window began July 1, Hynes upped the reward on Monday from \$100 to \$250 per gun.

"We had a surge last night of about 100 guns and they all seem to be .38 service revolvers," said a source in the prosecutor's office.

One court officer collected \$1,500 by turning in six guns.

"This is a program with good intentions to get illegal guns off the street and shouldn't be bastardized by people looking for a quick buck," said Hynes' spokesman, Kevin Davitt.

"We're going to be contacting those people who abused the program and ask for our money back," Davitt said.

But a spokesman for the court system, David Bookstaver, said it is not clear that the officers can be forced to do that.

"District Attorney Hynes has indicated that this is really not in the spirit of what the program was designed for," Bookstaver said.

But he added that court officials "have no authority" to tell the officers to give the money back.

He said, however, that word was going out yesterday that court officers can no longer participate.

Some court officers in Brooklyn were upset that Hynes had forbidden them from participating in the buy-back offer. The officers were allowed to keep their revolvers after they were issued 9-mm. semiautomatics last year.

"I have the flyer right here and it says, 'Any working handgun, sawed-off shotgun or assault rifle. No questions asked,'" said Bob Patelli a Senior Court Officers Association delegate at Brooklyn Supreme Court.

"If the DA sees fit to discontinue the program, fine. But he's bound legally to pay for the guns he's already taken."

Patelli added that the program was achieving its goal of getting extra guns out of circulation.

"It gets the gun off the street instead of leaving it in a closet where children or a burglar could find them," he said.

Last year, 659 firearms were turned in for \$100 each. The money comes from drug forfeiture funds, Davitt said.

"We thought that perhaps \$100 was not meeting the value that some people place on these weapons," he said.

To be turned in, guns must be wrapped in brown paper and can be taken to any Brooklyn precinct house. If the gun is deemed operable, the desk officer is supposed to give the person a pink voucher that can be redeemed at the district attorney's office at 350 Jay St.

Mr. CRAIG. Mr. President, what is the status of the amendment in relation to when will it be voted on?

The PRESIDING OFFICER. At 1:55 p.m. there will be a sequence of votes, and this will be the second vote.

Mr. CRAIG. I move to table the amendment for the vote at that time.

The PRESIDING OFFICER. The motion has been made to table the amendment.

Mr. CRAIG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays have been ordered.

Mr. CRAIG. I understand that is within the unanimous consent time sequence that has already been established.

The PRESIDING OFFICER. That is correct.

Mr. CRAIG. I yield back the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. All time has been yielded back on the Schumer amendment.

#### AMENDMENT NO. 1229

The PRESIDING OFFICER. The time between now and 1:55 p.m. is evenly divided among the two managers of the bill and the Senator from Arizona. Does the Senator from Arizona seek recognition?

Mr. KYL. Yes. I thank the Chair. First, I have two unanimous consent requests. I ask unanimous consent that the Senator from Illinois, Mr. DURBIN, and the Senator from Kansas, Mr. BROWNBACK, be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1229, AS MODIFIED

Mr. KYL. Mr. President, I have a modification to my amendment at the desk and I ask that the amendment be modified accordingly. A copy has been provided to Senator MIKULSKI.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 105, between lines 14 and 15, insert the following:

#### SEC. 4. STATE AND TRIBAL ASSISTANCE GRANTS.

Notwithstanding any other provision of this Act, none of the funds made available under the heading "STATE AND TRIBAL ASSISTANCE GRANTS" in title III for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) shall be expended by the Administrator of the Environmental Protection Agency except in accordance with the formula for allocation of funds among recipients developed under subparagraph (D) of section 1452(a)(1) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(1)(D)) (including under a regulation promulgated under that section before the date of enactment of this Act) and in accordance with the wastewater infrastructure needs survey conducted under section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375), except that—

(1) subject to paragraph (3), the proportional share under clause (ii) of section 1452(a)(1)(D) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(1)(D)) shall be a minimum of 0.675 percent and a maximum of 8.00 percent;

(2) any State the proportional share of which is greater than that minimum but less than that maximum shall receive 97.50 percent of the proportionate share of the need of the State; and

(3) the proportional share of American Samoa, Guam, the Northern Mariana Is-

lands, and the United States Virgin Islands shall be, in the aggregate, 0.25 percent.

Mr. KYL. Mr. President, I believe there is only one other speaker besides myself. I am informed Senator FITZGERALD is on his way. When he arrives, he will address the amendment, and after that, other than myself, as I said, I do not think there are any other speakers, unless the distinguished assistant majority leader wishes to be recognized to comment at this point.

Mr. President, I apologize for one bit of confusion, and I thank the Senator from Maryland, the distinguished chairman of the subcommittee, for catching an error. The wrong section was cited in one part of the amendment. She correctly noted we had referred to the wrong section, and the modification which has just been adopted refers to the right section. I apologize for any confusion that might have caused.

I do think it has caused some confusion because I am in receipt of one document which I understand has been circulated to some Members of the majority that criticizes the amendment in two primary ways, the first of which is a suggestion that this amendment uses the same formula as used in the drinking water section of the bill. I suspect the citing of the section might have created some of that confusion.

It has been clear from the outset, as I have described this over and over and I went through the description with the Senator from Virginia, that the whole point of this amendment is to use a formula which is based upon a needs survey established by the Environmental Protection Agency relating to wastewater treatment. I pointed out that there are two such needs-based surveys: One relates to drinking water; one relates to wastewater.

Obviously, the drinking water needs survey should relate to drinking water. That is exactly what the law provides. That is the survey that is used for the formula for drinking water. By the same token, the wastewater needs survey should apply to wastewater, but it does not. The law today has a different formula and it is very difficult to understand the origins. As near as anybody can figure out, it relates to a construction grants program that was in existence in the 1970s. It has nothing to do with this needs survey.

We say, just as we should have a needs survey by EPA driving the decisions for drinking water, which we do, we should have a similar kind of formula for wastewater. The wastewater formula is not based on the drinking water needs survey, it is based on the wastewater needs survey.

I note, in this document that has been circulated at least among some Members of the majority, that the criticism is we should not have the same formula apply to drinking water apply to wastewater. It does not. To the extent there was confusion because one of the sections was miscited in the amendment, I apologize for that, again.

I thank the Senator from Maryland for allowing me to make that correction.

We are talking about two different needs surveys, two different formulas. We simply want the type of needs survey EPA conducts to apply to the formula in this case.

The second item I want to point out about the document is a complete error in one of its comments. I quote from this document:

A number of other States, for example, Ohio, Illinois, Florida, Indiana, and New Jersey, would receive reduced allocations.

I assure all my colleagues from those States that is not only true, but the reality is that the States cited are among the States that receive the highest benefits of the formula change—Ohio, Illinois, Florida, Indiana, and New Jersey. In fact, I think they are the highest. Let me go through the numbers precisely.

For the State of Ohio, it would today receive \$76,845,000. Under the formula, the pending amendment, it would receive \$78,423,000. The net increase is \$3,577,000, when you take the earmarks into account.

For the State of Illinois, which I think receives the highest benefit—I confess to the Presiding Officer, I do not know why Illinois would have been so shortchanged in the past, but I appreciate his willingness to cosponsor the amendment because of the clear discrepancy—under the current allocation, the State of Illinois would receive \$61,735,000. Under the pending amendment, Illinois would receive \$108 million, which is a net gain of \$48,764,000, again taking into account the \$2.5 million earmarks. That is an increase from \$61 to \$108 million. The next State cited is Florida. Florida goes from \$46 million to \$55 million; Indiana goes from \$32 million to \$50 million; New Jersey goes from \$55 million to almost \$75 million.

This document floating around titled "Comments on Kyl Amendment," is not only in error; it is almost 180 degrees off. I can't explain why anyone would make this conclusion. The miscitation of the section number has nothing to do with these numbers. Somebody has grossly misunderstood the amendment, misunderstood the charts or the formula, or in some other way deliberately misstated the facts.

I say to my Democratic colleagues who might have received this document, "Comments on Kyl Amendment," this page-and-a-half document is wrong. It is wrong in the first half because we are not using the same formula as the safe drinking water formula. And it is wrong in the second half, for what reason I don't know, but it is grossly wrong. It could not be more wrong with respect to the States it claims are receiving reductions. Those States happen to be the States receiving the largest increases.

For the benefit of my colleagues who were not here for the earlier part of the debate, let me explain what we are talking about while I am waiting for

Senator FITZGERALD, a cosponsor of the amendment. The bill we are debating deals with, among other things, EPA, and it has sections dealing with funding from different funds for projects that the U.S. Government has mandated: To protect drinking water and to protect communities from problems relating to improper wastewater treatment. We provide those mandates. Congress, therefore, provides funding to help local communities create the proper infrastructure to meet the requirements of the statute and EPA.

As Senator MIKULSKI and Senator BOND have eloquently pointed out, it is always a struggle to get the funding to fill these needs, but they have done a great job in getting additional funding this year for that purpose.

The problem is, whereas the drinking water portion is allocated on the basis of EPA's recommendations and what they call the needs survey, there is no such reference to EPA recommendations with respect to wastewater treatment. Instead, we are reverting to a formula based on 1970s data. It has never been updated since the action was put into place in 1987.

There is a legitimate suggestion we ought to go to the authorizing committee to try to fix this. The authorizing committee has had 14 years to try to correct this, and my staff has repeatedly tried to make contact with people to see if they would be interested in doing it.

Thus far, we have not had any success. Despite the fact that the chairman of the committee has indicated his willingness to take up the reauthorization this fall, there is no commitment to take up a modification of the formula to meet the needs of the high gross States about which I have been talking. There is absolutely no reason to think we will succeed this year in modifying the formula through the authorizing committee. Even if we were to succeed in doing that, the States I named would receive tremendous shortfalls for the fiscal year 2002. There is no way to fix it for the fiscal year 2002. I have a couple of communities in my State that are in dire need of this funding. There is no way they can get it.

We suggested this formula change, which is very simple. It says we should use the needs survey of the EPA and provide 97.5 percent of the funding available in accordance with that recommendation, and we have a minimum and a maximum so that no State gets more than 8 percent and no State gets less than the minimum we provide. That is similar to other formulas. It is very fair. It is very simple. It is easy to apply. The net result, based upon the charts I showed earlier, will go a significant degree toward not only providing funding for those States and localities that need it the most, but reducing the significant unfairness in the formula that exists today. That is what we are talking about. It is that simple.

For those Senators from the following States, I hope since they will

receive more money—again, let me note we are not affecting earmarks. We have included the earmarks.

The PRESIDING OFFICER. The time controlled by the Senator from Arizona has expired.

Ms. MIKULSKI. First, an inquiry about the time. Did the Senator from Arizona consume the time to be allocated to the Senator from Illinois, Mr. FITZGERALD?

The PRESIDING OFFICER. That is correct.

Mr. KYL. I inquire of the Senator from Maryland, maybe I misunderstood the unanimous consent request. I thought because the Schumer time had been yielded back that all the remaining time was divided.

Ms. MIKULSKI. That is correct. That is my understanding.

The PRESIDING OFFICER. The Chair will state the time is parsed into three allocations, three 10-minute segments: One for the Senator from Arizona, one each for the chairman of the subcommittee, and the ranking member.

Mr. KYL. I say to Senator MIKULSKI, if Senator FITZGERALD arrives, perhaps we can accommodate him in some way.

Ms. MIKULSKI. As I understand, the distinguished ranking member has 10 minutes. I am sure he will be happy to yield. We will not preclude Senator FITZGERALD from offering a comment.

We have debated the contents on this bill for a good part of the morning. I think it has been a very constructive debate and a civil debate, which we hope the Senate would be.

I will talk about process for a minute. The Kyl amendment is legislating on appropriations. Ordinarily, I would offer a point of order exactly on that, to knock it down on the point of order under the rules of the Senate.

Because of something the House did—and remember, we work off the House bill, as I understand it, and I believe the Senator's analysis is accurate. We are not able to do that, so this will be a straight up or down—it will not be straight up or down. Either Senator BOND and I have declared our intent to offer a motion to table, which I am not yet offering, but we really are legislating on appropriations. This is so complicated.

Even with the good will from the standpoint of the Senator from Arizona, myself, and Senator BOND, the ranking member, where we tried to explain this formula over that formula or that survey, it shows how complex this is. In fairness, to make sure we have a formula that works for constituents, works for the communities, works for the taxpayer, we cannot deal with this formula on the Senate floor. This truly must be done through the authorizing process.

I acknowledge the problems the Senator from Arizona has had when he says it has been 14 years and it is time to take a new look and a fresh look. Acknowledging the need for a new and fresh look, I also encourage the Sen-

ator in the most collegial tone possible, to also be in discussions with the very able administrator of EPA. I have found Administrator Whitman to be able, accessible, interested in hearing about specific issues and specific problems. We did bring the Senator's amendment to the EPA staff. They furnished a very competent analysis. In fact, it was through them that we identified the error in the drafting.

I do not really recommend that this amendment be agreed to. We really do not know the consequences of the amendment. There is no way to evaluate the consequences of the amendment. It could have very dire effects.

There is no latitude to offer a point of order. We will be offering a motion to table the amendment, but we do not want to table the problem.

The problem is a real problem. This is why, again, with the encouragement of the authorizers, I really share with my colleagues, working with Administrator Whitman has been a very positive experience from this Senator's viewpoint. I suggest perhaps the Senator and colleagues who are so passionate about this issue, as they have expressed themselves on the floor, meet with her and get EPA to start working on the analysis of exactly the consequences, which we would need should we come to an authorizing hearing. Then, if the authorizing hearings do not quite get to it, we would have the benefit of their analysis and their thinking.

Let's not table the problem. One of us will move to table this amendment. But, again, I do not want to table the problem.

I know the time is growing short. We are awaiting Senator FITZGERALD. We know Senator BOND is temporarily off the floor at a meeting with some of his Republican colleagues. I believe the moderates are meeting. He is available.

I will reserve my time for the end. I ask the Presiding Officer, how much time do I have?

The PRESIDING OFFICER. The Senator from Maryland has 3 minutes 10 seconds remaining. The Senator from Missouri has 10 minutes.

Ms. MIKULSKI. I inquire of the Senator from Illinois how much time he will need.

Mr. FITZGERALD. Only a couple of minutes; 5 minutes will be fine.

Ms. MIKULSKI. I ask unanimous consent 5 minutes from the time of the minority be allocated to the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I thank the Senator from Maryland for her generosity.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. FITZGERALD. Mr. President, I thank my colleague from Maryland for yielding me the time.

I rise to support my friend from Arizona, Senator KYL, and compliment

him on the amendment he has introduced. I think he has studied this issue very carefully. He has noticed that many States—in fact, about 29 States—appear to get severely shortchanged in the current formula in the clean water development fund. His is a new formula that has a better rationale to it. We cannot really figure out what formula was used back in 1987 in the conference committee. They just picked an arbitrary formula that seemed to steer a lot of money to a select handful of States. But most States, the majority of States, come up short under the current formula.

As I understand it, Senator KYL's new formula is based on the same formula that is used in the safe drinking water revolving fund. It certainly will make for a better need-based distribution of these important allocations of funds for wastewater treatment around the country.

I rise to support Senator KYL's amendment. I understand the Presiding Officer has joined as a cosponsor. This seems to be good legislation for our State and a majority of States around the country. We all know from local communities around our States how important these funds are for these water treatment projects.

I hope we will have a majority vote in favor of this amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I ask unanimous consent that Senator ALLEN from Virginia be also listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? If no one yields time, time will be deducted from the time remaining to both sides.

Ms. MIKULSKI. Mr. President, let's be clear. This amendment totally changes the water formula—totally. New York loses \$14 million, Maryland loses \$2 million. There are winners and there are losers. Under what I am suggesting, we table this and end this debate but we encourage the authorizers to really face the problem of water infrastructure needs and to ask the Administrator of the EPA to evaluate these formulas, taking into consideration the needs of our communities, the new census data, and that we act in a prudent and measured way.

This is not the place to do this legislation. It is absolutely not the place to do this legislation.

I yield the floor and ask how much time I have remaining.

The PRESIDING OFFICER. The Senator from Maryland has 1 minute 15 seconds remaining.

Ms. MIKULSKI. I reserve that time.

The PRESIDING OFFICER. The Senator from Missouri has 7 minutes 45 seconds.

The Senator from Missouri.

Mr. BOND. Mr. President, let me just check on the time status. We are to begin the votes at 1:50; is that correct?

The PRESIDING OFFICER. At 1:55.

Mr. BOND. Is there to be a time period for the proponents and opponents

prior to that 1:50, or are we to use the time that is now allotted to us?

The PRESIDING OFFICER. At 1:55 there will be 2 minutes equally divided before the first vote and 2 minutes equally divided before the second vote.

Mr. BOND. Mr. President, I yield myself 2 minutes from the time I have remaining.

The PRESIDING OFFICER. The Senator has 1 minute 46 seconds remaining.

Mr. BOND. I will use that.

Mr. President, again, I commend Senator KYL, the Senator from Arizona, for bringing to our attention the very important issue of how these vitally important funds are allocated. I have raised my concerns that the allocation he seeks to add in the appropriations bill should go through a thorough process in the authorizing committee because it is very complex.

I have looked at the formula that has developed. I find that it has many, many different aspects. He has figured in earmarks that are not included in the allocation. There is a 1-year formula that is extremely confusing. The EPA has already advised us they would not know how to implement it. Certainly the more I see of it the more I believe it must have a thorough discussion, debate, hearings, and the work of the markup in the authorizing committee.

I commend him for bringing this to our attention. I urge my colleagues to support our tabling motion.

On behalf of the Senator from Vermont, the chairman of the Committee on Environment and Public Works, I move to table the Kyl amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Maryland yield back her time?

Ms. MIKULSKI. I yield the time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is absent because of a death in the family.

The PRESIDING OFFICER (Mr. BAYH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—58

Akaka	Edwards	Kohl
Bond	Frist	Landrieu
Breaux	Graham	Leahy
Byrd	Gramm	Levin
Cantwell	Grassley	Lieberman
Carnahan	Gregg	Lincoln
Carper	Harkin	Lott
Chafee	Hollings	Mikulski
Cleland	Hutchinson	Miller
Clinton	Hutchison	Murray
Cochran	Inhofe	Nelson (FL)
Collins	Inouye	Nickles
Daschle	Jeffords	Reed
Dayton	Kennedy	Reid
Dodd	Kerry	Rockefeller

Sarbanes  
Schumer  
Sessions  
Shelby  
Smith (NH)

Snowe  
Specter  
Stabenow  
Stevens  
Thompson

Voinovich  
Wellstone  
Wyden

NAYS—41

Allard  
Allen  
Baucus  
Bayh  
Bennett  
Biden  
Bingaman  
Boxer  
Brownback  
Bunning  
Burns  
Campbell  
Conrad  
Corzine

Craig  
Crapo  
DeWine  
Dorgan  
Durbin  
Ensign  
Enzi  
Feingold  
Feinstein  
Fitzgerald  
Hagel  
Hatch  
Helms  
Johnson

Kyl  
Lugar  
McCain  
McConnell  
Murkowski  
Nelson (NE)  
Roberts  
Santorum  
Smith (OR)  
Thomas  
Thurmond  
Torricelli  
Warner

NOT VOTING—1

Domenici

The motion was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1231

The PRESIDING OFFICER. There will be 2 minutes evenly divided before a vote on the Schumer amendment.

Who yields time? The Senator from Idaho.

Ms. MIKULSKI. Mr. President, this is a very contentious amendment. The Senator from Idaho is entitled to be heard.

The PRESIDING OFFICER. The Senator will be in order.

Mr. BOND. Mr. President, is this a motion to table?

The PRESIDING OFFICER. Yes. A motion to table has been made.

Mr. BOND. Is the first time to be taken by the proponents of the measure or by the proponents of the tabling?

The PRESIDING OFFICER. Senator CRAIG sought recognition in support of the motion to table.

Mr. BOND. I suggest that Senator HUTCHISON would wish 30 seconds.

Mr. CRAIG. I will be happy to yield to the Senator from Texas.

Mrs. HUTCHISON. Not at this time.

The PRESIDING OFFICER. The Senator will be in order before we proceed. The Senator from Idaho.

Mr. CRAIG. Mr. President, it is my understanding there are 2 minutes equally divided?

The PRESIDING OFFICER. That is correct.

Mr. CRAIG. Or per side?

The PRESIDING OFFICER. One minute in support of the amendment and 1 minute in opposition.

Mr. CRAIG. Mr. President, I am speaking on the motion to table the Schumer amendment. Mr. SCHUMER wishes to allocate \$15 million of this appropriation to what we call gun buybacks. He is taking \$15 million away from AIDS and the homeless and Native American housing and the revitalization of the public housing.

I am telling you what the record says. Since 1978, law enforcement in America has clearly said gun buybacks

don't work. They buy back old and obsolete and unused guns off the street, yes; out of homes, yes. Do they take away the semi-automatics or the .38s used in the commission of crimes? Absolutely not. That is why law enforcement in America today is backing away from gun buybacks. The commissioner of law enforcement in Boston said, "We won't use our money there anymore because it is ineffective." Crime goes up. Yes, they are great photo opportunities, but it does not work.

That is why, 2 weeks ago, the Bush administration said we will allocate money in HUD for those things that work, where we can get at crime through interdiction and law enforcement and not through a photo opportunity.

I ask you to vote to table the Schumer amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, this is a commonsense amendment. It says we ought to continue, at a very modest sum of \$15 million, a gun buyback program. Contrary to what my friend said, it is supported by law enforcement. It has worked in public housing authorities, where it is most needed. We are not putting any restrictions on anyone who wants to keep their gun or use their gun, but if people wish to turn in their guns for a modest sum, get it out of the home to avoid accidents, avoid a criminal getting their hands on the gun, avoid a kid going out with the gun on the street, creating havoc, why not?

We should not make this any kind of ideological test. It is simple, common sense that buyback programs have worked. It is funded very modestly. The administration wants to rescind it. We should keep it going. It is that plain and simple.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the motion.

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

I further announce that the Senator from New Mexico (Mr. DOMENICI) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 267 Leg.]

#### YEAS—65

Allard	Burns	Crapo
Allen	Byrd	DeWine
Baucus	Campbell	Dorgan
Bayh	Carnahan	Edwards
Bennett	Chafee	Ensign
Bingaman	Cleland	Enzi
Bond	Cochran	Feingold
Breaux	Collins	Frist
Brownback	Conrad	Gramm
Bunning	Craig	Grassley

Hagel	Lugar	Shelby
Hatch	McCain	Smith (NH)
Helms	McConnell	Smith (OR)
Hutchinson	Miller	Snowe
Hutchison	Murkowski	Specter
Inhofe	Nelson (NE)	Stevens
Jeffords	Nickles	Thomas
Johnson	Reid	Thompson
Kyl	Roberts	Thurmond
Leahy	Rockefeller	Voinovich
Lincoln	Santorum	Warner
Lott	Sessions	

#### NAYS—33

Akaka	Feinstein	Lieberman
Biden	Fitzgerald	Mikulski
Boxer	Graham	Murray
Cantwell	Harkin	Nelson (FL)
Carper	Hollings	Reed
Clinton	Inouye	Sarbanes
Corzine	Kennedy	Schumer
Daschle	Kerry	Stabenow
Dayton	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Durbin	Levin	Wyden

#### NOT VOTING—2

Domenici	Gregg
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The motion was agreed to.

Mr. BOND. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1226, AS MODIFIED

Mr. MCCAIN. Mr. President, I believe my amendment, which I offered earlier, is the pending business.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. I seek recognition.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MCCAIN. Mr. President, I am pleased to have the support and cosponsorship of this amendment of Senators KYL, SMITH, and GRAHAM of Florida. I am also especially grateful for the key support of organizations such as the Veterans of Foreign Wars, Disabled American Veterans, AMVETS, Paralyzed Veterans of America, Council for a Livable World, and Citizens Against Government Waste.

This amendment provides funding for the Secretary of Veterans Affairs—top priority—by adding \$5 million that is desperately needed for veterans claims adjudication and eliminating more than \$5 million in nonveteran-related earmarked funds contained in the VA-HUD legislation.

I want to get right to it. Currently, it takes an average of 215 days—215 days—at any of the 58 VA regional offices to make a decision on the hundreds of thousands of claims filed annually. There is presently a backlog of over 600,000 claims by our veterans.

That is an unacceptable situation. What we are talking about in this amendment is a matter of priorities.

The amendment will not exceed the budget resolution caps because it is fully offset by cutting funding for 18 separate earmarks by 50 percent, not totally. I am not eliminating the funding for any program or earmark this year. I am eliminating half of the money. Frankly, \$5 million is a small amount as compared with the more than \$40 million or \$50 million that is

needed as stated by the Secretary of Veterans Affairs.

I repeat, I am only cutting half from these specific earmarks in the community development fund account of title II.

For the record, of the 255 total number of earmarked projects in this fund, nearly 9 out of 10 are for States well represented on the Appropriations Committee. The earmarks I propose to cut in half are just a few examples of the pages of earmarks totaling more than \$140 million that are funded from the community development fund.

Unfortunately, the appropriators have substituted their judgment on how best to spend the funds and have earmarked moneys for programs such as bicentennial celebrations, botanical gardens, art museums, art centers, and heritage trails.

I point out the bill language as to what a community development program is all about:

The wide range of fiscal, economic, and social development activities are eligible with spending priorities determined at the local level—

Spending priorities determined at the local level—

but the law enumerates general objectives which the block grants are designed to fulfill, including adequate housing, a suitable living environment, and expanded economic opportunities principally for persons of low and moderate income.

"Principally for persons of low and moderate income." I am going to point out some things such as the deprived area of Newport, RI, that is supposed to get some of this money, and other deprived areas of the country, as I say 9 out of 10 of which are in the States represented on the Appropriations Committee.

I cannot stand here and tell my colleagues that some earmarked projects are not valid and important, but decisions as to whether a project should get taxpayers' funds should not be made by appropriators, bypassing the legitimate funding process. If we earmark funds in this way, I would just as soon transfer some of the funds to help our veterans, unless we are willing to strike all the earmarks so the community development fund can operate as intended. I doubt there will be any takers.

Secretary Principi testified before the VA-HUD subcommittee of the Senate Appropriations Committee on May 2, 2001, that his No. 1 priority is to drastically decrease the backlog in claims against the VA. President Bush also recently emphasized this priority and has promised a top-to-bottom review of VA benefits claims process.

Currently, it takes an average of 215 days—215 days—at any of the 58 regional VA offices to make a decision on the hundreds of thousands of claims filed annually. Furthermore, the Veterans of Foreign Wars wrote me on July 30, 2001, that an investigation of claims processing delays of their members found "a lengthy list of hundreds of claims pending over 720 days."

Balance 720 days for a VA claim with a World War II veteran, one of our greatest generations. We know how old they are. Isn't our obligation to the living as well as to the deceased?

Today there are nearly 600,000 outstanding claims awaiting adjudication by the VA, and that number is expected to continue to rise.

I imagine the managers of the bill are going to say this \$5 million is unnecessary. Let me tell you what the veterans say. Let me tell you what the Veterans of Foreign Wars say:

On behalf of the 2.7 million members of the Veterans of Foreign Wars of the United States, and its Ladies Auxiliary, I would like to take this opportunity to express our support for your amendment to S. 1216 that would increase the amount available for veterans claims adjudication by \$10 million.

That has been reduced to \$5 million.

As you know, the Department of Veterans Affairs is not completing quality work on benefits claims in an efficient manner. In fact, an original claims for service connected disability that does not require substantial development is averaging 215 days. . . . Additionally, a recent request by the VA Claims Processing Task Force for a list of original claims pending over 720 days resulted in a lengthy list of hundreds of claims.

Your amendment would provide additional dollars crucial to VA's attempt to improve the quality and timeliness of veterans' claims processing.

Thank you for all you do for American veterans.

From the DAV:

On behalf of the more than 1 million members of the Disabled American Veterans (DAV), I am writing to express our support for your proposed amendment to add \$10 million for adjudication of veterans' claims to S. 1216, the Fiscal Year 2002 VA, HUD and Independent Agencies Appropriations Bill.

As you are aware, the claims backlog at the Board of Veterans' Appeals is at an unacceptable level of approximately 600,000 cases. These long delays that veterans or claimants must endure for claims benefits decisions are unconscionable.

That is what the disabled veterans say.

More needs to be done to ensure quality, timely decisions. Employees need to be added to deal with this backlog. This amendment will provide needed funds to assist in this effort.

Paralyzed Veterans of America:

On behalf of the Paralyzed Veterans of America, I am writing to offer our support for your proposed amendment to S. 216 . . . to provide additional funding for veterans' claims adjudication, would bring this important account closer to the level recommended by the Independent Budget, which is co-authored by the Paralyzed Veterans of America, AMVETS, the Disabled American Veterans and the Veterans of Foreign Wars.

The chronic backlog faced by veterans seeking the benefits they have earned is simply unconscionable. We must take action. This additional funding will not solve the problem overnight, but will be an important step forward to ensure that veterans receive timely and accurate claims decisions.

We appreciate your commitment to addressing this problem.

In another letter:

Dear Senator McCAIN: AMVETS fully supports your amendment. . . .

Disabled veterans must now wait months and sometimes years for their benefit claims to be decided. Your amendment will help VA fulfill its mission and improve the overall quality and timeliness of the service provided to veterans and their families.

We urge the Senate to approve your amendment. Veterans have earned our respect and gratitude, and we thank you for your good work on behalf of American veterans.

Now, the analysis for the Associated Press last year found that the benefits administration takes longer to process claims than it did a decade ago. It took 164 days in 1991 to complete an original claim, compared with currently 215 days, and up to 3 years if appealed. There are more than a few veterans, such as 72-year-old Wayne Young of Cuyahoga Falls, OH, who for more than 44 years has been waiting for final adjudication of his veterans claim benefits by the VA.

Secretary Principi directed a 10-person blue ribbon claims processing task force that will review the Department's handling of applications for veterans benefits. This task force will officially report to him this fall. However, preliminary results indicate that the Secretary will need an additional \$40 million on top of the additional \$132 million provided in the bill to hire additional claims adjudicators to assist already overworked VA employees in reducing the time it takes to process claims.

I am sure the managers of the bill will say they put in a sufficient amount of money. I respect that view. I respect more the views of the veterans organizations who are the ones who are the advocates for and defenders of the veterans of this Nation. I appreciate the dedication and efforts on behalf of veterans that the Senator from Maryland and the Senator from Missouri have displayed year after year, time after time. I just believe we need additional money.

The additional \$5 million in funding that I am proposing in this amendment for claims adjudication matters would allow the Department of Veterans Affairs to hire approximately 100 additional claims adjudication personnel to begin chipping away at this backlog or, at the very least, slowing its growth a bit.

The current staff members handling these claims are considerably overworked. For every 10 claims for veterans' disability benefits, 4 are actually decided incorrectly, thereby increasing the number of outstanding claims for veterans awaiting to have their healthcare needs met. This already unacceptable number will continue to increase, unless the Congress appropriately funds the VA for personnel adjudication.

In an effort to try and accelerate the claims process and drive down the backlog, claims personnel often ignore the Department's own rules in deciding claims. When the regional offices have rejected a claim, a veteran can appeal to the Board of Veterans Appeals. Last

year that panel overturned the regional offices 26 percent of the time, and sent back another 30 percent of cases. The VA special appeals court returned 64 percent of its cases, mostly because of procedural problems. All the while, our veterans continue to wait for us to fulfill our promise to them.

Secretary Principi has stated that his "top priority is to the living veterans, not the deceased. Many veterans die before their claims are handled, we need to do a much better job of processing these claims before these veterans die. Only 5 million of the 16 million World War II vets who saved the world are alive today. Every day, World War II veterans are passing on before their claims are decided, and that's a real tragedy."

I stand alongside Secretary Principi on this most worthy endeavor to reform this badly broken system.

Mr. President, our veterans risked their lives in defense of our nation, whether charging the beaches of Normandy and Inchon, fighting in Vietnam, or putting themselves into harms way in Iraq and Kosovo. Yet these great Americans must now wait and wait and wait just to get an answer from the Veterans Administration.

Instead of fulfilling a promise that America would take care of their mental and physical injuries incurred while honorably serving our country, we "reward" them with an overworked, inefficient process that results in thousands of veterans everyday being turned away from benefit that were earned, deserved, and promised.

This amendment will go a long way to help our veterans. It also recognizes our government's solemn obligation to take care of these veterans' mental and physical health needs that resulted while defending our great nation. In the words of President Abraham Lincoln, given during his second inaugural address on Mary 4, 1865, "To care for him who shall have borne the battle and his widow and his orphan."

Secretary Principi is dedicated to carrying out this sacred responsibility, and I have every confidence that properly funded, he and the others in his Department will ensure that we here in Congress fulfill our promise to the Veterans of the United States of America.

I urge my colleagues' support for this amendment.

Now I will talk about the projects for which the money has been reduced, actually cut in half. One is the desert space station in Nevada, of \$100,000. Please remember in the context of what the community development programs are supposed to be for, and that is, of course, including adequate housing, a suitable living environment, and an expanded opportunities prescription appeal for persons of low and moderate income, requiring grant recipients to use 70 percent of the block grant funds for activities that benefit low- and moderate-income persons.

I repeat: Grant recipients are required to use at least 70 percent of



their block grant funds for activities that benefit low- and moderate-income persons.

The title is out of this world. Tourists can look for extraterrestrials in the Nevada desert. Visitors to Las Vegas might find an extraterrestrial or two if they knew where to look. Las Vegas is no stranger to the weird. Many would say the city is a weirdness magnet unless proliferating Elvises, drive-through wedding chapels, and elaborate faux cities make sense. A bird's eye look at the town, however, shows that Las Vegas is simply a small, beautiful cluster of lights sitting within a vast and very dark desert expanse.

Some people come to this city looking for something out of the darkness, something extraterrestrial. When it comes to alien mania, Las Vegas is as popular as Roswell, NM. On the lonely roads that cross Nevada, one of the least densely populated States, reports of swirling lights, government cover-ups, and UFO crashes are not considered odd but commonplace occurrences.

When your client is ready for a break from the gaming tables and the glitz of the strip, you can suggest alien hunting as an alternative to Las Vegas' many wonders. Despite the secrecy, this craze won't go away anytime soon.

An hour away from the strip, in Pahrump, NV, a museum is being built in the shape of a spaceship, to be completed by 2005. It will be the official Area 51 artifact and information center. It will offer a 3-D IMAX center theater, a digistar planetarium, and an Area 51 theme restaurant in the expectation of attracting 374,000 visitors annually.

The 95,000-square-foot facility will call itself the Desert Space Station Science Museum. What it is all about is the Area 51.

Adventure Las Vegas offers commissionable day tours that take visitors to the perimeter of this top secret installation. Clients stop in Slot Canyon along the way to view ancient Indian petroglyphs that some believe to be drawings of aliens. Then they travel through some remote and very mysterious areas, such as a dry lake bed where UFOs are rumored to have been observed. After observing these strange sightings, they will drop into the Little Ale Inn Cafe. There they will have the chance to view top secret documents taken from Area 51 and possibly have a conversation with Capt. Chuck Clark, and ex-Air Force captain and the author of *The Area 51 Manual*. The Area 51 Research Center, located at this quirky location, has a large amount of information about this mysterious region on display, as well as for sale.

We are asking to take half a million dollars for the Desert Space Station Science Museum and give it to help our veterans have their claims processed.

I mentioned earlier about the community development grant programs

being for activities that benefit low- and moderate-income persons: \$200,000 is for the Newport Air Museum.

Welcome to Newport: Rich in history, Newport prides itself on being a vibrant community offering a wide variety of events and activities year-round. Whether you were drawn here to enjoy the music festivals, yachting regattas, mansion tours, professional tennis at the Newport Casino or a day at the beach, Newport offers you a picturesque location to relax and enjoy.

This unique island community instantly blends the old and the new—colonial homes stand feet away from modern condominiums and offices. The bustling harbor glistens as elegant yachts, luxury liners and lobster boats compete for space. All of these combined are the charm that is Newport . . .

\* \* \* \* \*

However, Newport was rediscovered in the 1800's by the country's wealthy citizens as the ideal location to spend their summers. Suddenly, elaborate mansions and villas sprung up along Bellevue Avenue and Ocean Drive—each more ornate and luxurious than the one next door. These "summer cottages" provided the perfect backdrop for "The 400," an elite group of the very rich. This extravagant era officially opened the door to America's first resort.

They are going to spend \$200,000 on an art museum in Newport, RI.

Harbor Gardens Greenhouse Project:

When some people think of Pittsburgh, they still envision steel mills and smoky skies. Others identify the city by its sports teams or its three rivers or its colleges and hospitals or Heinz ketchup.

But who'd ever think Pittsburgh could become known for producing orchids?

Well, Bill Strickland would.

The president of the Bidwell Training Center on the North Side is trying to come up with \$3 million to create something called Harbor Gardens Greenhouse.

It would be a 46,000-square-foot glass facility located at Bidwell offices on Metropolitan Street in Manchester and "dedicated to producing orchids," according to a recent funding request submitted to the city's Urban Redevelopment Authority.

Strickland readily admits that growing the delicate, beautiful flowers would be "untraditional" for Pittsburgh but insists that untraditional thinking is what may be needed now.

I really believe it would be a good idea to grow orchids in Pittsburgh. I also happen to believe our veterans need their claims processed as a greater priority.

Here is \$1 million for a multi-purpose events center in Utah. I have a copy of the minutes of the Richfield City Council meeting held on Tuesday, September 19, 2000 at 7:00 p.m. in the Council Chambers of the Richfield City office building located at 75 East Center, Richfield, Utah.

Pledge of Allegiance was led by Mayor David Kay Kimball.

Roll Call was answered . . .

Ruth Jackson, representing the committee promoting the multi events center gave a presentation to the Council. She explained that they are going throughout the County giving this presentation to educate the voters about the multi events center and the upcoming bond election. They showed a model representing what the building will look like when constructed. It was also explained that there would be an advisory board over the maintenance and operation manager of the

building and that some one from the City could sit on this board giving the city some voice in how the building is utilized. One point made is that the community may not need this facility now, but it will within the next five to ten years.

There is a beach resort shore trail in Hawaii. There is a bicentennial party, Louisiana Purchase Bicentennial Commission party for \$1 million; a river museum in Iowa, a couple of million dollars; Culver City Council Theater.

Idaho Virtual Incubator—that is kind of an interesting one. I don't quite understand it—\$500,000, the Idaho Virtual Incubator:

The Idaho Virtual Incubator prepares businesses for e-commerce, offers students "hands-on" experience through virtual internships and fosters partnerships for job creation, expansion and retention.

Madam President, I think I have made my point. We have over 60,000 unprocessed claims. The committee very wisely—and I appreciate it—has added funding to help address this issue. We are trying to add more funding. Not just in my view but the view of every veterans organization in America, this money is needed. Because of the rules, obviously, that I would be subject to a budget point of order, I have found projects that I think are of lower priority than that of processing the claims of our veterans. Some of them are interesting, some of them entertaining; some of them are outrageous.

But the point is, none of these projects that I have identified could possibly, in the view of any objective observer, have priority over the processing of our veterans' claims.

I mentioned earlier, only 5 million of our 16 million World War II veterans survive today. They are leaving us at a rate of 30,000 every single month. It seems to me our first obligation would be to provide, as rapidly as possible, a process where the claims they may have for injuries or disabilities incurred in the service of this country would take priority over desert space stations, or greenhouses, Wildwood vacation resorts, botanical gardens, multi-event systems, multipurpose radio, multipurpose events centers, et cetera, et cetera.

I think the choice is clear. I am not saying the earmarks themselves are something that I approve of; I do not. I am not attacking the earmarks. I am not trying to have them removed. I am trying to cut them in half so we can have an extra \$5 million, which is not a lot of money when you consider the entire budget of this VA-HUD appropriations bill, so we can begin, at least, working with Secretary Principi, to provide for veterans.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, on occasion I have an opportunity to travel



with my colleague from Arizona and go through an airport somewhere in the country. I remember not too long ago going to Dallas, TX, on our way to Phoenix. Veterans coming up to my colleague—he is a lot more recognizable than I am—and saying, “Thank you, Senator MCCAIN, for fighting for us.”

Madam President, does the Senator from Maryland wish to speak at this moment? If I took her time, I apologize for doing that.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Does the Senator wish to speak in behalf of the McCain amendment?

Mr. KYL. Madam President, that is what I am doing, yes.

Ms. MIKULSKI. It was my understanding we would follow the tradition of alternating.

Mr. KYL. I am happy to yield the floor to the Senator from Maryland. I did not realize she wished to speak.

The PRESIDING OFFICER. The Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, thank you very much. I thank the junior Senator from Arizona.

Madam President, first of all, know that in talking about veterans and about the claims processing, not only wouldn't I argue with JOHN MCCAIN, but I wouldn't argue with all the history that we have had on this almost intractable problem. Cutting the time that a veteran must wait for a decision on claims processing has been one of my highest priorities since I originally chaired the committee in 1990. It seems as if we never get a handle on this issue.

The items of concern that were listed by the Senator from Arizona are accurate. Those are exactly the same problems my distinguished colleague and ranking member, Senator BOND, and I had in an extensive discussion with Administrator Principi during our VA hearing.

They are absolutely right. It takes too long for claims. It is absolutely wrong that our veterans who were willing to risk their lives and put their lives in the line of fire to defend the United States of America have to wait in line to find out about adjudication, particularly for a disability benefit. There is absolute agreement that it is wrong for veterans to have to wait 205 days or 7 months to get a decision on the claim.

Having agreed on the problem, what my colleagues in the Senate need to know is, on a bipartisan basis, working with the executive branch we have attempted to solve this problem.

First of all, for the VA-HUD bill, we put \$1.1 billion in for the administration of benefits. That is \$1 billion-plus for the administration of the benefits. We have also increased it by \$132 million. Where did we get that number? We got that number from George Bush.

We got that number from President Bush. This isn't BARBARA MIKULSKI's number. This isn't KIT BOND's number. This isn't something that we pulled off a Ouija board. This came from President Bush.

My colleague from Arizona says: I don't want to argue with you about what the veterans have to say. I don't want to dispute our veterans. But I have to believe that President Bush and Tony Principi, the Administrator of Veterans Affairs, knew what it would take to begin to really solve this problem this year, which has been a disaster for more than a decade. The money recommendation came from President George Bush. That is from where the \$132 million come.

Let's talk about our very able new Administrator of Veterans Affairs. I think the world of our new Administrator. I want to say this as a Democrat. I think President Bush has given us an outstanding Veterans Affairs Administrator. I am so excited about the possibility of working with Administrator Principi, a Vietnam vet himself, a former Under Secretary of VA during the Bush-Quayle administration, and with a substantial stint in the private sector picking up even more management skills.

Secretary Principi brings to us the heart and soul of a veteran—and committed to it because he was a foxhole guy himself; all the way up now to the considerable experience he has had not only with VA but also with the private sector.

I am telling you that Tony Principi and the President say we need \$132 million. I am willing not only to take it to the bank, but I am willing to take it to the Federal checkbook. That is where we got the money. I believe that it will really make a substantial dent.

We haven't been laggards, nor have we been deleterious, nor have we invented numbers out of the thin air.

Let me tell you what we are going to buy with this new money. We are going to buy close to 900 new employees to handle the backlog, and also to handle the new cases triggered by legislation enacted last year. Forty-six million dollars of that will be to hire these processors to implement what they call “duty to assist”—to actually help the veterans prepare their claims.

One of the problems in doing claims is that our veterans often don't prepare them properly. It is through no fault of the veterans. Many of them have visual problems. They are old. They are not well. If you have a disability, you stand to be pretty sick. And also you are pretty sick of the bureaucracy and you are pretty sick of the paperwork. But some of these new people will actually help the veterans do it right so we can get it done in the right time.

There is a new law to require the VA to review 98,000 cases—we have to go over the backlog—and another 244,000 that were pending when the legislation was enacted.

By the way, the VA will be able to also carry out a new policy of adding

type 2 diabetes to the list of presumptive disability conditions. Over 100,000 new claims are expected to be in this category, particularly from our Vietnam vets.

Additionally, the fiscal year 2001 supplemental spending also gave the Veterans Affairs \$19 million in this category. We have \$132 million, and in the supplemental that we just passed there is another \$19 million. I think that takes us to \$151 million. That is not potato chips, but it will buy us a lot of microchips to try to move this backlog.

I think we are keeping our promises to our veterans. We have not been laggards. We don't want to dump money on the problem, but we want to engage in solving the problem. That is why we ask the administration to give us the right amounts needed, and we will see that we step up and do that. That is where we come in on the money. That is why I am going to oppose the Senator's amendment. We are honoring President Bush's request, and we think if President Bush thinks it is adequate, the Senate ought to think it is adequate.

The other issue I am going to take up is this question of earmarks. People use the term “earmarks” as if it is a Darth Vader stain on the bill. Let me tell you, we can look at these projects; we can analyze them; we can joke about them, and so on. But when you talk to colleagues the way I have, we often end up meeting very compelling community needs. I know the Presiding Officer has spoken to me about the desperate need in her community to help the Meals on Wheels community. As I understand, the ability to really meet that overwhelming caseload is tremendous. We are going to try to work with her. I do not know if you are on this hit list or not. But I do know that when we follow the earmark, it is not something that a Senator makes up out of thin air.

My distinguished colleague and I wanted to weed out the pork. We established criteria that is within the framework of the community development block grant. We don't even consider a project unless a list is filled out for a project. You filled one out. In fact, you filled out more than one because of the needs of the State of Michigan.

What is it that we ask? Question No. 1, can you demonstrate that it will create jobs or a compelling human need? Does it create jobs or meet a compelling human need? Does it benefit a low- or moderate-income neighborhood? Does it eliminate physical or economic stress? Is there matching funds from a non-Federal source to show that there is grassroots support behind this? And is it essentially limited to a 1-year endeavor? That is what we ask our colleagues.

Does it create jobs? Does it help poor or moderate neighborhoods? Does it eliminate that distress? Can you show there is money from other sources? And also, this is not meant to be a year to year to year entitlement.

I want to talk about one in my own neighborhood. It is money for something called the Fells Point Creative Alliance to develop the Patterson Center for the Arts. I think when you read it, I can understand where someone might think this is for some yuppie, artsy, Gucci, woo woo kind of thing. I am not into "woo woo," but I am into empowerment.

Let me tell you about the neighborhood. This neighborhood is called Highlandtown. In the city of Baltimore, neighborhoods have names because Baltimore, the very nature of it, is a city of neighborhoods. And, God, I love it. And I am so proud of it. I love those neighborhoods. The neighborhoods are really what make Baltimore.

It is not the Inner Harbor and not Camden Yards and not PSI Net Stadium. The Inner Harbor is great in terms of an entertainment area, but it is the neighborhoods that are the heart and soul of Baltimore. This Highlandtown neighborhood was made up of people who represented the Polish, the Italian, the German, and the Greek community. They built this country. They sat on their white steps. They went to war. And while the men were at war on the battled front, the women were at home being "Rosy the Riveters" on the home front. We are both men and women, the veterans of World War II.

That neighborhood is aging in place, as are the people in it. I have a substantial number of aging World War II, GI, red-blooded Americans in that neighborhood, and their wives, who worked in factories called Bethlehem Steel, Martin Marietta, building the radar at Western Electric, who live in that neighborhood.

They are old. And we are fighting off the predators, the predatory lending crowd, the flipping crowd. We are fighting off the drug dealers. What was once a proud neighborhood is now teeter-tottering on disaster.

Now we have a new mayor and a new spirit. And guess what we are doing. We are transforming that teeter-tottering neighborhood into revitalization and creating a new village, with this theater being one anchor and the regional library being another. We are creating a new village, not only to keep out the bad but to build up the good.

With these young artists, we are creating a new sense of a new kind of village. So this isn't some gooshy little Playdough project. This is not a gooshy little Playdough project.

Now, if the mayor of the city of Baltimore is ready to work to anchor it, we have the right people ready to anchor it. The police commissioner is working to keep out the drug dealers. Our housing commissioner is keeping out the predatory lenders. I do not think we should eliminate this to keep out the empowerment money.

I will tell you, our people fought for their country. I think they now are trying to fight for their neighborhood. That is what this project is all about.

So I wanted to talk about mine. But behind every one of these congressionally designated projects is a story such as this. So if you really want to help the veterans of Highlandtown, you let me bring this help to them.

So, Madam President, I feel very strongly about this. I feel so strongly about those veterans who are waiting in line. I do not want them in line any more than my colleague does. He and I would be partners in this, including my wonderful colleague from Missouri. We are ready to go hand in hand. But do not punish neighborhoods to be able to help the neighborhoods.

Remember, our veterans fought for the neighborhoods. Now we have to fight for the neighborhoods and fight for our veterans, and not pit them against each other.

Madam President, I yield my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the time until 4 p.m. today be equally divided and controlled in the usual form with respect to the pending McCain amendment No. 1226; that no amendments be in order to the McCain amendment; that the only other amendment in order during this period be a managers' amendment; and that at 4 p.m., if the managers' amendment has not been agreed to, the amendment then be agreed to, and the motion to reconsider be laid upon the table, if the amendment has been agreed upon by the two managers and the two leaders, Senator DASCHLE and Senator LOTT; that the Senate then vote in relation to the McCain amendment; that upon disposition of the above amendments, the bill be read a third time, and the Senate vote on passage of the bill, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. No objection on this side.

Ms. MIKULSKI. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, we have a difference of opinion, obviously. Do we want these projects that I described, or do we want to go along with the strong recommendations of our veterans organizations? It really isn't too much more complicated than that. Some of these projects are absolutely ridiculous, but we have seen many other ridiculous projects in this

porkbarrel spending which has lurched totally out of control.

But the fact is, do we want to have these projects funded—9 out of 10 of them are the Appropriations Committee; things such as desert space stations and orchid greenhouses—or do we want to add \$5 million—which we are not destroying; we are only cutting in half—or do we want to take the strong advice and recommendation of every veterans organization in America? It is that simple.

I would be willing to vote. I will be glad to be on record siding with the veterans of America, with whom I have had some experience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I started to comment earlier about the degree to which veterans organizations and individual veterans around the country have relied upon my colleague from Arizona, Senator MCCAIN, to carry their flag in battles here in the Congress.

It always personally impresses me when I see people come up to him, as I frequently do, and thank him for the work that he has done or their behalf.

It always pains me when either of us—and sometimes both of us—have had to vote against the VA-HUD appropriations bill, which has money for many veterans programs, because of our concern that not enough of the money is allocated to veterans programs vis-a-vis the HUD programs.

I have explained to my very good friend and colleague, Senator BOND from Missouri, on many occasions why I have cast that vote, wishing very much that I could support the good work that he and others have done in support of our veterans.

I recognize that, as a result, this particular amendment is, in many respects, a symbolic amendment. It only takes half of the funding away from these projects that Senator MCCAIN described. And it is a relatively small amount of the money that we believe will be necessary to supplement the funds that have been made available for the resolution of these veterans' claims.

It is true that the committee has set forth an amount that was recommended for the resolution of those claims, but it is also true that this fall—when the blue ribbon task force established to make recommendations comes out with its recommendations—we anticipate that they will be for a lot more money that is needed to adjudicate the claims of the veterans. It will be too late by then to get that money in this appropriations bill.

Senator MCCAIN's effort was a modest attempt to put a very small amount of money, but symbolically important to our veterans, as he noted, back into the veterans part of this bill. It is for that reason I strongly support it.

I will not go through all of the other arguments Senator MCCAIN has so eloquently cited as the basis for his amendment.

I appreciate very much what Senator MIKULSKI said. She has taken the amount recommended by the administration and put that in the bill. As I said, all of us recognize, as she noted, it is not nearly enough. The question is, do we exercise some independent judgment here, anticipate that there will be a recommendation for funding in the future, but that it will come too late in this appropriations process or do we put that money into projects Senator MCCAIN has targeted for at least some treatment under his amendment?

I agree with him. The choice is clear. I tell all of my veteran friends when they confront me and ask, why did you have to vote against that VA-HUD appropriations bill there is a process in Washington to put the sweet with the sour, to make sure that whatever you do that doesn't go down very easily, you put something sweet with it so it is hard to vote against it.

Nobody wants to vote against veterans programs. We all want to support our veterans. That is why you take programs that can be subject to some criticism in the HUD portion of the bill, put them with the VA part of the bill and, voila, you have a recipe for success; Members will not dare vote against it.

I have voted against it. I will probably vote against it again in the future. I hope my veteran friends, by observing what is occurring here today, appreciate the fact that when we try very hard to move some of that money from programs that we think are not as useful for people into the veterans part of the budget, you can see how hard that is going to be. That is why, at the end of the day, we fight as hard as we can to get as much support for the veterans in the bill. And if we can't get more than we have been getting, then in many cases we end up opposing the bill. While it is true and in some respects symbolic, I think the symbolism is very important.

I urge my colleagues to support Senator MCCAIN's amendment to begin to send two messages. The first message is to our veterans, that we understand your needs, we understand your requirements, and we support you. Secondly, to those who have the difficult job of putting together this bill, it is time to begin to exercise some discretion here, and with respect to these projects that each Member likes so much, all earmarked projects, put less money against those projects and transfer some of that money into the veterans part of the budget.

As Senator MCCAIN said with respect to these World War II veterans, they don't have much time left. I hope my colleagues will support his amendment.

Mr. HATCH. Mr. President, I rise today in opposition to Senator MCCAIN's amendment to S. 1216, the appropriations bill for VA HUD.

This amendment would remove badly needed resources for many communities throughout the country and spe-

cifically in Sevier County in my home State of Utah. It furthermore seeks to overturn the carefully crafted work performed by the Senate Appropriations Committee when putting together this bill. I understand that legislating oftentimes means making difficult decisions, but the cuts proposed by Senator MCCAIN go too far and would hurt too many.

I urge my colleagues to vote to table this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Might I inquire of the Senator from Missouri or Maryland if it would be all right if I take a couple minutes off the subject of the McCain amendment to simply talk about a part of what will be included in the managers' amendment?

Mr. BOND. Madam President, I assume the Senator from Arizona is controlling the time of the other Senator from Arizona. He is free to utilize such time as he wishes. We will extend him our good wishes.

#### ALLOCATION FORMULA FOR STATE WATER POLLUTION CONTROL REVOLVING FUND

Mr. KYL. Let me thank the Senator from Missouri and the Senator from Maryland for agreeing to accept as part of the managers' amendment an amendment which I was going to offer. They have done this in good faith. I especially appreciate the fact that they have expressed support for what I am trying to achieve. I will explain it very briefly.

It was an amendment that expressed the sense of the Senate essentially that since we were not able to modify the formula for the wastewater treatment programs under EPA by an amendment on the floor on this appropriations bill, largely because of the argument that it is more appropriately done on the authorization bill, the authorizing committee, in September, should take up the reauthorization of the legislation, including an attempt to deal with this particular formula.

The operative paragraph says:

It is the sense of the Senate that the Committee on Environment and Public Works of the Senate should be prepared to enact authorizing legislation (including an equitable needs-based formula) for the State water pollution control revolving fund as soon as practicable after the Senate returns from recess in September.

That is the result of the fact that my earlier amendment was defeated but, frankly, defeated on a technicality, as most of the individuals noted.

There is a good case to be made for evaluating the current formula for distribution of these funds, that it can be done in the authorizing committee, that it should be done shortly after we return here, and I hope it can be done in time for changes to be made to affect the fiscal year 2002 numbers. That is the only way the formula can be made more fair for this next year.

I express to my colleagues, the managers of this legislation, my thanks for their willingness to include this sense-

of-the-Senate resolution in the managers' amendment as a way of at least moving forward on the reform that most people agreed to earlier but were not willing to make on the appropriations bill itself.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I claim such time from the time of the opponents of this amendment as I may require.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

Mr. BOND. First, let me thank my dear friend from Arizona for his amendment that is going to be in the managers' amendment. It is a pleasure to be working with the Senator from Arizona again. He formerly was on this committee. We regret he is no longer on our appropriations subcommittee. We still miss him, but I assure you, our aim is getting better.

I would like to tell the Senator from Arizona that we strongly support his admonition/instruction to the Environment and Public Works Committee to move on the subject which he addresses. That subject, of course, is the equitable allocation and the badly needed funding for our water infrastructure. I cannot emphasize too much how important that is to the health and well-being of all of our people and to the progress of this country.

He has done a great service, raising the question about allocation of the revolving funds, and we look forward to working with him. We are going to have to provide more resources than are now available. I assure him and my other colleagues that we want to do that in an equitable manner. I look forward, as a member of the Environment and Public Works Committee, to working with our chairman and ranking member to see that that occurs.

#### AMENDMENT NO. 1226, AS MODIFIED

Mr. BOND. With respect to the amendment by the other Senator from Arizona, Mr. MCCAIN, while I am very sympathetic to the point he has made about the need to improve VA's claim processing, I join with the manager of the bill, the distinguished chair, in opposing it.

We have been concerned. We have worked all year long to assist VA in dealing with the unacceptable backlog in VA claims processing. Nobody has been a more forceful, consistent spokesperson about the need to bring up-to-date and up-to-speed VA claims processing than the Senator from Maryland. I have listened to her for hours on end in the Appropriations Committee as she has sought more money, as she has admonished officials of the VA to get with it and get on the ball and get these claims processed.

This has really been a crusade she has led. I agree with her 100 percent. We are totally in agreement that VA claims processing is extremely important. It is a matter of justice and fairness to the people who have protected our country, and we have a long way to

go. We believe this should be the high-priority.

I agree with her, and I thank her for her kind words about Secretary Principi. We are excited to have a man of his background, his commitment, and his dedication at the helm in VA.

This is a difficult management problem. It is a resource problem. It is a personnel problem. We are totally committed to supporting Secretary Principi as far as we can. Secretary Principi has set a goal of processing regional disability claims within 100 days by the summer of 2003. That is an admirable and, unfortunately, ambitious goal considering that it now takes VBA more than 200 days to process a claim.

Nevertheless, he has set forth a timetable. He has set forth a budget he needs. He has set forth his plan to develop an effective processing operation that will assure that our Nation's veterans receive the service and the compensation they deserve. To address this need, to fulfill our part of the bargain, the bill before us provides significant funding increases to the VA, as requested by Secretary Principi. He said: This is my goal; this is where I want to be, no more than a hundred days. We will get there by 2003. He told us what he needed.

Our bill provides \$1.1 billion for the administration of benefits. That is \$132 million, or a 13-percent increase over the fiscal year 2001 level. And, at the request of the administration, we have already provided the additional \$19 million in the recently enacted fiscal year 2001 Supplemental Appropriation Act that gives the VA the ability to hire new claims processors immediately. So that is actually \$151 million that we are putting into Veterans Affairs.

This funding will increase the VA's budget and allow the VA to hire much needed additional staff, increase training, and modernize and upgrade information technology. Specifically, the VA will be able to hire and train 890 new employees to help resolve the backlog of cases and handle new cases due to legislation, such as the "duty to assist" enacted last year. This is a significant hiring increase. Bringing on all these people is a tremendous workload for the personnel section. Therefore, we have questions as to whether they could do more. They have outlined for us what they think is the optimum capacity for hiring new personnel, bringing them on board, giving them the training so they can accomplish the goal that Secretary Principi has sent down the pike for the 100-day limit for the processing of claims.

Frankly, the money that the Senator from Arizona has proposed is not in his request. It has not been requested by the person who has to do the job, who has to administer and make sure the money is well spent. Frankly, I believe we need to stay with the responsible work plan that the Secretary has outlined.

Finally, let me talk about some of the rhetoric we have heard on

porkbarrel. I come from a background of working in State government. One of the most important things we can do for the people in our States is to assure that we have strong communities. That means education, health care, and housing. But it also means strong communities. I spent a great deal of time, when I was Governor, working on how we develop communities, how we bring together the facilities that are needed to make sure we have livable communities.

Now, housing, obviously, in this budget is second only in priorities to taking care of our veterans. Veterans are our first priority. Housing is second. Below that, is assuring that the communities have what they need to be strong communities. We need good communities to support good housing so families can raise their children in the proper setting.

I am very pleased that we have been able to put money into community development. This is a very important priority. This is something that is recognized across this country and is strongly supported.

There is \$5,012,993,000 going into the community development fund. These funds go back and are administered by locally elected officials and State-elected officials—except for roughly 2.8 percent of those funds that are allocated here.

Now, if you don't think any of these buildings or any community development activities should be carried forward, you could save \$5 billion by knocking out community development funds. Given the many, many different objects for spending, I can assure you, as one who lives in a small town and who travels to communities of all sizes in our State, the community development activities are vitally important from a governmental standpoint, from a quality-of-life standpoint, and from an economic development standpoint. They help draw and attract the kinds of economic activities and the kinds of community activities that are beneficial. I believe in them. I believe it works.

Community development block grant funds are extremely important, and I will strongly oppose anybody who wants to cut the \$5 billion we put into community development block grants.

It is easy to pick out a project that has been recommended here and included by an elected Senator—anything you want—that goes to a different State than yours and call it "pork." If it is in your own State, it is a "strategic investment." How is that \$5 billion allocated? It is allocated by elected officials. That is what this process of government is all about. It is a republican form of government. They elect people at the local level and State level to make decisions on how to spend the money that is raised in taxes. A small portion of it—\$5 billion out of the total budget—goes to community development.

Who is best to make these decisions? We say, by and large, the decisions

should be made at the local and State level. This is money the Federal Government raises and sends back for community development. But do the people who are elected to serve their States in the Senate know what some of those priorities are? I happen to think they do. I travel around my State, and I know the need and the opportunities that economic development initiative grants and community development block grants can meet. I think those are very important.

Do we make decisions on all these funds? No, only about 2.8 percent. I think that anybody in this body who takes their job seriously is going to be seeing needs in their States. They are going to have the ability to identify improvements and projects or buildings that would benefit the communities—particularly the communities most in need, the communities needing a hand-out.

I am proud to have been able to work with the Senator from Maryland and with most of my colleagues. The 1600 requests we had went to communities all over this Nation to try to provide some funds for the top priorities as identified by our colleagues from the 50 States in the Nation. I will be happy to discuss at any length the contention of those who think that community development funds from the Federal Government through the community development block grant are not necessary. They make a great difference, and I do not apologize for the fact that those elected by the voters of the 50 States ought to have a say in allocating 2.8 percent of that.

Madam President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I thank the committee chairman and the ranking member of the subcommittee for their commitment and adherence to the needs of our veterans. I appreciate it very much. I know that all veterans and all Americans do as well.

I point out that there was a \$132 million addition for the VA, and it was a \$211 million addition over the President's budget for community development grants. I listened carefully to the comments by the Senator from Missouri about elected officials being wise enough to determine spending for projects in their own State. I wonder if that wisdom now resides in the Appropriations Committee, where 9 out of 10 of the earmarks came from. I am sorry the rest of us are not as well informed. In fact, I read this: Missouri, 15 projects, the largest number of projects, for \$9.150 million. And, of course, we can go down the list of the Appropriations Committee: Maryland, 13 projects, \$5.260 million; West Virginia, \$8 million; Alaska, \$7.490 million. Of course, there is a dramatic demarcation there between these funds and those who are not members of the Appropriations Committee.

That may be some coincidence. I believe \$5 million is a very modest

amount of money. I described the projects that half the money is taken from, and I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### PENDING VA CASES BY STATE

Vermont, White River Junction—1,420  
West Virginia, Huntington—5,926  
Maryland, Baltimore—5,958  
Ohio, Cleveland—13,715  
Alabama, Montgomery—13,758  
Wisconsin, Milwaukee—10,049  
Missouri, St. Louis—11,561  
New Mexico, Albuquerque—5,859  
South Dakota, Sioux Falls—1,919  
Montana, Fort Harrison—2,454  
Alaska, Anchorage—2,674  
Idaho, Boise—3,031  
Iowa, Des Moines—5,183  
New Hampshire, Manchester—2,224  
Pennsylvania, Philadelphia/Pitts.—14,854  
Kentucky, Louisville—10,724  
South Carolina, Columbia—9,394  
Mississippi, Jackson—7,442  
Illinois, Chicago—10,832  
North Dakota, Fargo—2,399  
Louisiana, New Orleans—9,198  
Texas, Houston/Waco—38,598  
Colorado, Denver—9,001  
Utah, Salt Lake City—1,574  
Washington, Seattle—13,091  
California, Oak/L.A./S.D.—47,448  
Nevada, Reno—7,105  
Massachusetts, Boston—5,147  
Rhode Island, Providence—4,042  
New York, NYC/Buffalo—22,745  
Connecticut, Hartford—3,411  
Maine, Togus—4,395  
New Jersey, Newark—7,384  
Indiana, Indianapolis—6,289  
Michigan, Detroit—9,687  
Delaware, Wilmington—1,984  
Virginia, Roanoke—17,635  
Georgia, Atlanta—16,714  
North Carolina, Winston-Salem—20,784  
Tennessee, Nashville—14,276  
Florida, St. Petersburg—33,218  
Nebraska, Lincoln—4,229  
Minnesota, St. Paul—7,357  
Kansas, Wichita—6,971  
Arkansas, Little Rock—7,881  
Oklahoma, Muskogee—10,767  
Oregon, Portland—12,368  
Arizona, Phoenix—8,687  
Hawaii, Honolulu—4,481  
District of Columbia—6,872  
Puerto Rico, San Juan—11,581  
Philippines, Manila—7,890  
Total cases pending: 524,186

#### STATE COSTS BY PROJECT

State	No. of projects	Total (in thousands)
Missouri	15	\$9,150
Rhode Island	14	3,900
Pennsylvania	13	3,700
Maryland	13	5,260
Alabama	12	4,400
Illinois	12	3,000
South Dakota	11	3,750
Wisconsin	10	3,000
California	9	3,700
Nevada	9	4,000
Louisiana	8	2,900
Vermont	8	5,000
Iowa	7	4,000
New York	7	2,000
Hawaii	6	3,000
Mississippi	6	5,250
New Mexico	6	4,400
Alaska	5	7,490
West Virginia	5	8,050
South Carolina	5	3,000
North Dakota	4	3,300
New Hampshire	4	2,500
Washington	4	3,300

#### STATE COSTS BY PROJECT—Continued

State	No. of projects	Total (in thousands)
Massachusetts	4	1,050
New Jersey	4	1,050
Colorado	3	2,800
Ohio	3	2,500
Texas	3	2,000
Florida	3	2,050
Delaware	3	1,100
Georgia	3	1,050
Indiana	3	1,800
Nebraska	3	1,800
Oregon	3	1,750
Maine	3	2,750
Tennessee	3	1,850
Idaho	2	1,500
Montana	2	1,750
Utah	2	1,800
Michigan	2	1,050
Minnesota	2	1,050
Arkansas	2	1,300
Connecticut	2	600
North Carolina	2	1,300
Kansas	2	1,500
Oklahoma	1	1,000
Kentucky	1	3,500
Virginia	1	1,000
Arizona		
Wyoming		
50 states	255	140,000

#### COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE, Washington, DC, August 1, 2001.

Hon. JOHN McCAIN,  
Russell Senate Office Building  
Washington, DC.

DEAR SENATOR McCAIN: On behalf of the one million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I would like to express our support for your efforts to reduce wasteful spending in the fiscal 02 appropriations bill for the Departments of Veterans Affairs and Housing and Urban Development (VA/HUD). Your leadership on these issues is greatly appreciated.

Last year, CCAGW chronicled a record of 6,333 pork-barrel items in spending for fiscal 01 that totaled \$18.5 billion. Congress seems to be on track to beat that dubious achievement. Ignoring the absence of earmarks in this year's House VA/HUD spending bill, the Senate exceeded the record levels of last year and added 256 earmarks in Community Development Block Grants (CDBGs), totaling \$138 million.

Some examples of this self-indulgence include: \$1,000,000 for a multi-purpose center for the Southern New Mexico Fair and Rodeo in Dona Ana County, New Mexico; \$750,000 for development of an arts center in Baltimore, Maryland; \$500,000 for the Idaho Virtual Incubator at Lewis and Clark State College in Idaho; \$350,000 for the Harbor Gardens Greenhouse project in Pittsburgh, Pennsylvania; \$300,000 for a heritage trails project in Kauai, Hawaii; \$300,000 for a new facility for Studio for the Arts in Pocahontas, Arkansas; \$250,000 for the Culver City Theater Project in Culver City, California; \$100,000 for development assistance for the Desert Space Station in Nevada; and \$100,000 for the development of the Alabama Quail Trail.

Your amendment will eliminate much of this egregious spending and spare the taxpayers from being forced to pay for the appropriators' largess. CCAGW applauds your efforts and urges your colleagues to support your amendment. The vote on your amendment will be among those considered for CCAGW's annual Congressional Ratings.

Sincerely,

THOMAS SCHATZ,  
President.

[Citizens Against Government Waste release,  
July 26, 2001]

PORK ALERT: CAGW'S PORK PATROL TAKES A  
CLOSER LOOK AT FISCAL 2002 VA/HUD PORK

Next week, the Senate is expected to consider the FY 2002 appropriations bill for the

Departments of Veterans Affairs and Housing and Urban Development (VA/HUD). The Senate ignored the House request of zero earmarks and picked up beyond where they left off last year, adding 256 earmarks totaling \$138 million for the Community Development Block Grant (CDBG) program in the bill. The 13 VA/HUD Appropriations subcommittee members gobbled up 101 of those earmarks (39 percent), totaling \$54.7 million. The other 16 Senate appropriators received another 104 earmarks (41 percent), totaling \$55.7 million. That means 29 percent of the Senate would get 80 percent of the projects and dollars, proving, once again, that appropriators abuse their privileges. A few examples:

Taxpayers Left Out in the Cold, Alaska. Senate Appropriations Committee Ranking Member Ted Stevens (R-Alaska) earmarked \$2.25 million for the city of Fairbanks to provide winter recreation alternatives to military and civilian residents. Sen. Stevens might just have asked federal taxpayers to send their old sleds and ice skates up north. Leadership Has Its Privileges, Missouri. Senate VA/HUD Appropriations Subcommittee Ranking Member Christopher "Kit" Bond (R-Mo.) earmarked \$7.1 million in CDBGs for his home state, including: \$1 million for the City Market renovation project in Kansas City; \$1 million for the University of Missouri-Kansas City Life Sciences Initiative; and, \$250,000 to the city of St. Joseph for redevelopment of its downtown area.

We Have Enough Bull, New Mexico. Cowboys, cotton candy, and kicking bulls must be on the mind of VA/HUD Appropriations subcommittee member Pete Dominici (R-N.M.). The senator earmarked \$1 million for infrastructure improvements and for a new multi-purpose and event center for the Dana County Rodeo and Fair. YEE-HAW!

Out of This World, Nevada. As if the International Space Station didn't cost enough, a new tribute to man's heavenly aspirations is being built in the desert. Senate Appropriations Committee member Harry Reid (D-Nev.) must be seeing stars over the \$100,000 that was earmarked for a futuristic space museum in his home state. It won't fly with taxpayers.

Not-so Bravo, Hawaii, Rhode Island, and Vermont. Appropriators are taking taxpayers to the cleaners and the theater. Hawaii, Rhode Island, and Vermont are slated to receive a total of \$1.1 million for the refurbishment of theaters and performance centers. Although some theaters may be historic, preserving the past probably took a back seat to preserving their starring role on Capitol Hill for VA/HUD Appropriations subcommittee member Patrick Leahy (D-Vt.) and Appropriations Committee members Daniel Inouye (D-Hawaii) and Jack Reed (D-R.I.).

Taxpayer Always Comes Last, Nevada. Known for tourists, gambling, and friendly service, Las Vegas has made a name for itself with its billion-dollar hospitality industry. From showgirls to costumed Romans, the customer always comes first. The taxpayer, though, obviously comes last. Senate Appropriations Committee member Harry Reid (D-Nev.) gamble away \$700,000 for a hospitality training facility in Las Vegas.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, we are coming now to the closing moments of this bill. I know we are waiting for a clearance to take up the manager's amendment, and we should be coming to that shortly. As soon as we have cleared the manager's amendment, I will be offering it.

As we go into the final minutes, I am going to make some final comments on the bill. We have really done a good job, and we have done a good job working on a bipartisan basis, working with President Bush and his Cabinet.

There are 13 appropriations subcommittees. The big three are Defense, Labor-HHS, and VA-HUD. VA-HUD spends \$84 billion of the taxpayers' money. Of that, \$51 billion goes to veterans, and it is worth every nickel of it. Housing and Urban Development receives \$31 billion. A substantial amount of that goes to community development block grant money, which is decided by the local community: housing for the elderly, the special needs population, and housing for the poor. We have tried to use the best ideas and the best practices to make sure subsidies are not a way of life but a way to a better life. That is what we have concentrated on again in this bill.

We have the Environmental Protection Agency. We have worked to clean up the environment. We have the National Space Agency and the National Science Foundation, very important for public investments in new ideas, in new knowledge, which always leads to America being on the competitive edge and the cutting edge.

We try to inspire young people through a national service program where they get value by working in the community and taxpayers get value by the work they do, and we create the habits of the heart that hopefully will inspire the next generation to have the spirit of voluntarism.

We think we have done a very good job in this bill. The reason we have done a good job is cooperation, collegiality, courtesy, and civility. I thank my ranking member, Senator BOND of Missouri, for the way we have worked together on this bill.

This has been a very difficult year. First, there was the delayed transition of the executive branch. President Bush took office in a timely manner, but because of the delayed transition we were late getting started. The President was late getting started. We have worked to catch up, and he has given us some terrific Cabinet people to work with in VA-HUD, our Secretary of Housing, and our Administrator of the Environment. I extolled the virtues of our Secretary of Veterans Affairs.

So many people think we are pretty prickly in politics, but we think we have worked well with the Bush administration. I have been delighted at their courtesy.

It was the Senator from Missouri, when there was the transition of power with the Democrats taking control, who, with enormous graciousness, provided practical help in transitioning the gavel to me. He was so courteous and the transition so effective and so seamless, that we did not miss a beat in terms of holding our hearings, trying to be responsible to the needs of our communities, and trying to be responsible to the needs of the taxpayer.

In the most sincere and genuine way, I want to thank my colleague for his graciousness because I believe we have truly been able to serve the people and serve the Nation.

He has an outstanding staff, and I want to thank them now:—Jon Kamarck, Cheh Kim, and John Stoody—for their wonderful work with my staff. I thank my staff—Paul Carliner, Gabrielle Batkin and Joel Widder, a detailee from the National Science Foundation—for the outstanding job they have done.

This committee has also had a tradition of bipartisanship. We have kept that tradition, and I think America benefits from it. As we now come to these closing minutes, we will really be able to complete our bill with pride.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NELSON of Florida. Madam President, will the Senator yield?

The PRESIDING OFFICER. The Senator has no time to yield. The time has expired.

Mr. NELSON of Florida. I ask unanimous consent that I be granted 3 minutes in order to enter into a colloquy with the distinguished Senator from Maryland.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. I thank the Presiding Officer.

Madam President, I congratulate the two Senators who have been managing this bill. I thank them for their vision with regard to America's space program, and indeed I have entered into a written colloquy with the Chair of the committee that will be inserted in the RECORD. I want to take this opportunity to express my concern and share that concern with the Chair and the ranking member of the committee. I have been afraid there may be some attempt, because NASA has had almost \$5 billion of overruns in the space station, that there may be some attempt to punish NASA by the administration.

I want to express my concern that if we starve NASA of the funds it needs, particularly with regard to the space shuttle upgrades, that could endanger the safety of the space shuttle program. I do not have to even conjecture further for the chairman and the ranking member that should there be another catastrophe in the manned space flight program, that could severely not only cripple but end the manned space flight program.

I thank the Chairman and the ranking member for recognizing space shuttle upgrades need to be addressed, not only in the bill but when we go to conference. I want to state clearly and unequivocally we cannot starve this space shuttle upgrade program, because if we do, we are getting to the point of risking the safety of the crews we fly.

Ms. MIKULSKI. I assure the Senator from Florida that we are safety-obsessed when it comes to the safety of our astronauts. In this bill, we have actually provided \$3.2 billion for the shuttle.

The PRESIDING OFFICER. If the Senator would suspend, the Senator has used 3 minutes.

Ms. MIKULSKI. We agree. The Senator can count on it, and everyone should know he is a Senator-astronaut.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I want to make one additional comment to the Senator from Florida for whom I have the highest respect, admiration, and appreciation of his advocacy for the space program. I say in all candor to the Senator from Florida, he knows these cost overruns go on and on. There is no one more qualified than the Senator from Florida to start exercising some fiscal discipline because we do not have an unlimited amount of taxpayers' dollars.

Unfortunately, before the authorizing committee, the Director of NASA keeps coming back and back saying: We have it under control; we keep imposing caps, and every year they tend to increase.

Madam President, I say to the Senator from Florida, whom I admire enormously, he is beginning to lose support when the costs just continue without any end in sight, and that should be of concern most of all to the Senator from Florida who is the advocate and spokesperson for this very important part of our Nation.

I yield the floor.

Ms. MIKULSKI. If I may respond—

The PRESIDING OFFICER. The Senator from Arizona has 4 minutes. The time of the Senator from Maryland has expired.

Mr. MCCAIN. I yield 2 minutes to the Senator from Maryland and 2 minutes to the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. I will claim 1 minute. I say to my colleagues from Arizona and Florida, first, on the cost overruns, Senator BOND and I absolutely agree. The space station is running a \$4 billion overrun. We want to shake, rattle, and roll this culture of permissiveness with these overruns. We are trying to work with the administration to deal with it.

While we are dealing with that, though, we want to ensure for each and every mission that we can send our astronauts into space and return them home safely and maintain our shuttle upgrades.

I yield back whatever time is remaining.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. I thank the Senator from Arizona for yielding 2 minutes. I agree with him. It is inexcusable that there is the lack of discipline so that the overruns to the tune of \$5 billion have occurred on the space station. I agree with Senator MCCAIN on that.

The fact is, however, that the space shuttle account has been starved 40 percent less over the last 10 years, and



we cannot continue to rob from Peter to pay Paul in other parts of the program without endangering the safety of the program.

The Senator and I share the vision of this country. We share the character of the American people, which is, by nature, we are explorers; we are adventurers. We never want to give that up because if we do, we are dead as a country; we are a second-rate country. We want to continue to explore into the unknown, but we have to do that with the utmost of safety. We all suffered through the tragic explosion of the 25th flight of the space shuttle, and from that we learned that we simply have to have the two-way communication and we have to have adequate resources.

There is a plan over the next 10 years of upgrading the shuttle so that it provides reliable and safe access to space, and that is what I am advocating.

Mr. MCCAIN. How much time do I have remaining?

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Arizona has 1 minute 10 seconds remaining.

Mr. MCCAIN. Mr. President, I thank the Senator from Florida. It is appropriate to say, though, when he says the budget was starved, that budget was recommended by NASA. We agreed to administration budget requests, and we were told time after time they could live within those budgets. I do not disagree with the Senator's depiction that the budget was "starved" or reduced, but those were the budget requests to which we agreed. Therefore, we have to get much more realistic estimates of the costs so that we can plan on them and also impose fiscal discipline, which I think the Senator from Florida will agree with me is somewhat lacking, at least in comparison to the pledges they make to the Congress of the United States.

I thank the Senator from Florida. I look forward to discussing this with him in the committee and also on the floor. It is a very important issue and one to which we have not paid enough attention. Now that the Senator from Florida is here, I think we will be paying a lot more attention.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, has all time expired?

The PRESIDING OFFICER. It has.

Ms. MIKULSKI. Mr. President, I move to table the McCain amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES, I announce that the Senator from New Mexico (Mr. DOMEN-

ICI) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 268 Leg.]

#### YEAS—69

Akaka	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Bennett	Edwards	Lott
Biden	Enzi	McConnell
Bingaman	Feinstein	Mikulski
Bond	Frist	Murray
Boxer	Grassley	Nelson (NE)
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Byrd	Harkin	Roberts
Cantwell	Hatch	Santorum
Carnahan	Helms	Sarbanes
Carper	Hollings	Schumer
Chafee	Hutchinson	Sessions
Clinton	Inouye	Shelby
Cochran	Jeffords	Smith (OR)
Conrad	Johnson	Specter
Corzine	Kennedy	Stabenow
Craig	Kerry	Stevens
Crapo	Kohl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Leahy	Torricelli
Dodd	Levin	Wyden

#### NAYS—30

Allard	Feingold	Murkowski
Allen	Fitzgerald	Nelson (FL)
Baucus	Graham	Nickles
Bunning	Gramm	Rockefeller
Burns	Hutchison	Smith (NH)
Campbell	Inhofe	Snowe
Cleland	Kyl	Thomas
Collins	Lugar	Voinovich
Dayton	McCain	Warner
Ensign	Miller	Wellstone

#### NOT VOTING—1

Domenici

The motion was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, I compliment our two managers. We have come a long way, and, I understand we are not far off from the point where we can have final passage. The managers have done an outstanding job. My hope is that we could go back on Agriculture.

I announce to my colleagues that we have two remaining pieces of business. We have, of course, the Agriculture bill, and we have nominations that I would like to be able to take up and complete.

If there is any way we could finish it tonight, there would be no session tomorrow. I hope, perhaps, we can all work together to see if there might be a way to accomplish the rest of our work tonight. There is still plenty of time. Then we can go all make our plane reservations for tomorrow. I announce that if there is a way to do it, we sure would like to find a way.

Again, let me compliment our colleagues for getting us to this point.

I yield the floor.

Ms. MIKULSKI. Mr. President, I thank the leader very much for those kind words.

I have a unanimous consent request, and then we will go to final passage.

Once again, I thank Senator BOND and his staff and my staff for their cooperation. I also thank Senator HARRY REID who helped us move the amendment process.

As you noticed, this bill had a minimum, and we are proud of our content and proud of our process.

AMENDMENT NO. 1338

Ms. MIKULSKI. Mr. President, I send the VA-HUD managers' amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for herself and Mr. BOND, proposes an amendment numbered 1338.

Ms. MIKULSKI. 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 the RECORD under "Amendments Submitted.")

Ms. MIKULSKI. Mr. President, the amendment includes the Harkin amendment for a 1-year public housing agency, an Iowa issue;

A Hollings amendment on earmark corrections;

An Inouye amendment on the eligibility standards for mortgages for Hawaii homeland;

A Lincoln-Hutchison amendment certifying the eligibility of HOME program funds project;

A Torricelli amendment to conduct a study at VA on particular diseases;

A Mikulski amendment clarifying a plan on HOPE VI;

A Wellstone amendment preventing discrimination in the rental or sale of housing—a nondiscrimination provision;

A Lott amendment to ensure that NASA-funded rocket propulsion testing is assigned according to existing procedures;

A Dorgan amendment on funding for EPSCoR programs;

A Conrad amendment on technical and other assistance for Turtle Mountain;

A Dorgan amendment on the eligibility of North Dakota cemeteries;

A Durbin amendment extending the comment period on this network 12 cares process by 60 days;

A Kerry amendment on increasing funds for Youthbuild;

And a Kyl amendment on the sense of the Senate that the Environment and Public Works Committee should report equitable clean water funding legislation.

I ask unanimous consent that the managers' amendment be agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland still has the floor.

Ms. MIKULSKI. Mr. President, I ask the Senator from Alabama why he surprised us.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, we have to clarify one of the amendments that we thought was cleared. We ask our colleagues to please stay because we think we will be able to clear it.

While we are doing this clarification with our colleague from Alabama, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MIKULSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the managers' amendment, as previously offered, with the deletion of the Lott amendment, be adopted.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 1338) was agreed to.

Ms. MIKULSKI. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, let me express my sincere appreciation for the work of the chair of the committee. She has done an excellent job by making sure everybody knows what is going on. We have taken care of many of the problems and challenges that arise in this bill. I thank her for the tremendous cooperation she has provided us throughout.

She said some kind words about collegiality, but on this side, what we know about collegiality we have learned from the distinguished Senator from Maryland, which she has shown us in the past, on how to work effectively, both as chair and ranking member. It is my great pleasure to work with her. And I share her enthusiasm for cleaning up the Chesapeake Bay. I assure you, Mr. President, it is one of my highest priorities.

I express my appreciation to Senator MIKULSKI's staff: Paul Carliner, Gabrielle Batkin, Joel Widder; and, obviously, to my staff: Jon Kamarck, Cheh Kim, and John Stooddy. They have made a very difficult bill work well.

I hope now that we can accept this bill and send it on to conference. I appreciate the work and accommodation of all of our colleagues who were kind and understanding to know why we could not take all 1,600 proposed amendments worth \$22 billion to add on to the bill.

#### AMENDMENT NO. 1214

The PRESIDING OFFICER. Under the previous order, amendment No. 1214, as amended, is agreed to.

The amendment (No. 1214), in the nature of a substitute, was agreed to.

#### EPA'S REGULATION OF PESTICIDES

Mr. HARKIN. Mr. President, I rise today to discuss two important issues facing agriculture and EPA's regulation of the use of pesticides.

First, as my colleagues know, 1996 capped a major shift in pesticide policy in this country with the unanimous passage by this House of the Food Quality Protection Act (FQPA). This act, which was later signed into law, provided new protections for infants, children, and other subpopulations potentially vulnerable to the effects of pesticide residues.

That act accelerated a trend in our country to move toward safer, reduced risk pesticides. It is important that all pesticides on the market meet FQPA's safety standards, and safer products allow farmers and others to better protect public health and safeguard our environment. It is a winning situation for everyone. Ensuring that effective, reduced risk pesticides continue to come to market is essential to ensuring that farmers and others continue to have a complete, effective, and affordable toolbox to address pest issues facing agriculture, industry, and our urban areas.

An additional \$5 million is needed to adequately support the registration of additional safer, reduced risk compounds. I would ask that this need be considered when this bill goes to conference.

Mr. CRAIG. Will the Senator from Iowa yield?

Mr. HARKIN. I would be happy to yield to my friend from Idaho.

Mr. CRAIG. I wanted to commend the Senator for bringing this matter to the attention of the Senate. It is my understanding that, in the last few years, over half of the applications received by EPA for new pesticides are for reduced risk, safer products.

In addition, there is a commitment by everyone, environmental groups, industry, farmers, and others, that it is important to review the older pesticides to ensure they meet today's higher health and safety standards.

Given that some of the older pesticides have had their uses adjusted as a result of FQPA, this additional money will help ensure that our farmers have a complete tool box to control the pests that threaten our agriculture. It will help bring new, cost-effective products to market and will help provide adequate alternatives for farmers.

It also helps ensure that farmers have the tools they need to continue to provide a safe and abundant supply of food. I want to express my support for these additional funds as well.

Mr. HARKIN. I thank the Senator from Idaho for his support and his help on this issue. He and I have worked together closely on several pesticide issues over the years on the VA/HUD subcommittee, and I always value his insights into agricultural issues facing this body.

The second issue I wanted to discuss involves EPA's pesticide evaluation process. Making evaluations of a particular pesticide's safety requires complex scientific analyses that ultimately depend on having complete and reliable data to base the analyses upon. Data that you need include pesticide residues in food and water and exposures to applicators and farm workers, among others.

While EPA's ability to conduct through scientific analyses on possible pesticide exposures from drinking water and to farm workers has improved, additional work remains to be done.

I am urging that the conference committee consider including an additional \$1 million for this purpose.

Mr. CRAIG. Again, I commend my colleague for bringing this matter to our attention.

It is my understanding that this additional money could be used by EPA in a collaborative way between industry and the environmental community to strengthen EPA's information and assessment techniques.

Better data, with enhanced methods to evaluate potential pesticide exposures, will result in more accurate and scientifically sound risk assessments, thereby contributing to better quality decisions by EPA.

I look forward to working with my colleague from Iowa to include these funds in the final conference report.

Ms. MIKULSKI. If the gentlemen will yield, I thank the Senators for their discussion. Reduced-risk pesticides can provide farmers and others with alternative pesticides that may present lower risks to public health and the environment, and can help ensure that farmers continue to have the tools they need. Also, given the difficult task that EPA faces in making timely, scientific decision about pesticides, providing the tools that EPA needs to improve its decision making should be a high priority.

I will work to ensure that these items receive every appropriate consideration as the VA/HUD bill moves forward.

Mr. BOND. I rise in support of the statements by my colleagues Mr. CRAIG and Mr. HARKIN. I have a longstanding interest in ensuring that pesticides meet FQPA's safety standards based on factual, reliable scientific data. The additional funding discussed by Mr. CRAIG and Mr. HARKIN for strengthening EPA's scientific analysis on

worker exposure and drinking water would also help enhance sound scientific decisions by EPA. Moreover, the additional funding for faster review and approval of reduced risk pesticides will enable these products to be on the market sooner, and help ensure that farmers and others have a complete tool box to control pests that attack their crops and threaten public health.

I look forward to working with Mr. CRAIG, Mr. HARKIN, and Ms. MIKULSKI to consider these additional funds in the conference report.

Mr. HARKIN. I would like to thank the distinguished chair and ranking member of the VA/HUD Subcommittee for their consideration. I am also hopeful that we will be able to agree upon a legislative package that will address several issues with pesticide fees currently facing the EPA and chemical industry. The Senator from Indiana, Mr. LUGAR, and I have been working together in the Agriculture Committee to come up with long-term fix for several pesticide fee provisions that expire this year.

I am very hopeful that this work could lead to an agreement that could help resolve issues that are likely to arise in conference on the VA/HUD bill.

Mr. CRAIG. I would like to commend Senators HARKIN and LUGAR for their work in the Agriculture Committee on pesticide fees.

As they and my colleagues know, the legal authorization for the collection of fees from pesticide manufacturers soon expires. The expiration of the so-called maintenance fee authorization will mean that EPA will face a significant funding shortfall as it attempts to implement FQPA.

There has been a widespread consensus in Congress to prevent the tolerance fee rule from taking effect. We have postponed the rule for 2 consecutive years, and another year postponement is included in this bill, as well as the House's version. I would urge the Senate to follow the House's action and reauthorize maintenance fees at \$20 million for fiscal year 2002. I would hope this is the first year of a multi-year fix. This would help maintain the critical base funding necessary to ensure that FQPA protections for public health are realized.

Mr. HARKIN. I thank my colleague from Idaho for putting his finger on exactly why it is so important to come to a resolution on these pesticide fee issues.

Mr. CRAIG. I would like to thank the Senators HARKIN and LUGAR for their efforts and leadership on this issue. I look forward to working with my colleagues to find an agreement that is acceptable to all parties on pesticide fees.

Ms. MIKULSKI. I want to thank the Senators from Iowa and Idaho for their remarks. You've laid out the issues regarding pesticide fees and EPA funding very well, and I look forward to working with them and the Senator from Missouri to resolve them.

Mr. REID. As we have discussed, the legal authorization for the collection of fees from pesticide manufacturers soon expires. The expiration of the so-called maintenance fee authorization will mean that EPA will face a significant funding shortfall as it attempts to meet important FQPA pesticide protections for children. EPA is far behind the schedule we set for them in that unanimously adopted law. This means that the important FQPA provisions we wrote 5 years ago to protect children from the dangers posed by toxic pesticides are still not being fully implemented.

At a Senate Environment and Public Works Committee hearing on EPA's proposed budget, EPA Administrator Whitman testified that she supported these important protections. She has taken additional steps during her tenure which demonstrate her support in concrete ways. At the hearing, the Administrator recognized that the shortfall I've mentioned above would cause a reduction of 200 EPA employees dedicated to making sure our pesticide standards protect kids. She promised that those reductions would absolutely not occur.

To her credit, Administrator Whitman testified that this shortfall would not be realized because she pledged to complete the so-called tolerance fee rule proposed during the Clinton administration. The administration to its credit also took this position in its budget. The tolerance rule would provide roughly \$51 million in fees to support and accelerate FQPA work. That was an important statement. It was an affirmation of FQPA's provisions that the costs of pesticide programs should be paid for by the pesticide industry rather than by the taxpayer. I look forward to working with the Administration to follow through on its pledge.

Recognizing, however, that it may be difficult to complete that rulemaking on schedule, it is extremely important that we extend the maintenance fee authorization in conference to ensure that EPA has the funds to at least continue their current level of work. I would underscore the remarks of my colleague from Idaho that this authorization needs to include an increase so that funding meets at least the \$20 million level.

Will my colleague from Maryland work in conference to ensure that EPA is provided with the critical base funding for FQPA children's health protections by supporting the extension of such fees?

Ms. MIKULSKI. I want to thank the Senator from Nevada for raising this issue. I look forward to working with him as well to resolve this issue in conference.

NESCAUM

Mr. JEFFORDS. Mr. President, I would like to engage the distinguished manager of the bill in a brief colloquy regarding funding for the Northeast States for Coordinated Air Use Management (NESCAUM). As she knows,

for many years now, NESCAUM has received support in the VA-HUD conference reports. The \$300,000 in funds provided in previous Subcommittee bills has enabled the organization to do outstanding work that is helping to protect the health and welfare of citizens in Vermont and the Northeast from air pollution.

Mr. SMITH of New Hampshire. I would like to echo the words of my colleague from Vermont. As Senators BOND and MIKULSKI know, I have supported funding for NESCAUM before and would hope that we can continue that at current levels in the fiscal year 2002 bill. The organization is very important to developing workable and cost-effective air pollution control strategies in the Northeast. I encourage the Chair to continue that past support.

Ms. MIKULSKI. I appreciate the views of the chairman and ranking Member of the authorizing committee. As they have indicated, NESCAUM has received support from the subcommittee from the past and I will ensure that it receives every appropriate consideration as we move forward.

Mr. JEFFORDS. I thank the Chair for her consideration.

NATIONAL SPACE BIOMEDICAL RESEARCH  
INSTITUTE (NSBRI)

Mrs. HUTCHISON. Mr. President, I rise to engage in a colloquy with the distinguished Senator from Maryland and chairman of the VA-HUD-Independent Agencies Appropriations Subcommittee. As the Senator knows, several years ago, NASA established the National Space Biomedical Research Institute (NSBRI) to enlist the broad scientific community in the effort to develop solutions to the health-related problems and physical and psychological challenges men and women will face on long-duration space flights. These 2 to 3 year missions will one day allow astronauts to travel to other planets and explore our solar system. The Institute also investigates ways to deliver medical care on these missions through new technologies and remote treatment advances. While addressing these space issues, the NSBRI plans to rapidly transfer discoveries that will also benefit human health on Earth.

As the distinguished Senator knows, the NSBRI is headquartered in Houston, TX at the Baylor College of Medicine. Eleven other prestigious research organizations make up the 12-member consortium of NSBRI Institutions, including the renowned Johns Hopkins University in Maryland. If we are to meet our established goals for human space flight and the continued exploration of the final frontier, we must better understand the physiological and psychological effects of space travel on the brave men and women who we launch into space. The NSBRI is the primary institution charged with this task.

I know that the Senator from Maryland shares my concern that NSBRI receive adequate funding. I have been informed that in order to fully fund current NSBRI research projects, an increase above the president's Fiscal Year 2002 budget is required.

I ask the Senator from Maryland to work with me in ensuring that NSBRI is provided with an increase in funding for NSBRI within the available amounts appropriated in the bill.

Mr. MIKULSKI. I thank the distinguished Senator from Texas, and I share her concern for the brave men and women who risk their lives to achieve the national goals that we have established for space travel. I agree that the health effects of these travels must be better understood, and that we should not endanger our astronauts who engage in long-term space travel without fully understanding the effects such travel has on the human body.

I thank the Senator from Texas for raising this important issue, and I offer my commitment to work with her to provide the NSBRI with the resources to achieve the goals we both share.

PHILADELPHIA'S NEIGHBORHOOD  
TRANSFORMATION INITIATIVE

Mr. SPECTER. Mr. President, I seek recognition to enter into a colloquy with Senator BOND to discuss efforts to assist the city of Philadelphia in its Neighborhood Transformation Initiative. On Monday, July 30, 2001, I met with Mayor John Street for an hour and a half regarding this initiative, which seeks to eliminate "blight" in the city of Philadelphia as well as focus on the elements that are essential for a neighborhood to thrive. These elements include the development of recreational facilities, retail opportunities, transportation, secure streets, cultural outlets and quality schools. I was very impressed with Mayor Street's plan to transform the city. I believe that the city is on the right track and could provide the prototype for addressing overall blight that plagues so many American neighborhoods.

In order to assist Philadelphia in reducing inner city blight, I aim to provide even greater flexibility in the use of CDBG funds. I believe this increased flexibility is imperative in order for the city to develop a long-term plan with a predictable funding stream.

Additionally, I understand that there may be additional funds available in the HUD Neighborhood Initiative program when the VA/HUD appropriations bill goes to conference. I would appreciate any funds that may be available for implementation of the city of Philadelphia's blight removal plan.

Mr. BOND. I understand that like so many neighborhoods in large urban cities, the neighborhoods in the city of Philadelphia have been devastated by depopulation and that other Philadelphia neighborhoods are experiencing the initial signs of decline with stagnant or declining property values, ris-

ing crime, and a breakdown in public infrastructure. Still, other neighborhoods are largely stable, but are hardly flourishing.

I respect what the Senator from Pennsylvania seeks to accomplish with these provisions. The CDBG is a flexible block grant program used by States and communities for critical projects such as affordable housing, economic development, and human service projects. Last year the committee provided approximately \$5 billion for the program. While this program is already a very flexible program, I am happy to work with the Senator from Pennsylvania to assist the city of Philadelphia to use CDBG funding to develop a long-term blight removal plan.

I understand that the city of Philadelphia is in dire need of neighborhood development and blight removal, and I would be glad to work with the Senator from Pennsylvania in conference to try to secure funding under the Neighborhood Initiative effort for this meritorious program.

NASA

Mr. NELSON of Florida. Mr. President, one of the agencies funded in this bill is particularly important to me and to my constituents in Florida: the National Aeronautics and Space Administration. NASA supports programs that invest in our Nation's future. At present, NASA's most significant and visible investment is the International Space Station. But, we have a problem on our hands: The Space Station is now expected to cost almost \$5 billion dollars more than projected just a few months ago. If we are going to complete this project, we have to find the money somewhere. Does the Senator agree?

Ms. MIKULSKI. I wholeheartedly agree. We must complete this project. It is an investment in our children's future. This laboratory of the heavens will allow us to conduct research in tissue growth, looking at the causes of cancer and potential medical treatments. We are going to investigate new drugs, and develop a whole new understanding of the building blocks of life. Using the microgravity environment of space, our industries will develop new advanced materials that may lead to stronger, lighter metals and more powerful computer chips. The station will also house experiments in combustion science, that could lead to reduced emissions from power plants and automobiles, saving consumers billions of dollars. And these are just a few of the possibilities. At the same time, I am deeply disturbed about the recent cost overruns in the Space Station program. We have to find funds to complete the station, and as Chair of the VA-HUD Subcommittee, I attempted to balance this need with those of other programs within the agency.

Mr. NELSON of Florida. I thank the Senator, and agree with her that recently announced ISS cost increases are disturbing. Funding these cost overruns without adding more money

to NASA's budget—as the Bush Administration has proposed—necessitates cutting many of NASA's programs, and possibly endangering the future viability of the station itself. At the same time, there are many other worthwhile projects being conducted at NASA—that have nothing to do with the space station—such as research in extra-galactic astronomy using the Hubble Space Telescope, global climate change research by remotely sensing the Earth, and launch technology development that could decrease the cost of getting to space by a factor of 10 or more. Not to mention the other human space flight programs impacted by station cost overruns. Cuts to the Space Shuttle Program may have catastrophic consequences. We have to continue supporting these and other projects, but where will all the money come from? I recognize that this situation has tied the hands of appropriators in both chambers, and applaud the efforts of Senators MIKULSKI and BOND, as well as Representatives WALSH and MOLLOHAN in the House, in attempting to solve this problem. While the Chambers are far apart in their approaches, I understand that Senator MIKULSKI plans to work with conferees to support a combination of the priorities in each bill. Is this correct?

Ms. MIKULSKI. The Senator is correct. The committee has endorsed the projects included in the bill's report. At the same time, I also recognize the need to support some of the priorities that were endorsed by the House. I plan to press for a marriage of the two bills during conference, combining the priorities of each Chamber. In fact, during this year's appropriations process, I have especially appreciated the input of Senator NELSON, as I believe that the combined interests of his constituents in Florida, and my own constituents in Maryland best represent the diversity of programs supported by NASA. Although programs in Florida largely focus on human space flight and supporting a robust commercial space industry, and programs in Maryland center around the remote sensing of Earth and exploring our own solar system, we both believe in doing everything we can to support a robust civilian space program for our Nation and the world. For this reason, I look forward to continuing to work with Senator NELSON and his staff in best representing the interests of both of our constituencies, as well as those of the rest of my colleagues.

Mr. NELSON. I thank the distinguished Senator. I appreciate her support and that of her staff on this issue, and look forward to continuing to work with her.

INTERNATIONAL SPACE STATION

Mrs. HUTCHISON. Mr. President, I rise to enter into a colloquy with the Senator from Maryland and chairwoman of the VA-HUD-Independent

Agencies Appropriations Subcommittee concerning the International Space Station and NASA's funding.

We are both concerned about the recently projected cost growth for the International Space Station. I support a space station that is fully functioning, and in order to achieve that goal, NASA must work within the budget that Congress has given it. At the same time, I understand the difficulty in estimating the costs of such an amazing engineering feat. We are now within a year of the station being "core complete," and I believe Congress must adequately fund the station so that we can begin to see the benefits of its unique scientific research.

NASA's projected 5-year cost growth of over \$4 billion includes many program liens that reflect 2 years of actual operational experience for the station. That on-orbit experience has eliminated many unknowns and has significantly enhanced NASA's awareness of what it takes to operate the space station. Unfortunately, the greater awareness has come a price tag that threatens reaching the full capability of the space station as originally planned in terms of research, a permanent crew of six, and a crew rescue vehicle.

I understand NASA is dealing with the budgetary challenges and has proposed a "core complete" plan for the station to stay within budget constraints. Importantly, NASA and OMB have put into place an independent external review board to assess the space station's budget and to assure the station will provide maximum benefit to the U.S. taxpayer. This external review board will evaluate the costs and benefits for enhancing research, a habitation module for a crew of six and a crew rescue vehicle.

Does the Senator agree it is important in conference that we not preclude the full review of these potential enhancements by the independent external review board, and not preclude the ability of NASA to undertake these enhancements, in order to ensure the originally planned capability for the space station?

Ms. MIKULSKI. I am concerned about the continued cost overruns on the space station and the lack of real urgency at NASA to really get the station budget under control. We have to send NASA a message that it cannot keep spending more and more money that is meant for other programs. The committee supports administration's objectives of reining in station cost growth, reforming program management to avoid cost overruns in the future, and creating an independent panel to validate the budget estimates and management reforms. The external review committee will present its recommendations this fall to address the space station funding problem. We are, necessarily, in a "wait and see" mode until NASA and OMB give us a new plan that will be the result of the independent external review.

I agree that we should not take any action that would prevent the achievement of the original scientific mission of the station. Despite the space station funding challenge, the committee is committed to completing the station: one that is capable of supporting world-class research.

But let me say, I will ensure that the space station problems do not threaten NASA's science programs. We can never shortchange safety or the science, and I'm afraid with the overruns we are going to be shortchanging science.

Mrs. HUTCHISON. I thank the Senator and would like to reassert that I do not disagree with what you said about the real concerns with cost overruns that, unchecked, will limit the space station's ability to perform as intended. I want to work with you to make sure that we do not cut off capabilities of the space station, and thereby never see the scientific contributions for which we have already made a significant investment.

#### VETERANS' HEALTH CARE

Mr. ROCKEFELLER. Mr. President, I ask the Senator from Maryland, the chair of the VA-HUD Subcommittee, to enter into a colloquy.

I had intended to offer an amendment to the bill before us to increase the spending for veterans' health care.

I think the need is there, as the President's budget plainly shows that next year VA will need nearly \$1 billion to cover the cost of payroll and inflation. But the President's budget only provided an additional \$800 million.

VA needs additional funding to pay for the long-term care needs of an aging population, emergency care coverage in non-VA hospitals, hepatitis C treatment, and new outpatient clinics.

I do understand the very restrictive allocation that Senator MIKULSKI's subcommittee faces—due to a budget resolution not of her own making. Because of that, I have decided against offering my amendment, but I would like to ask the Senator a question.

Toward the end of the year, I feel certain that Congress will need to revisit various spending bills. I feel strongly that one of the areas which should receive more attention at that time is VA health care. I ask, therefore, for the Senator's assurance that we can go back and add additional funding for VA health care.

Ms. MIKULSKI. The subcommittee recognizes that increased funding for VA healthcare is very important to keeping our promises to our nation's veterans.

Within our allocation, which was very tight, we were able to provide \$21.4 billion for VA medical care. This is \$1.1 billion above the fiscal year 2001 level, \$400 million above the President's request, and \$100 million above the House.

The VA also retains copayments from veterans and third-party health insurance. CBO estimates that these will provide an additional \$900 million for VA medical care in fiscal year 2002.

VA will also carry over \$882 million in unobligated medical care funding from fiscal year 2001 to fiscal year 2002.

This level of funding will allow VA to open at least 33 more community based outpatient clinics, and improve waiting times for veterans to receive care.

We also provide \$390 million for VA medical and prosthetic research. This is \$40 million above the fiscal year 2001 level, and \$30 million above the President's request. This funding is critical to making more progress in: One, recruiting and retaining high quality medical professionals; two, the treatment of chronic diseases; three, diagnosis and treatment of degenerative brain diseases like Alzheimers and Parkinsons; and four, research involving special populations, especially those who suffer from spinal cord injury, stroke, nervous system diseases, and post traumatic stress disorder.

So within our tight allocation, the subcommittee was able to keep our promises to our nation's veterans.

But we recognize that there is always more we can do.

So I assure Senator ROCKEFELLER that within our available resources we will continue to do all we can to meet the needs of our Nation's veterans, and keep the promises we made to them.

#### ESTABLISHMENT OF AN OUTPATIENT CLINIC IN PASSAIC COUNTY, NJ

Mr. TORRICELLI. Mr. president, I request unanimous consent to engage the distinguished chairwoman of the VA/HUD appropriations Subcommittee in a colloquy about a critical health care matter facing the veterans in my State of New Jersey.

Ms. MIKULSKI. I would be happy to accommodate my colleague from New Jersey.

Mr. TORRICELLI. I thank my distinguished colleague from Maryland. In my State of New Jersey, the veterans population is facing an epidemic in receiving the health care services they need. They have earned these health care benefits by virtue of their service to our country in the Armed Forces, and I believe, as many other Members of this body believe, that we should make every effort to ensure that the men and women who have served their country in times of war should have access to quality and dependable health care when they need it.

The problems that the veterans of New Jersey come across in receiving the care that they need are many. Each year, under the Veterans Service Integrated Network, our region has been seeing its veterans health care funding dwindle as it is reallocated to other parts of the country. This means that there are fewer hospital beds, fewer doctors, fewer nurses, and fewer support staff members to respond to the needs of the 750,000 veterans who still live in New Jersey.

This also means that there are fewer facilities where veterans can go to get checkups, prescriptions for much needed drugs or therapy and rehabilitation for ailments incurred during their service.

Indeed, a veteran in New Jersey who puts in a request to have a routine checkup may have to wait several months before they receive an appointment. I cannot overstate the critical situation that thousands of New Jersey veterans face each day. There is a severe backlog of appointments at all of the New Jersey's veterans hospitals and outpatient clinics and unless this matter is addressed in the near future, the problem will only become more acute.

Earlier this year, I met with members of the Veterans of Foreign Wars from New Jersey. In our conversation, they stated that one of the ways we can alleviate the current problem being faced by the veterans in our state is to establish a new outpatient clinic in Passaic County, NJ. This new clinic could provide services to veterans throughout the northern part of my state where a large concentration of veterans live. Currently, many veterans in this region of New Jersey have to travel long distances to get health care, some even as far as New York City.

The House VA/HUD Appropriations Subcommittee agreed with the merits of establishing a new outpatient clinic in Passaic County, and encouraged the VA to establish one there. It is my hope that the members of the Senate will recognize this need as well and encourage the VA to locate a new outpatient clinic in Passaic County. It will provide a great measure of relief to a veterans population that has been underserved for many years.

Ms. MIKULSKI. I thank the Senator from New Jersey for his thoughts on this matter.

#### MOORESVILLE, NC LIBRARY PROJECT

Mr. EDWARDS. Senator MIKULSKI, you have made available \$140,000,000 for the Economic Development Initiative (EDI) to finance a variety of economic development efforts. I want to make you and your committee aware of a project I think is worthy of an EDI grant.

The town of Mooresville, NC is in dire need of assistance in rebuilding its library. The current library has more than 60,000 books, despite the fact that it was built to hold only 26,000. The Town plans to add 20,000 square feet to house library materials as well as community room as well as a large research and reference area. The library is on the National Register of Historic Landmarks. I am certain this project will contribute to the overall revitalization of the neighborhood.

I am certain the Senator would agree that the Mooresville project is a worthwhile investment. I respectfully ask you to urge members of the conference committee to provide \$1 million in EDI funds for the Mooresville library project.

Ms. MIKULSKI. I thank the Senator from North Carolina for bringing this project to the committee's attention. The subcommittee will give it every appropriate consideration as we move forward.

#### STATE AND TRIBAL ASSISTANCE GRANTS

Mr. REID. Mr. President, I would like to engage in a brief colloquy with Senator MIKULSKI, the chair of the VA, HUD, and Independent Agencies Subcommittee.

As the Senator is aware, I have always been a supporter of the State and Tribal Assistance Grants program administered by the Environmental Protection Agency. Over the years, the STAG program has provided millions of dollars to many of the rural communities throughout the State for wastewater treatment, waters systems, and programs designed to improve air quality.

For good reason, this program is tremendously popular with Members and I know that the chairwoman receives far more requests for funding that she can possibly accommodate.

However, I would like to ask my friend to consider two STAG grant requests for the State of Nevada should additional funds become available to the subcommittee in conference.

The first involves funding for restoration of the Las Vegas Wash. As my friend knows, the Las Vegas is the primary wetland area in southern Nevada that filters the drinking water that supplies Las Vegas and the rapidly growing areas around it. For several years, the local, State, and Federal governments have been working cooperatively—a remarkable success story—to restore and protect these wetlands. This STAG grant will allow this important work to continue.

The second request is for Lake Tahoe. As the Senator from Maryland knows, I have always marveled at her commitment and dedication to saving the Chesapeake Bay. I have similar passion for protecting and restoring the Jewel of the High Sierra's, Lake Tahoe. The relatively modest STAG grant I am seeking for Lake Tahoe will provide funding for a series of air and water quality projects that will contribute to fulfilling the requirements of the Lake Tahoe Environmental Improvement Program, a 10 year Federal, State, local, and private sector blueprint for saving Lake Tahoe.

All I ask is that my friend and colleague give these two requests her consideration during the House-Senate conference committee.

Ms. MIKULSKI. I thank the distinguished assistant majority leader for his thoughtful words. I agree that the two matters you have brought to my attention are important and worthy. Senator BOND, our ranking member, and I will certainly work with the House conferees and consider these grant requests for funding.

#### SEWER INFRASTRUCTURE FUNDING FOR MICHIGAN

Mr. LEVIN. Mr. President, as the Senate considers the fiscal year 2002 Appropriations Act for VA/HUD and Independent Agencies, which includes funding for the Environmental Protection Agency, I wonder if the distinguished Senator from Maryland would

be willing to consider in conference funding for sewer projects in Michigan.

In Michigan, we are facing an urgent need to maintain and improve our aging sewer systems. In southeast Michigan alone this will cost between \$14 and \$26 billion over the next 30 years. I would greatly appreciate the committee's assistance in protecting water quality in Michigan by funding these much-needed sewer projects.

Ms. MIKULSKI. So many of our communities are facing enormous funding needs to upgrade aging wastewater infrastructure, including Michigan communities, and we regret that we could not fund the new combined sewer overflow program within existing funding constraints. The Senator from Michigan's request will receive every appropriate consideration as we move forward.

Mr. LEVIN. I thank my friend from Maryland and the committee for their hard work in putting together this important legislation.

#### GEORGIA COMMUNITY REDEVELOPMENT INITIATIVE

Mr. MILLER. I rise to engage in a colloquy with the distinguished subcommittee chairwoman about a very important community development initiative taking place within the great State of Georgia.

First, I thank the distinguished subcommittee chairwoman for her continued support of community redevelopment and empowering neighborhoods. Additionally Senator MIKULSKI, through her tenure as ranking member and now chair, has always made education one of her top priorities.

In my State of Georgia, three institutions of higher education, which are also Historically Black Colleges and Universities, are participating in a group community redevelopment initiative. Morehouse College, the Morehouse School of Medicine and Spelman College have formed a nonprofit corporation—College Partners, Inc.—and are working with the city of Atlanta in a land acquisition deal. The deal will result in the expansion of the Atlanta University Center, AUC, space, as well as surrounding community development and revitalization.

The West End community, which sits at the boundary of these AUC campuses, has been unable to significantly capitalize on the renewed interest in residential and commercial development within the Atlanta area. This community has high unemployment, low educational attainment, deteriorating and/or vacant housing, and a preponderance of families that live at or below the Federal poverty level. All of this exists less than three miles from downtown Atlanta, where there sits prime commercial developments.

Acquisition of the land in question will allow the campuses to expand and enable the surrounding community development process to continue and remain on target with the objectives of the city's empowerment zone, which already has improved the neighborhoods east and north of the campuses.



Ms. MIKULSKI. I appreciate very much the comments from the Senator from Georgia. How will the surrounding neighborhood benefit from the result of the land acquisition?

Mr. MILLER. Each participating school, which are all currently landlocked, will be able to expand their capabilities and establish and/or expand programs in their particular areas of expertise. But what makes the initiative so worthwhile is that the program expansion will move beyond the confines of the institutions and out into the community. For instance, Morehouse College will continue its partnership with Fannie Mae Foundation and HUD to provide leadership training to community organizers, local nonprofit organizations, and members of the Neighborhood Planning Units. Morehouse also plans to establish a charter school. Morehouse School of Medicine will be expanding its Community Health and Preventive Medicine Programs, as well as expand an initiative to stimulate the interest of and introduce minority elementary and middle school students to medical and science careers early in their education. Finally, Spelman College plans to provide local residents with training in early childhood development and childcare while simultaneously providing a hands-on laboratory for student education majors. In addition to the request for the CPI project, as we have discussed, Spelman College is seeking additional funds to renovate one of their primary buildings, Packard Hall, and include its use in the larger community revitalization efforts. Specifically, \$1 million is sought from the Economic Development Initiatives account in your bill for each of these projects, for a total of \$2 million. This funding is urgently needed to ensure the completion of this vital community development initiative.

I hope that language for both College Partners, Inc., and Spelman College can be included in the conference report for these initiatives that work to further community revitalization and educational attainment.

Ms. MIKULSKI. I appreciate the inquiry from the Senator from Georgia and the subcommittee will work with him and Mr. CLELAND to ensure that these initiatives receive every appropriate consideration as we move forward.

#### ACQUISITION AND REVITALIZATION OF ATLANTA'S WEST END

Mr. CLELAND. Mr. President, I rise to enter into a colloquy with the distinguished Senator from Maryland, the chairman of the Subcommittee, Ms. MIKULSKI, regarding a joint collaboration between three of Georgia's finest academic institutions, Morehouse School of Medicine, Morehouse College and Spelman College. As the Senator is aware, these neighboring institutions have come together for the purpose of acquiring and revitalizing an 11 acre parcel of land in Atlanta's West End community that is contiguous to all

three schools. The acquisition of this land is critical to the future success of each institution, due to the fact that all three schools are essentially landlocked.

The acquisition of this property will enable each school to significantly expand their education and community based programs, as well as contribute to the revitalization of Atlanta's West-End Community. All three institutions are working very hard to secure private resources for this project. However, given the scope of this initiative, the schools are also seeking federal support from the Department of Housing and Urban Development's Economic Development Initiative program.

I applaud the Chairman for her leadership in promoting community revitalization programs in the VA-HUD appropriations bill. I would ask the Chairman if she would give every consideration to supporting the important initiative I have just described in the upcoming conference with the House on the VA-HUD bill.

Ms. MIKULSKI. I am aware of the joint collaboration between these three Historically Black institutions in Atlanta, and I applaud their effort to contribute to the revitalization of Atlanta's West-End Community. I would tell the Senator that during the development of this year's bill, we received a large number of meritorious requests for projects within HUD's Economic Development Initiative account—including the project he just described. With respect to the conference, I can assure my friend from Georgia that this project will receive every appropriate consideration.

Mr. CLELAND. I thank the gentlelady for her leadership and look forward to working with her as the process moves forward.

#### SPINA BIFIDA

Mr. BROWNBACK. Mr. President, I would like to bring to the attention of my colleagues the No. 1 permanently disabling birth defect in the United States. Spina Bifida is a neural tube defect and occurs when the central nervous system does not form properly close during the early stages of pregnancy. The most severe form of Spina Bifida occurs in 96 percent of the children born with this disease. People with Spina Bifida often have paralysis of muscle groups, difficulties with bowel and bladder control, and learning and developmental challenges. There are approximately 70,000 individuals living with the challenges of Spina Bifida in our Nation.

This is also a very preventable birth defect. Sixty million women are at risk of having a child born with Spina Bifida, and each year approximately 4,000 pregnancies in this country are affected by Spina Bifida. Unfortunately, only 2,500 of these children are born. This translates into approximately 11 Spina Bifida and neural tube defect affected pregnancies in this country each and every day. Yet, if all women of

childbearing age were to consume 0.4 milligrams of folic acid before becoming pregnant, the incidence of folic acid-preventable Spina Bifida would be reduced between 50-75 percent. Let me repeat this. If all women of childbearing age had a multivitamin with 0.4 milligrams of folic acid everyday with breakfast, we could reduce the incidence of this birth defect by 50-75 percent.

Fortunately, we are working to get the word out regarding the importance of folic acid consumption. Created by the Children's Health Act of 2000, the Centers for Disease Control and Prevention's National Center on Birth Defects and Developmental Disabilities' mission is to improve the health of children by preventing birth defects and developmental disabilities. I have just heard that the center's folic acid prevention campaign has reduced neural tube defect births by 20 percent. This public health success should be celebrated, but it is only half of the equation—2,500 babies are born each year with Spina Bifida.

Much more must be done to improve the quality of life for those 70,000 individuals and their families that live with this disease day in and out. Major medical advances have permitted babies born with Spina Bifida to have a normal life expectancy and live independent and fulfilling lives. However, living with this disease can be expensive—emotionally, physically, and financially. The lifetime costs associated with a typical case of Spina Bifida—including medical care, special education, therapy services, and loss of earnings—exceed \$500,000. The total societal cost of Spina Bifida exceeds \$750 million per year. The Social Security Administration payments to individuals with Spina Bifida exceed \$82 million per year. Tens of millions of dollars are spent on medical care covered by Medicaid and Medicare. Clearly we need to do more to improve the quality of life for people suffering from Spina Bifida. With improved quality-of-life for individuals and families affected for Spina Bifida, the stigma and fear associated with a Spina Bifida birth will decrease significantly.

I support efforts to examine the current state of and opportunities in the practice of secondary prevention—including in utero surgery—and efforts to reduce and prevent secondary health effects of Spina Bifida. One step of many we must take to improve the quality of life for those suffering from this disease is in the creation of a national registry of persons affected by Spina Bifida and its secondary conditions so we can know who is affected and how we can help them.

Ms. MIKULSKI. I, too, share my distinguished colleague's concern about this permanent and disabling birth defect. The exact causes of Spina Bifida are unknown. While we know that consumption of the recommended daily dosage of folic acid plays a tremendous part in the prevention of this disease,

we still have much to learn. We also need to help those that suffer from this disease and their loved ones deal with the day-to-day challenges of living with this birth defect. As more and more individuals with Spina Bifida live longer, it is increasingly important to ensure that their quality-of-life is maximized—this includes educational and vocational attainment, amelioration of secondary health effects, and ongoing support for them and their families. In 1996, this Senate passed the Agent Orange Benefits Act which provides benefits for persons affected by Spina Bifida whose biological father or mother is or was a Vietnam veteran. I was proud to support this important Act, but I am troubled that not all of the 3,000 eligible families have been identified by the Veterans Administration.

Mr. BOND. How many families have been identified under the Agent Orange Benefits Act?

Mr. BROWNBAC. Only 900 families out of the 3,000 eligible have been identified for these benefits.

Mr. BOND. Is there a reason why less than half of the eligible families have been identified since passage of the Agent Orange Benefits Act?

Mr. BROWNBAC. The Veterans Administration's funding capacity to conduct outreach, educational, and programmatic initiatives has been limited to this number so far.

Mr. BOND. I, too, am concerned about the effects of this devastating disease and am pleased to stand with two of my colleagues on this important public health issue. I supported the passage of the Children's Health Act last year that created the new birth defects center at CDC and I am pleased that their prevention education efforts have already led to a downturn in Spina Bifida cases. I am also pleased that the identified families to date are utilizing the benefits under the Agent Orange Benefits Act. I, in addition to the distinguished Senators from Kansas and Maryland, support efforts that would improve the quality of life for those suffering from this condition and further support the development of a national registry. Both the CDC and the Veterans Administration are making strides in the study of this disease and I support a collaborative initiative for the two agencies to improve upon existing registries of persons affected by Spina Bifida, and other birth defects, especially for those whose father or mother served our nation during the Vietnam war.

Ms. MIKULSKI. I agree with my colleague from Missouri. The key to developing and maintaining a national registry will be the collaboration between the various federal agencies. I also support collaboration between the CDC and the Veterans Administration to further conduct outreach education initiatives to ensure that all of the 3,000 eligible families receive benefits as designated under the Agent Orange Benefits Act.

I thank the Senators from Kansas and Missouri for their support of this bipartisan effort to begin to establish the groundwork for improving the quality of life for individuals affected by Spina Bifida.

NSF EXPERIMENTAL PROGRAM TO STIMULATE  
COMPETITIVE RESEARCH (EPSCoR)

Mr. DORGAN. Mr. President, I commend Chairman MIKULSKI and Ranking Member BOND for their foresight and leadership in providing a \$256 million, or 6 percent, increase for the National Science Foundation. I also appreciate their willingness to provide \$85 million for the NSF Experimental Program to Stimulate Competitive Research, EPSCoR, program. EPSCoR is a proven program that is helping researchers in historically underfunded States to improve their competitiveness for federal R&D.

The managers of this bill have been gracious enough to accept an amendment from me that increases the EPSCoR funding in the Senate bill to \$90 million in fiscal year 2002. This modest \$5 million increase does not need to be offset because it comes out of the amount already appropriated through the NSF Education and Human Resources line-item.

EPSCoR helps these States to build infrastructure and expertise in areas of scientific importance to the States and the Nation by providing seed money that allows smaller research universities to hire faculty, obtain equipment, support the development of young faculty members, and other vital tasks that the Stanfords and MITs of the world take for granted.

While I am glad that the EPSCoR level in the Senate bill is \$10 million above the current level and the President's budget request, we are still falling woefully short of the level needed to help under-funded States. The top 5 States—California, New York, Massachusetts, Colorado, and DC—received 48 percent of total NSF funding in 2000. One State alone receives twice as much NSF funding as the 21 EPSCoR States combined. California received \$452 million in NSF funding in fiscal year 2000, which is 15 percent of the total NSF funding. The 21 EPSCoR States, plus Puerto Rico, share only 7 percent of total NSF funding, \$207 million.

In 1990, the NSF EPSCoR budget was only \$8 million. While it is true that this funding has grown steadily in the years since then, these increases have been extremely modest in comparison to total Federal R&D expenditures. In fact, even with the additional co-funding that NSF provides to EPSCoR grantees, the \$90 million, plus the \$25 million in co-funding, in total EPSCoR funding provided under my amendment would still represent only 2.5 percent of the total NSF budget in fiscal year 2002.

I have already heard from a number of my colleagues who support my amendment and 17 Members of the Senate joined Senator NICKLES and me in sending a letter to the subcommittee requesting this funding level.

EPSCoR is good Federal policy. At its most basic, scientific research is about ideas. When you have research institutions in 5 States receiving half of the basic science research funding, a whole universe of ideas are left unexplored. EPSCoR has been invaluable to States like North Dakota becoming more competitive for Federal research dollars. North Dakota's total NSF funding increased by 307 percent from 1990–1999. The number of competitive NSF awards that North Dakota researchers received increased by 71 percent between 1993–1998. More than 30 topnotch young faculty were brought to North Dakota, through the support of EPSCoR, that would otherwise have gone elsewhere. Those EPSCoR-supported researchers have successfully competed for more than \$12 million in Federal and private R&D funding.

EPSCoR is also a key to economic development in EPSCoR States like North Dakota. A single, typical \$100,000 research grant generates \$230,000 back into the local economy, according to an analysis by NDSU. EPSCoR-supported researchers were awarded 12 patents between 1986–1999. Michael Chambers, whose early research was supported by an EPSCoR award, has now founded Aldevron, a biotech company in Fargo. The Small Business Administration named Michael its Region 8 Young Entrepreneur of the Year in 2000.

The NSF EPSCoR program has also funded an innovative program in North Dakota that supports university faculty and students in providing technical expertise to North Dakota companies with scientific questions and problems. More than 180 students, a dozen faculty members, and 75 companies have benefitted from the program so far. For instance, Dr. Joel Jorgenson of Fargo designed an on-board recorder, monitoring and read-out system to solve a problem for Global Electric MotorCars (GEM) of Fargo, which is now the nation's largest manufacturer of Neighborhood Electrical Vehicles. GEM has since been acquired by Daimler-Chrysler and will be doubling its 130-employee workforce by the end of 2001. Dr. Robert Nelson with North Dakota State University devised a means for Ottertail Power Company to detect when and where a fault has occurred on its power line, increasing the efficiency of the transmission lines.

Despite the progress being made to help EPSCoR States improve their competitiveness, they still tend to lag behind—especially in winning large-scale center and multidisciplinary awards. Addressing this challenge is the next step needed to improve competitiveness, and full funding for EPSCoR at the \$90 million level called for by the amendment I have offered is key.

I think \$90 million for the NSF's Education and Human Resources for the EPSCoR program is important to ensure full implementation of the NSF EPSCoR's new infrastructure program.

The additional \$25 million in cofunding will ensure a robust NSF EPSCoR program next year. I thank the Chair and the Ranking Member of the Subcommittee for agreeing to include my amendment.

LOW-INCOME HOUSING ASSISTANCE IN NEW YORK AND MASSACHUSETTS

Mr. BOND. Mr. President, I believe that we need to provide additional clarification regarding section 226 of the VA/HUD Fiscal Year 1999 Appropriations Act, Public Law 105-276, that provides a prohibition of public housing funding for certain State-developed housing in New York and Massachusetts, covering some 12,000 units. This transfer has been described as the "federalization" of this housing, but it should be called a sham, with the analogy of a husband walking out on his wife and children and leaving them with nothing. This housing was developed by State government with no nexus to public housing.

To be clear, the Senator Banking Committee in the Quality Housing and Work Responsibility Act of 1998 had sought to fund the long-term housing needs of low-income housing developed with New York and Massachusetts funding with new Federal public housing funding, despite the fact, as I have noted, that these are not public housing units and have absolutely no nexus to public housing or any Federal housing program.

As a result, the Congress passed section 226 of the VA/HUD Fiscal Year 1999 Appropriations Act to ensure for fiscal year 1999 and every following fiscal year, including all appropriation acts in every succeeding fiscal year, that these state-developed low-income housing units remain the responsibility of New York and Massachusetts, and not create the unusual, unfair and unique precedent of requiring the Federal Government to fund this housing as public housing. The costs of this "federalization" will exceed \$100 million annually for New York alone, totaling well over \$1 billion in the next 10-year period. This likely is an underestimate of costs. I warn all Members that this scheme will result in a reduction of funds to all PHAs throughout the Nation, each will see a loss of needed funds whether the public housing is in Baltimore, MD; Kansas City, MO; Anchorage, AK; San Francisco; West Virginia and every other State.

Ms. MIKULSKI. The legislation is clear on its face that it is a permanent law and a permanent prohibition on funding these State-developed low-income housing units as public housing. In addition, to fund State-developed units as public housing, there must be an affirmative change in law, a change I cannot support.

Frankly, it is not fair to other States to have their funding cut to pay for State-developed and supported housing in New York and Massachusetts.

Mr. BOND. I agree with everything you have said and I am embarrassed for these States and their attempt to

transfer the responsibility for their own low-income housing responsibilities to the Federal Government through public housing funding. Even more important, unlike the current chairman and ranking member of the House VA/HUD Appropriations Subcommittee, we were responsible as Senate chair and ranking member for the VA/HUD Fiscal Year 1999 Appropriations Act which included this provision that rejected the federalization of these State-developed units as public housing. The law was drafted as a permanent prohibition on the use of Federal funding for these units and I urge both New York and Massachusetts to acknowledge their responsibility to maintain this low-income housing for low-income families. We have been in a period of economic growth and these States should accept their responsibilities to their State residents consistent with their promise to provide affordable low-income housing.

Mr. MCCAIN. Mr. President, I want to thank both Senator BOND and Senator MIKULSKI for their hard work on this important legislation which provides federal funding for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies. Unfortunately, I must again speak about the unacceptably high funding levels of parochial projects in this appropriations bill. Although the level of add-ons in some sections of this bill has decreased, this bill still contains approximately \$523 million in porkbarrel spending.

Overall, this bill spends 7.6 percent higher than the level enacted in fiscal year 2001, which is greater than the 4 percent increase in discretionary spending that the President wanted to adhere to. In real dollars, this is \$2.69 billion in additional spending above the amount requested by the President, and \$8.015 billion higher than last year. So far this year, with the appropriations bills considered, spending levels have exceeded the President's budget request by nearly \$7 billion. A good amount of this increase is in the form of parochial spending for unrequested projects. In this bill, I have identified 492 separate earmarks totaling \$523 million, which is greater than the 400 earmarks totaling \$472 million, in the legislation passed last year.

The committee provides \$23.8 billion in discretionary funding for the VA. That amount is \$452.7 million more than the President's budget request and \$1.5 billion above the amount in fiscal year 2001. Some progress has been made to reduce the overall amount of earmarks for the VA in this spending bill. Chairman Byrd of the Appropriations Committee, and Chairman Mikulski of the VA-HUD Appropriations Subcommittee, have held the amount in earmarks to approximately \$24 million this year. Nonetheless, it is \$24 million that will not be available for higher priorities.

Among other Senators who have stood on the Senate floor to fight for

additional funding for veterans healthcare, I am concerned that the Committee has directed critical dollars from veterans healthcare to fund spending projects that have not been properly reviewed. Certain provisions funded under the VA in this legislation illustrate that Congress still does not have its priorities in order.

One especially troubling expense, neither budgeted for nor requested by the Administration over the past ten years, is a provision that directs the VA to continue the ten year old demonstration project involving the Clarksburg, West Virginia, Veterans Affairs Medical Center (VAMC) and the Ruby Memorial Hospital at West Virginia University. Several years ago, the VA-HUD appropriations bill contained a plus-up of \$2 million for the Clarksburg VAMC that ended up on the Administration's line-item veto list and since then the millions keep flowing.

Last year, the Committee "recommended" \$1 million for the design of a nursing home care unit at the Beckley, West Virginia, VAMC. This year they strengthened their report language urging "the VA to accelerate the design of the nursing home care unit at the Beckley, WV VAMC."

This year, for Martinsburg, West Virginia, the Committee provides \$1 million for a feasibility study to establish a Center for Healthcare Information at the Office of Medical Information Security Service at the Martinsburg VAMC to identify solutions to protect the privacy, confidentiality, and integrity of the sensitive medical records of the VA patient population.

Alaska also has a number of items that will include funding above the budget request of the President and the Secretary of Veterans Affairs. The Committee report directs the VA to start up and operate by 2002 a community-based outpatient clinic (CBOC) on the Matanuska-Susitna Valley, Alaska, costing \$1 million. The Committee initially directs the VA only to report by March 30, 2002, on its progress to establish a Matanuska-Susitna Valley CBOC, but then expects the VA to ensure it is operational by 2002. It further recommends that all veterans living farther than a 50-mile radius from Anchorage be authorized to use contract care from local private physicians.

For St. Louis, MO, the committee "encouraged" the VA to pursue an innovative approach at a cost of \$7 million for leasing parking spaces at the John Cochran Division of the VA Medical Center in St. Louis as a means to address a parking shortfall at the VA hospital. The committee also suggests that funds be transferred from the minor construction VA account in order to secure additional private sector investment for this VA Medical Center.

The Committee also directs the VA to explore new uses for the Miles City, Montana VA facility and to continue to support the Hawaii VA Pacific Tele-

medicine Project. In addition, the Committee directs the VA to conduct a feasibility study on the need for a VA Research Center for the Clarksburg VAMC on the campus of West Virginia University.

Additionally, the committee "expects" the continuation at the current spending level of the Rural Veterans Health Care Initiative at the White River Junction, VT VAMC. The current level is an astounding \$7 million.

On a more positive note, one provision directs the VA to submit a report on the number of homeless veterans and the type of homeless veterans services that the VA provides. I am pleased that the Senate Veterans Affairs Committee has focused on the critical plight of our Nation's homeless veterans. I had hoped, however, that they would have prevailed in conference in recent years on a relevant amendment that I had first offered to the VA-HUD appropriations bill in 1999, which was adopted, but later dropped in conference. I hope that the proposed VA report provides the catalyst for legislation next year. I am disappointed that it has already taken this long to address this matter. We owe it to these less fortunate veterans who served their country so well only to find nowhere to call home.

Although the Committee report calls for yet another study on the Veterans Equitable Resource Allocation (VERA) system, I continue to be pleased by the General Accounting Office and the VA reports, which recommend that veterans health care funding should be shifted from northeastern states to southern and southwestern states. This helps ensure that critical health care funding for veterans follows them to the actual locations where their medical care takes place.

While I am encouraged by the increase specifically in veterans health care funding over last year's enacted levels, we must do much more. We made a promise to our veterans that we would take care of their mental and physical health needs incurred for their many sacrifices for our Nation. The VA currently has a backlog of 600,000 claims. Currently, four out of every 10 claims for veterans' disability benefits are decided incorrectly further contributing to the backlog. The millions in dollars wasted in porkbarrel spending would go a long way to decreasing the backlog in veterans claims by funding additional claims adjudicators and training.

This bill also contains the funding for the Department of Housing and Urban Development. The programs administered by HUD help our Nation's families purchase their homes, helps many low-income families obtain affordable housing, combats discrimination in the housing market, assists in rehabilitating neighborhoods and helps our Nation's most vulnerable the elderly, disabled and disadvantaged have access to safe and affordable housing.

Unfortunately, this bill shifts money away from many critical housing and

community programs by bypassing the appropriate competitive process and inserting earmarks and set-asides for special projects that received the attention of the Appropriations Committee. This is unfair to the many communities and families who do not have the good fortune of residing in a region of the country represented by a member of the Appropriations Committee.

Some of the earmarks for special projects in this bill include: \$300,000 for the County of Kauai, Hawaii, for the Heritage Trails project; \$750,000 for infrastructure improvements to the School of the Building Arts in Charleston, South Carolina; \$100,000 for development assistance for the Desert Space Station in Nevada; \$1 million for the Louisiana Department of Culture, Recreation, and Tourism for development activities related to the Louisiana Purchase Bicentennial Celebration; \$450,000 for the City of Providence, Rhode Island, for the development of a Botanical Center at Roger Williams Park and Zoo; \$200,000 for the Newport Art Museum in Newport, Rhode Island for historical renovation; and \$500,000 for the Lewis and Clark State College for the Idaho Virtual Incubator.

This bill also funds the Environmental Protection Agency which provides resources to help state, local and tribal communities enhance capacity and infrastructure to better address their environmental needs. I support directing more resources to communities that are most in need and facing serious public health and safety threats from environmental problems. Unfortunately, after a review of this year's bill for EPA programs, I find it difficult to believe that we are fully responding to the most urgent environmental issues. Nearly one-fourth of the 180 earmarks provided for the EPA are targeted for consortiums, universities, or foundations.

There are many environmental needs in communities back in my home state of Arizona, but these communities will be denied funding as long as we continue to tolerate earmarking that circumvents a regular merit-review process.

For example, some of the earmarks include: \$250,000 for the Envision Utah Project; \$250,000 for the Central California ozone study; \$750,000 for the painting and coating assistance initiative through the University of Northern Iowa; \$2.5 million for the National Alternative Fuels Training Consortium in Morgantown, West Virginia; and \$3.9 million for the Mine Waster Technology Program at the National Environmental Waste Technology, Testing, and Evaluation Center in Butte, Montana.

While these projects may be important, why do they rank higher than other environmental priorities? It is also important to note that none of the 180 earmarks for the EPA were even requested by the President's budget.

For independent agencies such as the National Aeronautics and Space Administration, this bill also includes earmarks of money for locality-specific projects such as: \$5 million for the planetarium for the Clay Center of the Arts and Sciences in Charleston, West Virginia; and \$2 million for the University of Mississippi Geoinformatics Center.

I also want to comment on the many cost overruns and management problems at NASA. Last year, as part of the authorization bill for NASA, Congress established a cost cap on the International Space Station. Before establishing this cost cap, we worked with NASA to ensure that the funding levels of the cap were accurate. NASA indicated that the funding levels were sufficient to complete the Station. Earlier this year, NASA notified the Commerce Committee of \$4 billion in cost overruns for the International Space Station.

I know that it is difficult, if not impossible, to envision NASA having cost overruns for one year that amount to twice its annual budget. I can only conclude that either NASA did not know about the cost overruns or they knew and did not notify Congress about these problems. In either case, it is a major shortfall in the program's management.

However, NASA has attempted to pay for these cost overruns from within existing budgetary limits. NASA has proposed drastic reductions in the station design. Included in these reductions is the crew return vehicle. This cut has reduced the maximum crew for the station to three astronauts. Given the fact that two and a half astronauts are required to operate the facility, only half of an astronaut's time can be devoted to research.

A recent NASA and OMB agreement reveals that research time by the permanent crew will be limited to 20 hours per weeks. This amount of time may be further reduced if NASA makes its goal of providing 30 percent of the research time available to the commercial sector. NASA is currently exploring several options of how to increase crew research time. With this limitation on research time, the question for us is whether the Government wants to continue spending on this project which may add up to \$100 billion, for only 20 hours of research per week in return.

To further add to the cost concerns, NASA announced earlier this year that the X-33 program, a joint program with Lockheed Martin, would be canceled. This cancellation represented another \$1 billion investment with no final product. It is our understanding that the Defense Department is reviewing the program to see if they can utilize any of the project.

I continue to be concerned about NASA fundamental management approaches. An example of NASA's mismanagement is the ill-fated Propulsion Module that was supposed to provide a U.S. capability for long-term propulsion of the space station. This program

was canceled, due to cost growth and poor management. According to the General Accounting Office, NASA began to build the Propulsion Module for the Space Station before it had completed a project plan, a risk management plan, or developed realistic cost and schedule estimates.

Further review revealed that the propulsion model design proposed a tunnel diameter that was too small to accommodate crew operations and did not have detailed analyses to even quantify the amount of propulsion capability that would be required. This lack of planning led to a \$265 million increase—from \$479 to \$744 million—and schedule slippage of 2 years.

I am greatly concerned that NASA has significant infrastructure problems for the Space Shuttle program looming in the near future. Many of the vital facilities to support the Shuttle program are literally falling apart. The Vehicle Assembly Building at the Kennedy Space Flight Center, built in the early 1960s for assembly of Apollo/Saturn vehicles and currently used to prepare the Space Shuttle launch assembly, has nets inside the building to prevent concrete from falling from the roof onto the workers and equipment below. The sidings on the outside of the building are becoming loose due to time and weather. Addressing the risks associated with a crumpling infrastructure is in of itself a Shuttle upgrade project that has potential to increase the overall safety and reliability of the Shuttle program. These renovations along with many others will be costly. NASA must start making plans today to address these infrastructure problems on an agency-wide basis in order to prevent a crisis. We must get these management problems under control.

Mr. REED. Mr. President, I would like to thank Chairman MIKULSKI and Senator BOND for all of the hard work they have put into the Fiscal Year 2002 VA-HUD Appropriations bill. Given the serious fiscal restraints facing the Congress this year as a result of the budget resolution and the unsound tax cut, they have masterfully negotiated the many and often competing demands of the programs under the subcommittee's jurisdiction.

In particular, I would like to thank Senators MIKULSKI and BOND for restoring much needed funds to a number of important Department of Housing and Urban Development programs that were slated for drastic cuts under the President's budget.

Despite the economic prosperity that our country has experienced, many Americans are still lack safe and affordable housing. In my own state of Rhode Island, 46 percent of Rhode Islanders are unable to afford this rent without spending over 30 percent of their income on housing. In terms of homeownership, the average sales price of a home in Rhode Island went up by \$24,000 between 1999 and 2000. In the same period, the number of houses on the market decreased by over 50 per-

cent, and only 25 percent of these homes were affordable to low-income families.

This housing affordability crisis has been affecting families around the country. The latest HUD worst case housing needs study indicates that there are over 4.9 million low-income Americans who pay more than 50 percent of their income for rent. In addition, a broader study done by the National Housing Conference, the mortgage bankers and others shows that 14 percent or 13.7 million American families have worst case housing needs. Ten million of these people are elderly or work full or part-time.

This is why I was so concerned about the President's budget proposal to cut HUD programs by \$1.7 billion. Once you factor in inflation, the Administration was proposing to cut housing programs by \$2.2 billion, an 8 percent real spending decrease compared to Fiscal Year 2001.

One of the President's cuts that most concerned me was the \$859 million net cut in public housing, the program that supports some of our nation's most vulnerable families. In my own state of Rhode Island, approximately two-thirds of our public housing units are used by the elderly and disabled.

I also was disappointed by the Administration's decision to eliminate the public housing drug elimination program (PHDEP). This flexible, community-based program has made public housing much safer by helping local housing agencies create comprehensive anti-crime and anti-drug strategies.

I applaud both Senators MIKULSKI and BOND for restoring funding to both of these programs. The VA-HUD bill before us today contains almost \$3 billion for the Public Housing Capital Fund, \$650 million more than the President's request, and \$300 million for the drug elimination grant program.

I also approve of the bill's requirement that 30 percent of the funding for HUD homeless programs be set aside for permanent housing for the disabled homeless. This shows the Senate's commitment towards helping end homelessness, not just funding programs for those who are homeless. Likewise, the committee's allocation of \$500,000 for the Interagency Council on the Homeless will help Federal Government agencies better coordinate their programs for preventing and ending homelessness. I also want to commend the committee for putting Shelter Plus Care renewals for the homeless in a separate account. As chairman of the Housing Subcommittee, I personally believe that the long-term solution to the renewal problem should be solved by transferring renewals to the Section 8 program, and I hope the committee considers doing this in the future.

I am also pleased about the language in the bill supporting the reauthorization of the Mark-to Market program. I held a subcommittee hearing on this issue on June 19, 2001, and the Banking

Committee successfully marked up a reauthorization bill yesterday morning on August 1, 2001. It is my hope that this important legislation will be enacted into law well before the expiration of the original program on September 30, 2001.

I also would like to commend both the administration and the committee on increasing funding for HUD's office of Lead Hazard Control by \$10 million. Nonetheless, much more needs to be done. I, and a number of my colleagues, believe that this number should be much higher and will continue to work to increase funding for this extremely important program. No family in this country should be forced to live in housing that can cause permanent brain damage to their children.

Finally, I was pleased to see language in the bill asking HUD to institute a computer program to adequately calculate the amount of credit subsidy necessary to support the FHA multifamily mortgage insurance programs and to establish a task force to determine the costs of multifamily defaults. I am disappointed that the administration has chosen to allow this program to stay shut down. Clearly, the FHA multifamily program has some problems that need to be solved; however, the administration's solution of raising the insurance premiums misses the larger point of ensuring that these programs continue to construct affordable housing. Thus, I also support the bill's language regarding the need for FHA premium changes to be made through notice and comment rule making. I hope to work with my colleagues over the next several months to see if we can't come up with a longer term solution to the repeated shutdown of this important FHA insurance premium program.

There are two issues with this year's VA-HUD appropriations bill that I hope we can address as the bill moves forward. The first is the Committee's decision to cut Section 8 reserves from two months to one month, without protecting public housing authorities from budget shortfalls. The second is the implications of the decision to expand the traditional rescission language to include all funds recaptured from the Section 8 program.

I know that the chair and ranking member of the subcommittee care very much about supporting hard-pressed parents who are struggling to provide a decent home for their children. The Section 8 program is the principle source of housing assistance for these extremely low-income parents who face the most acute housing needs of any segment of our population. It is an especially critical support for parents who have just left welfare and who may be earning too little to afford decent housing. It also helps parents move their kids out of areas of concentrated poverty and into neighborhoods with educational and employment opportunities.

For all these reasons, we must maintain our commitment to the Section 8

program and make sure it works efficiently. Keeping the Section 8 reserves at adequate levels is an important part of making this housing program work. Basically, the Section 8 reserves provide additional funds to Public Housing Agencies (PHAs) whose voucher program costs exceed their budget allocation in a given year. Thus, if a PHA approaches the final months of its fiscal year and needs more funds to pay landlords or pay for utility costs, it can request up to 2 months of additional funding from HUD. The reserves are critical to the program's financing because HUD bases each PHA's annual budget not on its expected costs in the coming fiscal year, but rather on its actual costs in the prior year. Since the factors that cause such increases can be unpredictable from year to year, sufficient reserves are necessary so that PHAs won't be forced to reduce the number of families they serve.

I am also concerned about the current rescission language in the bill. It is not unusual for Congress to reclaim Section 8 monies that HUD does use. However, this year's bill goes one step further by rescinding all future recaptures from Fiscal Year 2002 and prior years, and diverting them into other accounts, some of which are not even related to the housing needs of low-income families.

As I mentioned previously, PHAs' budgets are based on the prior year's actual costs and not on their expected costs if they adopt changes to serve more families. They may need additional resources beyond their budget allocations if they succeed in making their programs work better. But this bill cuts the Section 8 reserves that could provide these additional resources. And, by rescinding all recaptures that HUD could make this year and next, it deprives HUD of funds to ensure that PHAs that are increasing voucher utilization do not get caught in a budget squeeze. HUD may also use recaptures to adjust contracts with owners under the project-based Section 8 program if unforeseen costs arise, such as rising utility prices. If HUD does not have the resources to make these adjustments, these owners may opt-out of the Section 8 program. Finally, HUD can currently redirect at least some recaptures to offset Section 8 costs in the upcoming fiscal year, reducing the appropriated dollars needed to maintain the size of the program. This in turn, frees up funds to provide more new vouchers.

If we are serious about helping extremely low-income families benefit from voucher assistance, then we need to ensure that the needed resources are available to make this program work well and efficiently. But this bill contains two provisions that run the risk of doing just the opposite. Both the reduction in reserves and the rescission could run the risk of undermining the financing of the Section 8 program, and undermining efforts to serve more families with vouchers. Let's not run this

risk. Let's ensure that the Section 8 program is our first priority for use of recapture funds.

Again, I thank Senators BOND and MIKULSKI for all of their hard work on this bill and I hope that we will be able to discuss these matters in more detail, and that we work together to find ways to address these issues.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

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

The bill was read the third time.

Ms. MIKULSKI. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is absent because of a death in the family.

The PRESIDING OFFICER (Mr. DAYTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 5, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—94

Akaka	Dorgan	McConnell
Allard	Durbin	Mikulski
Allen	Edwards	Miller
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Fitzgerald	Nelson (NE)
Bingaman	Frist	Nickles
Bond	Graham	Reed
Boxer	Grassley	Reid
Breaux	Gregg	Roberts
Brownback	Hagel	Rockefeller
Bunning	Harkin	Santorum
Burns	Hatch	Sarbanes
Byrd	Helms	Schumer
Campbell	Hollings	Sessions
Cantwell	Hutchinson	Shelby
Carnahan	Hutchison	Smith (NH)
Carper	Inhofe	Smith (OR)
Chafee	Inouye	Snowe
Cleland	Jeffords	Specter
Clinton	Johnson	Stabenow
Cochran	Kennedy	Stevens
Collins	Kerry	Thomas
Conrad	Kohl	Thompson
Corzine	Landrieu	Thurmond
Craig	Leahy	Torricelli
Crapo	Levin	Warner
Daschle	Lieberman	Wellstone
Dayton	Lincoln	Wyden
DeWine	Lott	
Dodd	Lugar	

NAYS—5

Feingold	Kyl	Voinovich
Gramm	McCain	

NOT VOTING—1

Domenici

The bill (H.R. 2620), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I move that the Senate insist on its amendments and request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Ms. MIKULSKI, Mr. LEAHY, Mr. HARKIN, Mr. BYRD, Mr. KOHL, Mr. JOHNSON, Mr. HOLLINGS, Mr. INOUE, Mr. BOND, Mr. BURNS, Mr. SHELBY, Mr. CRAIG, Mr. DOMENICI, Mr. DEWINE, and Mr. STEVENS conferees on the part of the Senate.

#### BIPARTISANSHIP ON APPROPRIATIONS BILLS

Mr. BYRD. Mr. President, as the Senate prepares to adjourn until September, I thank the members of the Senate Appropriations Committee who have worked so hard to report nine bills from committee for the fiscal year that begins on October 1. In particular, I thank my distinguished colleague, the ranking member on the full committee, TED STEVENS and the chairmen and ranking members for the five bills that have passed the Senate.

The five chairmen and ranking members include Senator BARBARA MIKULSKI and Senator KIT BOND on the VA/ HUD and Independent Agencies bill, Senator HARRY REID and Senator PETE DOMENICI on the Energy and Water bill, Senator PATTY MURRAY and Senator RICHARD SHELBY on the Transportation bill, Senator RICHARD DURBIN and Senator ROBERT BENNETT on the Legislative Branch bill and Senator CONRAD BURNS on the Interior bill.

We have a longstanding tradition on the Appropriations Committee of working together on a bipartisan basis to produce the thirteen appropriations bills. This year, we established a goal of reporting nine bipartisan and fiscally responsible bills prior to the August recess. We have met this challenge. I thank my good friend TED STEVENS for his leadership in helping us meet this goal.

Based on that tradition of bipartisanship, the transition in party leadership on the Appropriations Committee was seamless. The hard work of the committee to produce 13 bills preceded the transition and continued after I assumed the chairmanship and the committee was reorganized on July 10, 2001. This is a credit to all of our colleagues and our dedicated staff who have labored unceasingly to bring these bills to the Senate.

Producing the fiscal year 2002 appropriations bills has been a particular challenge this year. With the election of a new President, the President's budget was sent to the Congress on April 9, 2001, 2 months later than in a normal year. When we received the President's budget, it included a number of proposed reductions in discretionary programs. We have scrutinized the budget and where appropriate we



accepted the proposed cuts, but in other cases we had to restore cuts in programs that have broad bipartisan support in the Senate.

Restoring these cuts, while funding programs that are important to all Americans, has been very difficult, given the very tight limits on discretionary spending contained in the budget resolution. I did not vote for that budget resolution, but we have worked together on a bipartisan basis to produce bills that are within their 302(b) allocations. We do not have unlimited resources at our disposal, so we have been forced to make difficult decisions. Nevertheless, we believe the bills that the committee brought to the Senate have been fair, balanced, and served the needs of the American people.

We have held the line while making sure that we kept our promise to our Nation's veterans, we have helped the poor move to a better life by rebuilding neighborhoods, we have protected the environment and invested in science and technology and we have funded disaster relief programs in response to floods and other natural disasters to provide assistance to our citizens in their time of need.

We have funded our Nation's transportation systems to promote safe travel on our roads, in the air and on our waterways. We have invested in our Nation's energy independence and funded our natural resource programs. We have invested in our Nation's infrastructure for bridges and dams and navigation projects.

I thank the many Senators who have dedicated themselves to this task and I look forward to working to send thirteen bipartisan and fiscally responsible appropriations bills to the President. I have spoken with the House Appropriations Committee Chairman BILL YOUNG and the Ranking Member DAVID OBEY and urged them to move quickly to conference on the appropriations bills. I had pressed the House to complete conference action on two of the bills before the August recess, but the House did not name their conferees. However, our staffs will be working during August to resolve differences between the House and Senate bills so that we can go to conference on several of these bills when Congress returns in September.

I am committed to producing 13 bills this year. We should not go down the road employed in recent years of producing omnibus appropriations bills that rob Members of the opportunity to read, let alone understand the contents of the bill. We intend to work together on a bipartisan basis to meet the challenges that lay before us.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. For the information of our colleagues, there will be three votes shortly on three nominees that

we will take from the Executive Calendar. We are in the process of drafting a unanimous consent request to accommodate debate and the vote on those three nominees.

I urge colleagues to stay in proximity of the building and the floor because these votes will happen shortly. The distinguished chair of the Judiciary Committee has reported them out, and I thank him and applaud him for his expedited work on these nominations. There will be a short debate and then there will be votes. They will not be stacked, but as I understand it, there is a request for time on each of the nominees.

We will have those votes and, hopefully, at that point, we will be able to announce further legislative business.

Mr. LEAHY. If the distinguished leader will yield, it is my understanding—and I have not had a chance to speak with the distinguished ranking member, but I hope there will be a very short time on these nominees on statements, in such a way that the leader will be able to propound, if he wishes, a request that the last two of the three votes be 10-minute votes.

Mr. DASCHLE. Mr. President, if we can accommodate all Senators with that understanding, we will make that part of the request. If Senators wish to be heard on these nominations, I hope they will let us know. Shortly, we will propound that unanimous consent request.

Mr. LOTT. If the majority leader will yield, he is not propounding a unanimous consent at this point?

Mr. DASCHLE. Shortly. Not at this point.

Mr. LOTT. The majority leader is to designate a short period of time for each one of these nominations; is that right?

Mr. DASCHLE. It was my understanding that there were requests for time on each nominee. If there is not, then it is my desire to have a period during which Senators could speak to the nominees and we would have three stacked votes.

Mr. LOTT. I thank the Senator for yielding.

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.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider the nominations reported out earlier today by the Judiciary Committee: William Riley to be a Circuit Judge for the Eighth Circuit, Sarah

Hart to be the Director of the National Institute of Justice, and Robert Mueller to be the Director of the FBI.

I ask unanimous consent that I can request the yeas and nays on each with one show of seconds, and that prior to the votes on these nominees, there be 10 minutes of debate equally divided between the chairman and ranking member of the Judiciary Committee; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's actions, and that the Senate return to legislative session; and that the second and third votes in the series be 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent that following the votes on these nominations, the Senate then resume consideration of the Agriculture supplemental bill.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, I ask that the unanimous consent request be amended to provide for a vote on Lugar amendment No. 1212, with 60 minutes of debate prior to the vote on the cloture motion.

Mr. DASCHLE. Mr. President, I object to that temporarily. I need to consult with my colleagues and certainly the chair and the manager of the bill, but perhaps that is something we might be able to do. We will certainly work with the Republican leader to provide him with some information in that regard at a later date.

Mr. LOTT. Mr. President, further reserving my right to object, I appreciate the spirit in which Senator DASCHLE made his comments. We are going to try and find a way to get the Agriculture supplemental appropriations bill done, and done in a reasonable period of time, certainly before too late tomorrow.

I want to add to that, I appreciated what he had to say earlier tonight about his willingness to try and find a way to get completion on this bill, even tonight, so we would be able to go ahead and go to our constituents and our families tomorrow. I doubt it is going to be possible to do that, but we are still looking for a way. I appreciate his attitude, but at this point I understand his hesitancy, and I feel constrained to object to going straight to the cloture vote. The PRESIDING OFFICER. The objection is noted.

Mr. DASCHLE. With that objection, it is likely the final vote on the nominations tonight will be the last vote, and we will then have the cloture vote tomorrow morning at 9:30.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

## EXECUTIVE SESSION

NOMINATION OF WILLIAM J. RILEY TO BE CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT

NOMINATION OF SARAH V. HART TO BE DIRECTOR OF NATIONAL INSTITUTE OF JUSTICE

NOMINATION OF ROBERT S. MUELLER TO BE DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION

The PRESIDING OFFICER. The nominations will be stated.

The legislative clerk read the nominations of William J. Riley, from Nebraska, to be a Circuit Judge for the Eighth Circuit; Sarah V. Hart, from Pennsylvania, to be Director of the National Institute of Justice; and Robert S. Mueller, III, from California, to be Director of the Federal Bureau of Investigation.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we are going to have a series of votes on nominees, all of whom went through the Judiciary Committee this morning. Mr. Riley was the subject of nomination hearings before the Judiciary Committee on July 24. That was the fourth of five nomination hearings I scheduled in less than 3 weeks the Senate Judiciary Committee was allowed to have such hearings. Mr. Riley's was the fourth judicial nomination, the second nominee to a Court of Appeals considered by the Judiciary Committee since that date.

I mention this because the Senate Judiciary Committee, in the less than 4 weeks we have been allowed to have a full committee, has probably moved through judicial nominations faster than at any time in the past several years.

We will also have nominations of a Department of Justice nominee, also voted on this morning. The most important of all of these, I believe, is the nomination of Robert Mueller to be Director of the Federal Bureau of Investigation. We received his paperwork and completed it on July 24. We are now at August 2, again probably a speed record, to get this nomination before the Senate for confirmation. I thank the Senators on both sides of the aisle for making it possible to move that rapidly.

Mr. Mueller served as a Federal prosecutor in three different U.S. attorneys' offices, main Justice, in both Republican and Democratic administrations. He testified he either personally prosecuted or supervised the prosecution of just about every type of Federal criminal offense, including homicide, drug trafficking, organized crime, cybercrime, major fraud, civil rights, and environmental crime.

Mr. Mueller answered some very searching questions of Members on both sides of the aisle.

I think all of us have enormous respect for so many of the men and women in the FBI. They are the best trained and best motivated law enforcement agents anywhere in the world.

Many of us share also the concern that some within the hierarchy of the FBI let them down as a result of the problems with Waco, Ruby Ridge, the Hanssen spy case, and the foul-ups in the FBI lab.

I thought that whoever the next Director was owed it to all the wonderful men and women in the Bureau to make it better. I am convinced Robert Mueller can. I told him we were expediting his nomination, we were moving his nomination faster than any nominee has ever moved for such a prominent position, whether it has been a Republican President or Democratic President. It is because of our faith in him. We know he has a difficult job ahead of him.

I told him that all Americans look forward to his making sure the FBI is the preeminent law enforcement agency in the world and that he has the faith, and the hope, of 100 Senators. All 100 of us have an awesome responsibility. We represent a quarter of a billion people, and we have to make the judgment: Is the President's choice the best person?

I believe it is. I have that faith in him. I have the faith that Attorney General Ashcroft has done a very good job in his work, and I applaud Attorney General Ashcroft for what he has done. I applaud President Bush for his appointment. We will move forward on that.

Mr. President, the Senators from Nebraska made a powerful statement on behalf of William Riley of Nebraska to serve as a judge for the United States Court of Appeals for the Eighth Circuit. That is one of the reasons it moved so quickly. I see the former Governor of Nebraska, now a distinguished colleague in this Chamber, former Governor NELSON and now-Senator NELSON. I yield to Senator NELSON.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senator from Nebraska have 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I thank the chairman for his kind remarks and for his shepherding through his committee in record time the nomination of William Riley. I have known Bill Riley since our law school days at the University of Nebraska College of Law. He had a distinguished career at the University of Nebraska, serving as editor in chief of the Nebraska Law Review.

Rather ironically, his first job out of law school was clerking for one of the judges on the Eighth Circuit Court of Appeals, the same court which he seeks to preside in today.

He has been a member of a number of community and professional organizations, and in addition to his professional accomplishments, he has been active in his community, participating in the Boy Scouts for more than 25 years, serving as a juvenile diversion judge as a leader for young boys and girls charged with nonfelony crimes, and offering legal services to financially disadvantaged members of the community.

He possesses not only the legal intellect, the experience and the expertise to be an excellent judge, but he has also displayed throughout his entire career high ethical standards. It is a real pleasure for me to have the opportunity to comment so positively on Mr. Riley's qualifications and to thank the committee and the chair for moving this expeditiously.

It is a good indication that on a bipartisan basis, this Senate can act in a very timely manner on these nominations. I thank the chairman, and I thank the Chair.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the call of the quorum count against whatever time is still pending.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative 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. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. HAGEL. Mr. President, I strongly recommend Bill Riley to the Eighth U.S. Circuit Court of Appeals. I know that he will be an excellent appellate judge and will serve with distinction. He will bring to the bench the knowledge, experience and temperament he has acquired throughout his distinguished career.

I would like to thank the chairman of the Senate Judiciary Committee, Senator LEAHY, and ranking member HATCH for the expeditious manner in which they handled Mr. Riley's nomination.

Bill Riley received his undergraduate degree from the university of Nebraska in 1969 and graduated with distinction in 1972 from the university of Nebraska College of Law. Bill began his career by clerking for the Honorable Donald P. Lay on the Eighth Circuit Court of Appeals. That's right, the Eighth Circuit. Who would have known that almost 30 years later Bill would be nominated to the same court?

Since 1973 Bill has practiced law with the firm of Fitzgerald, Schorr, Barmettler & Brennan of Omaha, where he is now chair of the firm's litigation department. Bill has had a varied trial practice including business litigation, Federal securities law, U.S. copyright, trademark and patent suits, ERISA claims, corporate environmental pollution claims and various contract disputes.

Bill is board certified in civil trial practice by the National Board of Trial Advocacy, 1994, and an associate of the American Board of Trial Advocates. Bill is also a fellow of the American College of Trial Lawyers, which, as you know, is limited to 1 percent of lawyers in each State and only lawyers with 15 years of trial experience. From 1992 to 1994 Bill also served as chair of the Federal Practice Committee for the U.S. District Court.

Bill has found time to not only represent his clients, but to share his time and talents with other lawyers in Nebraska. Bill is a master attorney and charter member of the Robert M. Spire Inns of Court, which is a teaching organization for younger trial lawyers and law students. He has also been President of the Omaha Bar Association, a member of House of Delegates of the Nebraska State Bar Association, and past Chair of the Ethics Committee for the Nebraska State Bar Association. Over the years Bill has spoken at numerous legal seminars and conferences and his talents and time with other lawyers have contributed to the improvement of our legal system.

In addition to his active trial practice, Bill also teaches Trial Practice as an Adjunct Professor at Creighton University School of Law. He is married to Norma J. Riley and has three children, Brian, Kevin, and Erin.

Bill Riley is fully prepared for the challenges that lay ahead for the Eighth Circuit. He possesses the integrity, experience, intellect, and temperament to be an exceptional Federal judge. I strongly recommend his confirmation.

Mr. HATCH. Mr. President, I am also pleased that we will vote on a nominee who is extremely well-qualified to serve in the important positions of a circuit judge.

The judicial nominee is William Jay Riley, who has been nominated for the Eighth Circuit Court of Appeals. Mr. Riley graduated in 1972 from Nebraska Law School, where he was Editor in Chief of the Nebraska Law Review and was Order of the Coif. After graduation, he served as a law clerk for the court to which he has now been nominated before entering private practice. Mr. Riley will be a fine addition to the Eighth Circuit Court of Appeals.

I have examined the records of this nominee, and I support him without reservation. I urge all of my colleagues to vote to confirm Mr. Riley.

Mr. LEAHY. Mr. President, I am pleased to today to vote to confirm William J. Riley of Nebraska to serve

as a judge on the U.S. Court of Appeals for the Eighth Circuit. Mr. Riley was the subject of a nominations hearing before the Judiciary Committee on July 24th, which was the fourth of five nominations hearings I have scheduled since the Senate was allowed to reorganize on June 5. Mr. Riley's was the fourth judicial nomination considered by the Judiciary Committee since that date, and the second nominee to a Court of Appeals. The Judiciary Committee has considered and the Senate confirmed three judicial nominees in that period of time, and Mr. Riley will be the fourth, before the August recess begins.

William J. Riley, 54, is a native Nebraskan, and a graduate of the University of Nebraska and the University of Nebraska Law School. Mr. Riley served as a law clerk to the Honorable Donald Lay of the U.S. Court of Appeals for the Eighth Circuit, and went on to a distinguished career with the Omaha law firm of Fitzgerald, Schorr, Barmettler & Brennan. Over the course of his legal career he handled a variety of types of cases, including insurance defense, commercial litigation, and plaintiffs' personal injury, and his clients have ranged from individuals to large corporations. He has extensive litigation experience in both Federal and State courts.

Mr. Riley has been active in bar activities at the State and local level, and in other professional associations. He served as chair of the Nebraska State Bar Ethics Committee from 1996-1998, and in that capacity he was responsible for a non-discrimination amendment to the Nebraska Code of Professional Responsibility. He has also been a member of the Nebraska State Bar's House of Delegates for the last three years. He is on the Executive Council of the Omaha Bar Association, is its immediate past president, and in the past served as its treasurer. He also served as chair of the Federal Practice Committee of the U.S. District Court in Nebraska, and is active in the American College of Trial Lawyers and the American Board of Trial Advocates.

I am always glad to see qualified nominees who are supported by both home-State Senators, and Mr. Riley is such a nominee. In this case, both of the Senators from Nebraska, CHUCK HAGEL, a Republican, and BEN NELSON, a Democrat, strongly supported his nomination. Both contacted me to ask that he be scheduled for a hearing, and both came to his hearing and spoke convincingly on his behalf.

Senator HAGEL told the Judiciary Committee about Mr. Riley's, "knowledge, experience, and temperament," and that he knows Mr. Riley, "will be an excellent addition to the Eighth Circuit and will serve with distinction."

When Senator Ben Nelson introduced Mr. Riley at his hearing, he too attested to Mr. Riley's credentials, and underscored the nominee's support from both sides of the aisle, telling us that "Mr. Riley exemplifies the kind of

nominee that we would like to see put forth for these very important judgeships. He is not only a qualified person for this position, but he has earned broad bipartisan support and respect in Nebraska as well."

I know that both Senator NELSON and Senator HAGEL believe that this sort of bipartisan support is a crucial component of a successful nomination, and they followed through by working together with the White House to find a qualified candidate on whom they could agree. I hope the process that they undertook, like the one that recently produced the two District Court judges in Montana, demonstrates the advantages to such an approach.

I hope it makes clear that when the President works with Members of the Senate from both parties on the selection of qualified, consensus candidates to be judicial nominees, those nominations are likely to move more smoothly through the confirmation process.

The question is, Will the Senate advise and consent to the nomination of William J. Riley, of Nebraska, to be a U.S. Circuit Judge for the Eighth Circuit? On this question, the yeas and nays have been ordered, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. THOMPSON) is necessarily absent.

I further announce that the Senator from New Mexico (Mr. DOMENICI) is absent because of a death in the family.

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 270 Ex.]

YEAS—97

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Thomas
Corzine	Kyl	Thurmond
Craig	Landrieu	Torricelli
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lieberman	Wellstone
DeWine	Lincoln	Wyden
Dodd	Lott	
Dorgan	Lugar	

## NOT VOTING—3

Domenici Inouye Thompson

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF SARAH V. HART TO BE  
DIRECTOR, NATIONAL INSTITUTE OF JUSTICE

Mr. LEAHY. Madam President, I am pleased to vote today to confirm Sarah V. Hart to be the Director of the National Institute of Justice, the research and development agency of the Department of Justice.

For the last 6 years, Ms. Hart has served as Chief Counsel of the Pennsylvania Department of Corrections, and before that as an Assistant District Attorney in Philadelphia for many years.

And it is not only her resume, but the strong support of former District Attorney from Philadelphia, my good friend Senator SPECTER, that makes it easy for me to vote to confirm Ms. Hart.

I hope that, once confirmed, Ms. Hart will take her stewardship of the National Institute of Justice seriously. The NIJ is tasked with undertaking objective, independent, non-partisan research on crime and justice issues. In order to do that it is crucial that NIJ remain independent from the political aims of the administration and the Justice Department, and remain committed to publishing its research no matter what the results.

Ms. Hart assured us, both at her hearing before the Judiciary Committee, and in answer to written questions submitted to her, that she understands this, and I look forward to seeing the results of the research conducted by NIJ under her supervision. In particular, I look forward to seeing the NIJ study on the role of racial bias in the federal death penalty carried out in a way that is true to its original intent, and not in a way that presumes before it even begins that racial bias is not a problem. And, again, at her hearing, and in writing afterwards, Ms. Hart assured us that would be the case.

Because of those answers, and, as I said, because of Senator SPECTER's support, I am pleased to be able to vote to confirm Sarah Hart.

Mr. HATCH. Madam President, Sarah Hart is an outstanding choice to be Director of the National Institute of Justice. She is an accomplished litigator who understands criminal justice issues. As a prosecutor in Philadelphia for 7 years, she assembled an impressive record of trial victories. And her subsequent experience litigating consent decrees made her an expert in issues related to the administration of criminal justice systems. Throughout her career, Ms. Hart has focused on the rights of victims of crime. I am pleased to support Ms. Hart's nomination, and I urge my colleagues to vote in favor of her confirmation.

Mr. LEAHY. Madam President, are these 10-minute rollcall votes?

The PRESIDING OFFICER. The Senator is correct.

The question is, Will the Senate advise and consent to the nomination of Sarah V. Hart, of Pennsylvania, to be Director of the National Institute of Justice? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

(Rollcall Vote No. 271 Ex.)

## YEAS—98

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Thomas
Corzine	Kyl	Thompson
Craig	Landrieu	Thurmond
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
Dayton	Lieberman	Warner
DeWine	Lincoln	Wellstone
Dodd	Lott	Wyden
Dorgan	Lugar	

## NOT VOTING—2

Domenici Inouye

The nomination was confirmed.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROBERT S. MUELLER, III, TO BE DIRECTOR OF  
THE FEDERAL BUREAU OF INVESTIGATION

Mr. LEAHY. Madam President, I have moved swiftly in the Judiciary Committee to consider and move forward the nomination of Robert S. Mueller, III, to be Director of the Federal Bureau of Investigation. His nomination was sent to the Senate on July 18 but his paperwork was not completed until July 24. Less than one week later, we held 2 days of hearings, on July 30 and 31, and made sure that the committee considered his nomination the same week, on August 2, in

order to ensure committee and Senate consideration of this important nomination before the August recess. The committee unanimously and favorably reported this nomination. I thank the Democratic and Republican members of the committee for their cooperation and attention in allowing this nomination to move forward on an expedited basis.

Mr. Mueller has had an outstanding career in law enforcement, serving as a Federal prosecutor in three different United States Attorneys' Offices and in Main Justice under both Republican and Democratic administrations. As he testified at his confirmation hearing, he has "either personally prosecuted or supervised the prosecution of just about every type of Federal Criminal offense, including homicide, drug trafficking, organized crime, cyber crime, major frauds, civil rights and environmental crime."

Mr. Mueller was the only witness at his hearings. The committee did not call other witnesses we are in the midst of intensive and ongoing FBI oversight hearings. These FBI oversight hearings were an integral part of the committee's preparation to consider the nomination of a new FBI Director, and Mr. Mueller's opening statement at his confirmation hearings specifically addressed significant issues raised in the prior hearings.

At the oversight hearing on June 20, 2001, the committee examined both outside oversight mechanisms and methods to restore confidence in the FBI. Witnesses included former Senator John C. Danforth, who investigated the events at Waco as Special Counsel to the Attorney General; the Honorable William H. Webster, former FBI and CIA Director, currently heading a review of FBI security in the aftermath of the Hanssen espionage case; Glenn A. Fine, current Inspector General of the Department of Justice; Michael R. Bromwich, former Inspector General of the Department of Justice; and Norman J. Rabkin, Managing Director, Tax Administration and Justice Issues, General Accounting Office.

At the oversight hearing on July 18, 2001, the committee considered the reform of FBI management with views from inside and outside the FBI. Witnesses included Raymond W. Kelly, former New York City Police Commissioner and Commissioner of the U.S. Customs Service; Bob E. Dies, FBI Assistant Director for Information Resources; Kenneth H. Senser, Acting FBI Deputy Assistant Director for Security Programs and Countermeasures; John E. Roberts, Unit Chief, FBI Office of Professional Responsibility; John Werner, former Supervisory Special Agent, FBI Office of Professional Responsibility; Frank L. Perry, Supervisory Senior Resident Agent, Raleigh, North Carolina, and former head of the Office of Law Enforcement Ethics at the FBI

Academy; and Patrick J. Kiernan, Supervisory Special Agent in the Law Enforcement Ethics Unit at the FBI Academy.

This nomination comes at a crucial juncture for the FBI. Mr. Mueller acknowledged at his confirmation hearing "that the Bureau's remarkable legacy of service and accomplishment has been tarnished by some serious and highly publicized problems in recent years. Waco, Ruby Ridge, the FBI lab, Wen Ho Lee, Robert Hanssen and the McVeigh documents—these familiar names and events remind us all that the FBI is far from perfect and that the next director faces significant management and administrative challenges." Mr. Mueller reminded us "that these problems do not tell the whole story of the FBI in recent years." He correctly observed that the FBI has had "astounding success during the same period" and that "the men and women of the FBI have continued, throughout this period of controversy, to do an outstanding job." Nevertheless, Mr. Mueller recognized that "highly publicized problems have, indeed, shaken the public's trust in the FBI." The Judiciary Committee aims to forge a constructive partnership with Mr. Mueller to get the FBI back on track. Congress sometimes has followed a hands-off approach about the FBI. Until the Bureau's problems are solved, we will need a hands-on approach for awhile.

The rights of all Americans are at stake in the selection of an FBI Director. The FBI has extraordinary power to affect the lives of ordinary Americans. By properly using its extraordinary investigative powers, the FBI can protect the security of us all by combating sophisticated crime, terrorism, and espionage. But unchecked, these same powers can undermine our civil liberties, such as freedom of speech and of association, and the right to privacy. By leaking information, the FBI can destroy the lives and reputations of people who have not been charged or had a trial. Worse, such leaking can be used for political intimidation and coercion. By respecting constitutional safeguards for criminal suspects, the FBI can help ensure that persons accused of Federal crimes receive a fair trial and that justice is served. Our paramount standard for evaluating a new Director is his demonstrated adherence to the Constitution as the bulwark of liberty and the rule of law. This is necessary to assure the American people that the FBI will exercise its power effectively and fairly.

Throughout his career and in his testimony at his confirmation hearing, Mr. Mueller has showed his commitment to these principles. He testified, "I care deeply about the rule of law. In a free society a central responsibility of government. I believe, is to protect its citizens from criminal harm within the framework of the Constitution." He stressed that "the FBI is vital to the preservation of our civil order and our civil rights."

This was the sixth time the Judiciary Committee has held confirmation hearings for an FBI Director since 1973, when the first nomination was made under the 1968 law requiring Presidential appointment and Senate confirmation of the FBI Director.

That first nomination hearings, along with enactment in 1976 of the 10-year term for the Director, were conducted against the backdrop of Watergate. The nominee then was L. Patrick Gray, an Assistant Attorney General who became Acting Director after the death of J. Edgar Hoover in 1972. Gray held that position when the Watergate break-in and cover-up occurred. At the time of his confirmation hearings in early 1973, very little of the scandal was known beyond the reporting of the Washington Post. Patrick Gray had met with the President's Counsel John Dean, so this committee prepared to subpoena Dean and expected strong resistance in the name of Executive privilege. Other events then took over, the Gray nomination was withdrawn, and he later admitted personally destroying evidence. Those were dark days for the Bureau.

*Lost confidence in the FBI is not just a PR problem.* The challenges facing the next FBI Director are different from the issues of abuse of power three decades ago but are just as tough. The American public has lost some confidence in the Bureau. This is not just a PR problem. This erosion of public trust threatens the FBI's ability to perform its mission. Citizens who mistrust the FBI will be less likely to come forward and report information about criminal activity. Judges and jurors will be less likely to believe the testimony of FBI witnesses. Even innocent or minor mistakes by the FBI in future cases may be perceived in a sinister light that is not warranted. Since FBI agents perform forensic and other critical work for many law enforcement agencies on the Federal, State and local levels, the repercussions of this decline in public confidence in the FBI has rippled far beyond Federal criminal cases.

In his confirmation testimony, Mr. Mueller took special note of the impact within the FBI: "The shaken trust, in turn, inevitably affects the morale of the men and women who serve at the Bureau." He pledged to "make it my highest priority to restore the public's confidence in the FBI, to re-earn the faith and trust of the American people."

*Constructive oversight is necessary.* For too long, the Congress has taken a hands-off approach to the FBI. Problems have been allowed to fester. The Congress has a duty to the American people to conduct systematic and ongoing oversight of the FBI to ensure it meets the highest standards of professionalism, competence, and adherence to the law. Constructive, bipartisan oversight of the FBI can greatly improve its effectiveness. While reviews by Inspectors General and other out-

side experts are important—the ultimate test is accountability to the people through the Congress.

Three principles guide the Judiciary Committee's oversight of the FBI. First, our task is to rebuild confidence in the FBI as a vital national asset, not to tear it down.

Second, when we look at mistakes, we do so as an essential first step to find and fix their cause. The purpose is not to detract from the outstanding work of the dedicated professional men and women of the FBI who go to work every day to keep this nation safe. Highly publicized mistakes have created an impression that the Bureau is unmanageable, unaccountable and unreliable. Unfortunately, these mistakes detract from the outstanding performance of FBI Special Agents and other employees who handle the most complex criminal, terrorist, and counter-intelligence cases day in and day out. Only by fixing those problems, and continuously improving the organization, will the tremendous work done by so many agents and employees get the full credit it deserves.

Finally, our efforts will be to reach bipartisan solutions that make the FBI better able to fulfill the weighty mission we demand of it. Working with the new Director and the Attorney General, I am convinced we can achieve these goals.

Several Members discussed with the nominee his views on providing information to Congress. In response to Senator Schumer's concern about a request he had made for documents from the FBI on a policy issue regarding records of gun sales, Mr. Mueller said:

I do believe that the Bureau should do everything possible to accommodate the requests of Congress. If there are documents that relate to the policy, that are generated by the FBI, then I believe the Department of Justice and the FBI should do everything possible to accommodate the request of Congress, consistent with its law enforcement responsibilities.

Mr. Mueller repeated this assurance when Senator Specter cited a number of problems in getting FBI documents over the years. Mr. Mueller stated, "I absolutely agree that Congress is entitled to oversight of the ongoing responsibilities of the FBI and the Department of Justice." He added that "it is incumbent upon the FBI and the Department of Justice to attempt to accommodate every request from Congress swiftly and, where it cannot accommodate or believes that there are confidential issues that have to be raised, to bring to your attention and articulate with some specificity, not just the fact that there's an ongoing investigation, not just the fact that there's an ongoing or an upcoming trial, but with specificity why producing the documents would interfere with either that trial or for some other reason or we believed covered by some issue of confidentiality."

Mr. Mueller cited two cases, BCCI and BNL, when he was head of the Justice Department's Criminal Division

where an accommodation was reached to provide information to Congress on pending cases. He said he "would expect that we would always have that ability to accomplish the accommodation that is necessary for Congress to discharge its responsibilities in oversight." Questioned further, Mr. Mueller said "congressional oversight is appropriate, even if there is a pending prosecution or investigation" and "it is incumbent upon us to attempt to accommodate the necessity of the oversight committee to have the information it needs." He went on to say there may be "the assertion of executive privilege" and "where there is a clash or disagreement between the executive and the legislative, I believe the courts are the final arbiters."

Senator GRASSLEY expressed concern about a deliberate pattern of denying, delaying or simply not complying with legitimate requests and asked the nominee how he would change the Bureau's penchant for denying legitimate access to documents and witnesses. Mr. Mueller replied that if there is an investigation by a committee of Congress, he would "expect to have somebody responsible for assuring that we are responsive on that particular issue" and, where "some confidential interests" are implicated, "to state honestly and directly to the committee what should be done to accommodate the committee's request." He would like to "foster a change in the perception so that you do have the feeling at the end of the day that the FBI has been responsive."

Accommodation, rather than obstruction, of congressional requests for documents will be Mr. Mueller's goal. That is a positive promise.

*Three core problems:* The questions being asked about the FBI are directed at three interrelated issues: the Bureau's security and information technology problems, management problems, and insular "culture." The committee is in the midst of examining each of these areas at oversight hearings that began in June shortly after I became chairman.

*Serious security breakdowns and information technology inadequacies:* In the national security field, our country depends on FBI counterintelligence to protect the most sensitive intelligence, military, and diplomatic secrets from foreign espionage. The espionage case of Robert Hanssen demonstrates, however, that the FBI's own security and the investigation of espionage in its own ranks failed dramatically, with enormous potential consequences. What is more disturbing is how many red flags the FBI apparently overlooked during the many years that Hanssen was a spy. The reviews by the Inspector General and Judge Webster will not be done for many months, but testimony before the Committee in July shed light on how this spy was able to operate with impunity for so long. We were told that there were no less than 15 different areas of security

at the FBI that were broken and needed to be "bolstered, redesigned, or in some cases established for the first time."

The committee intends to continue its oversight work in this area, including closed sessions with the Director and other FBI officials to consider classified aspects of FBI information security.

One of the things Director Freeh did after Hanssen's arrest was to require periodic security-screening polygraph exams for FBI agents with access to the most sensitive information. Reviews are currently underway that focus on the benefits and risks of the polygraph as a security screening tool. If the FBI needs wider use of polygraph exams, there must be firm assurances of consistency in their administration, application and quality controls. In response to a question from Senator HATCH, Mr. Mueller said he is willing to continue the requirement for polygraph exams for managers handling national security matters. He confirmed that he had already completed that polygraph exam. He stated his belief that "you don't ask people to do that which you're unwilling to do yourself."

The FBI needs to fully join the 21st century. This is the information age, but the FBI's information technology is obsolete. The committee has been told that the FBI's computer systems have not been updated for over 6 years; that more than 13,000 desktop computers are so old they cannot run on today's basic software; that the majority of the smaller FBI field offices have internal networks that work more slowly than the Internet connections many of us have at home; and that the investigative databases are so old that FBI agents are unable to store photographs, graphical or tabular data on them.

Hard-working, dedicated FBI agents trying to fight crime across the country deserve better, and they should have the computer and network tools that most businesses take for granted and many Americans enjoy at home.

To the credit of former FBI Director Louis Freeh, in the last year of his tenure, he reached outside the Bureau for fresh management perspectives and expert advice. He recruited two new senior FBI officials, who were not career agents but were brought into the FBI from IBM and the CIA to develop plans for addressing the Bureau's security and information technology problems. The Director should continue to look for the best advice from outside the Bureau, while at the same time identifying leaders within the Bureau who are committed to necessary reforms. In the months ahead the committee will watch closely to see if the Director backs up the proponents of reform when they face opposition from Bureau officials wedded to the status quo.

At his confirmation hearings Mr. Mueller placed great emphasis on the need "to upgrade the information systems and to upgrade the systems and

procedures to integrate modern technology. Every FBI manager, indeed, every agent needs to be computer literate, not a computer programmer, but aware of what computers can and cannot do to assist them with their jobs."

When asked by Senator DEWINE how quickly he would be able to fully implement the FBI's information technology plan, Mr. Mueller said the Bureau has "a 3-year technology update plan called Trilogy, and the goods news about that is that it's laying the foundation, whether it be the networks or the software, the hardware, the user interfaces for bringing the FBI agent into the modern era." He added that the "not-so-good news is that once we have that structure in place, there's a lot more to do." Mr. Mueller cited in particular "the storage and each retrieval of documents, of imaging documents when they come in immediately so that you have ultimately what is referred to in the private sector as a paperless office."

The security and information technology problems facing the FBI are not problems of money. The Congress has poured money into the FBI. They are management problems and they can no longer be ignored. Mr. Mueller has seen the FBI up close for many years—as Acting Deputy Attorney General, as Assistant Attorney General, and in three United States Attorneys' offices. The committee wanted to know what management objectives he would bring to the job, based on his past experience, and what other resources he would draw on to bring about needed changes.

Mr. Mueller spelled out his overall "management priorities" in his opening statement to the committee: "Underlying these priorities is my belief that the core asset of the FBI is its employees. I am committed to providing the leadership, and management, and energy necessary to enable these talented and dedicated people to do their jobs as effectively as possible." His first priority will be "to recruit, encourage, and select the highest quality leadership" resulting in "a management team that reflects the diversity of our society." Second to "review carefully management structures and systems" with special concern "about the span of control, the degree of decentralization, and whether responsibilities are clearly defined." Third is to rebuild the information infrastructure, as discussed earlier. Fourth is for the FBI "to review continuously its priorities and its allocation of resources" in order to "anticipate the challenges the Bureau will be facing 10 and 20 years into the future and prepare now to meet those challenges." Fifth is to "develop the respect and confidence of those with whom it intersects, including other law enforcement agencies, both domestic and international, and Congress."

Mr. Mueller added that he would "move quickly on administrative and management changes." Personnel



changes would be made first. Changes in structure and span of control would take more time, with input from a management consultant study commissioned by the Attorney General, other pending reviews, and ideas from other executives who rule large organizations.

The management structure at the FBI may simply have become too unwieldy, when the Bureau was smaller, its headquarters could reasonably attempt to keep track of the activities in its field offices. In recent years, however, the Bureau has grown tremendously with 56 field offices, plus 44 overseas legal attaches. It may not be possible for headquarters to effectively monitor field activities. The belated production of documents in Oklahoma City bombing case happened despite 16 separate orders from headquarters for pretrial production of those documents. Similar problems arose in the Wen Ho Lee case, where a field office disregarded instructions from headquarters. At the FBI oversight hearings Former New York Police Commissioner and Customs Commissioner Ray Kelly testified that a regional structure makes a large law enforcement organization more manageable.

At the confirmation hearings I asked Mr. Mueller whether this is something that would be considered. He replied, "Absolutely," and said he "did read Commissioner Kelly's testimony with some interest." He added, "I would look at that proposal with a view to whether it goes toward affording appropriate span of control." He went on to stress the need "to have the technological infrastructure be such that I would be able to review, as would the intermediate managers, review the work on critical cases or critical classes of cases by turning on your computer and using the mouse to click on a series of cases to see what has been done the last 3 days, what you expect to be done in the next 30 days."

Senator KOHL asked if it was realistic to expect big changes quickly, given the size of the FBI with more than 27,000 employees and a budget of more than \$3.5 billion. Mr. Mueller replied, "I do think that one can relatively quickly, over several weeks/months, learn the institution and learn the people, learn what are the largest problems, whether it is span of control, what are the larger personnel problems and in a relatively short time. And I don't want to specify any particular time, but certainly within months start to make substantial changes." He added that making "the most critical decisions" about positions of leadership "is not an extraordinarily time-consuming undertaking." Changing the organizational structure and the span of control "will take longer time than perhaps making some personnel changes."

I asked the nominee what management problems caused the FBI's failure to produce documents in the McVeigh case. Mr. Mueller cited two contrib-

uting factors. One was "the lack of an infrastructure to have all documents coded and readily available" in a case with "a huge volume of documents spread across any number of offices in this country and internationally." Second was "accountability" and "overlapping areas of responsibility in various areas of the FBI" which make it "very difficult to have accountability." There was "perhaps a failure of accountability down to the lowest levels." Mr. Mueller said he would address this issue: "It has been my practice in the past to identify areas of responsibility, put somebody in charge of that area of responsibility and hold that individual accountable for discharging that responsibility. And I want to make certain that where that is done within the Bureau, there is clear accountability."

I also asked Mr. Mueller to discuss the time of his own reporting to the Attorney general on the document production problem in the McVeigh case. He testified: "Turning to the issue of the time line, upon hearing about the issue, I heard about it I believe on a Wednesday afternoon. On that Friday, the decision was made to put over the execution of Mr. McVeigh. When I heard about it on a Wednesday afternoon, the initial response, and I believe I talked to the prosecutor that night or the following morning, the initial thrust of what I was concerned about is to make certain that defense counsel were aware of this immediately so that defense counsel could make its or their own interpretation of whether these documents contained any Brady or exculpatory information."

Mr. Mueller also testified:

I was not aware, I don't believe, at the outset the extent of the commitment to turn over documents until the following morning. And I actually had brief discussions with Mr. Ashcroft's staff on Wednesday afternoon. I think it was, about it, but I did not have an opportunity to fully brief the Attorney General until the following day, at which point I did have an opportunity to brief him more expansively that the fact that I had mentioned previously to his staff, that there was an issue. And, thereafter, the discussions ensued as to what was the appropriate response we would take to the fact that these documents had come to our attention.

Both Senator FEINGOLD and Senator SESSIONS raised concerns about the FBI's failure to provide information to prosecutors in the 1963 Birmingham bombing case. Mr. Mueller testified that he shared this concern. In cases "involving national security information that may bear on a particular prosecution," there may be "valid reasons for keeping certain of the information from the prosecutors that go into court," but mechanisms exist "to assure that there is no Brady information, exculpatory information that should be given to the defense." He added that the day-to-day problem of FBI inability to produce documents quickly "is attributable in part to its antiquated filing system." He said his objective is to have an FBI system to

image documents into a database to make them "immediately accessible so that you do not have the problem such as you saw with the prosecution of the McVeigh documents."

Mr. Mueller expressed his willingness to reach out to experts wherever they may be found, including in and outside the FBI to address management and infrastructure problems. He stated that he has "reached out, and will continue to reach out" to "persons who have been in the Bureau previously" and "persons in large corporations, CEOs, who have run successful corporations to try to identify those management structures that worked well and would work best at the FBI." He also is "looking forward to receiving the report of the consulting firm that is charged with looking at the FBI from top to bottom." Mr. Mueller added that he "would welcome the insight from any other individuals, assuming it is a combination of individuals with experience in management and private industry, law enforcement, and other walks of life."

With regard to FBI personnel management, Mr. Mueller agreed that promotion of diversity within the FBI to ensure that the FBI employment level is reflective of America is a priority. The FBI should be more sensitive to recruiting and training minorities. In addition, Mr. Mueller acknowledged in response to questions from Senator DURBIN that "racial profiling is abhorrent to the Constitution, it is abhorrent in any way, shape or form. And I would make certain that from the first day an FBI agent sets foot in the academy in Quantico that that refrain is repeated as part of the training, and as one goes through the ranks, continuous retraining, and focus on the fact that the FBI, in order to be the preeminent law enforcement organization in the country if not in the world, has to have an unblemished record with regard to addressing and strongly attacking any indication of racial profiling."

It is especially important to understand how the nominee views the FBI Director's relationship with the Attorney General in the overall management structure at the Department of Justice. Too often in the past Directors have had the final word on management of the Bureau. Of course, there are legitimate concerns about political interference with investigations, as Watergate demonstrated. The FBI Director is not, however, unique in having to resist with interference. Both the FBI Director and the Attorney General have that duty, and they should work together to ensure the integrity of both investigations and prosecutions. The FBI Director should be part of the Justice Department's leadership team.

I asked Mr. Mueller under oath at his confirmation hearing to give his commitment that if he were ever pressured politically by the Republications or the Democrats to affect an investigation, that he would resist that pressure with

all his might. Mr. Mueller replied, "Absolutely."

I questioned the nominee on how he sees the FBI Director's relationship with the current and subsequent Attorneys General, since he may work with more than one Attorney General over his 10-year term. Mr. Mueller testified:

This is the most difficult issue I think that a director of the FBI has to address, in that the FBI has its ultimate responsibility to the American people to be independent, to pursue its investigations without any favor to one political party or the other or to any particular individual, no matter how powerful that individual should be. And on a day-to-day basis, on the other hand, I do believe that, absent extraordinary circumstances, the Director of the FBI, and the FBI, is a component of \* \* \* the Department of Justice, reporting to the Attorney General. And there should be a close relationship on, for instance, policy matters, and there is a requirement in almost every matter that the Attorney General be apprised of that. And, again, I report, in essence, to the Attorney General and then to the President.

There may be circumstances—there have been in history—where it is important for the FBI and the Director of the FBI to put \* \* \* the interests of the people above that reporting structure. And I hope that I do not have occasion to meet such a situation, but there is the possibility, perhaps even the probability, that I will. If there is an occasion where I believe that for reasons of political influence or the influence of the powerful that the Bureau is asked to do something that is inappropriate, wrong under the Constitution, that under those circumstances I have an obligation to find a way to address that. It may be going elsewhere in the administration. It may be going to Congress. It may be going to the American people. I don't know what the exact answer is. But I hope I do not have to face that situation because it will be the hardest decision that, should I be confirmed as Director, would have to make.

I consider this answer to be a model for all Mr. Mueller's successors as FBI Director.

Senator SPECTER and Senator SESSIONS asked the nominee what he would do if he had information that the Attorney General was taking an improper law enforcement action for political reasons. Mr. Mueller replied that he would "go to the Attorney General first before I made perhaps a disclosure to Congress." He would also "explore other alternatives or a variety of alternatives in order to make certain that justice was done." Questioned further on the second day of the hearing, Mr. Mueller said that "if it was a matter of substantial consequence" and he "was turned down by the Attorney General, I would think I'd have an obligation to inform the Senate of that, and produce those documents."

In the discussion of this issue, reference was made to a memorandum from FBI Deputy Director Esposito to FBI Director Freeh, dated December 9, 1996. In that memorandum Mr. Esposito said Lee Radek, chief of the Justice Department's Public Integrity Section, had made a comment to Director Freeh. According to the Esposito memorandum, Mr. Radek had commented that there was a lot of "pressure" on him regarding a case before

the "Attorney General's job might hang in the balance." The accuracy of this memorandum has been seriously questioned. At a Subcommittee hearing on May 24, 2000, Mr. Radek testified that he felt pressure from the Attorney General to do a good job, but that there was no connection in his mind between any such pressure and whether or not the Attorney General would continue in her job as Attorney General during the second Clinton Administration. Mr. Esposito's second-hand account has not been corroborated. This episode should be a warning of the risk that lower level officials may seek to sabotage political appointees. The use of this memorandum as a straw man for questioning the nominee should not imply agreement by other Members to its credibility.

The nominee was also asked to consider the possibility that he and the Attorney General might decide to withhold information on national security matters from a President if the President were the target of a criminal investigation. In response to a question from Senator SPECTER, Mr. Mueller stated, "There may be an occasion where it's possible, yes." Mr. Mueller also explained that, if disclosing "information to a target would hamper or undercut the investigation," he would expect "that any decision as to whether or not that information should be disclosed to the target would be made in conjunction with the Attorney General. But the decision may well be that that information should not be disclosed." Mr. Mueller went on to state, "If it is national security information, on the other hand, that bears upon the security of the United States, I think we have an obligation to assure that anything within those materials that bears on the national security finds its place in the national security structure."

I am troubled by an apparent inconsistency in this response, because the President bears full and ultimate responsibility for the national security structure and all the diplomatic, military, intelligence, and other actions necessary to protect the nation's security. An FBI Director must find a way to accommodate the legitimate needs of the President to exercise his constitutional responsibilities for national security, just as it accommodates the needs of the Congress to exercise its oversight responsibilities.

The FBI "culture" needs an overhaul. The committee is receiving testimony in our oversight hearings showing that, too often, the independence that is part of the FBI's culture has crossed the line into arrogance. Senator Danforth expressed concern to this committee about entrenched executives at the FBI who have created a closed and insular culture resistant to disclosure of mistakes and to reforms. His concern was echoed in testimony the committee heard from experienced FBI Special agents, who told us of a "club" mentality among some Bureau

executives who resist criticism or change that threatens their careers. Senator Danforth recommended that the new director should be prepared to clean house to the extent necessary to implement needed changes.

If there is one message that a new Director should get from recent problems, it is that FBI executives need to be more willing to admit their mistakes. Too often their response is to protect the Bureau from embarrassment or shield self-serving executives from criticism and needed change. As Senator Danforth testified, the FBI helped fan the flames of conspiracy theories at Waco by covering up evidence that it used pyrotechnic rounds, even though they had nothing to do with starting the fire. The present FBI culture makes it easier to cover up rather than admit a mistake. A new Director must understand that this type of conduct risks a far greater cost in the lost of public confidence, as compared with admitting mistakes when they occur.

Let me cite one example that occurred just a week ago. In its recent weekly newsletter for FBI employees, the FBI reported on the Judiciary Committee's July 18 hearing. But the newsletter reported on the Testimony of the two senior FBI agents, who told us about what they were doing to fix the security and information technology problems at the FBI. Their testimony was also the only testimony posted on the FBI website. Yet, the testimony of the four other FBI agents who testified about problems of a double standard in adjudicating discipline and about retaliation within the FBI was ignored—not mentioned in the newsletter nor posted on the Website. Ignoring the testimony will not make it disappear. This kind of attitude makes it much harder to make the changes that need to be made. If the FBI tries to suppress information that things have gone wrong, it will never get them fixed.

When I asked Mr. Mueller at his confirmation hearings about this newsletter, he stated "that it is important that everybody in the Bureau look at both the good and the bad in order to address it." After my remarks at the nomination hearings, FBI Headquarters decided to send the testimony of the four other FBI agents to the field offices. That was the right decision.

In his opening statement, Mr. Mueller discussed the broader concerns about the FBI's culture:

[A]s we examine the mistakes of the past, we must be resolved to respond quickly and forthrightly to the mistakes of the future. Three elements are critical to a proper response: First, we must be willing to admit immediately that a mistake has occurred. This includes providing timely information to the appropriate committees of Congress. And for matters involving cases and courts, immediately informing the court and defense counsel as appropriate. Failure to admit one's mistakes contributes to the perception of institutional arrogance.

Second, those responsible for the mistake must be held accountable. This does not mean punishing employees for simple errors in doing their jobs. Nobody is perfect, and we want to encourage people to come forward immediately when mistakes are made, but we must hold people accountable, and we cannot tolerate efforts to cover up problems or to blame others for them. If confirmed, I will be committed to inculcating a culture which understands that we all make mistakes and that we must be forthright and honest in admitting them and correcting them as quickly as possible. We must tell the truth and let the facts speak for themselves. The truth is what we expect in our investigations of others, and the truth is what we must demand of ourselves when we come under scrutiny . . . .

And, third, every significant mistake must be examined to determine whether broader reform is necessary. We must learn from our mistakes or we will be bound to repeat them.

I questioned Mr. Mueller about two recent cases where mistakes have not been rectified. Documents provided to the Committee on the Justice Department's January 2001 decision on Ruby Ridge discipline revealed that discipline given to some FBI agents in January 1995 was incorrect. Another example was a CIA officer who was initially suspected of espionage before the FBI discovered that Hanssen was the real culprit. The CIA officer was cleared and allowed to return to his work, but the FBI did not formally notify him or his family that he is no longer suspected of any wrongdoing. Mr. Mueller agreed to look into these matters.

In other questioning of the nominee, Senator SESSIONS observed that there has been a concern in the FBI that if somebody made an honest error, the hierarchy would be too hard on them. He saw this as a factor in the lack of willingness to come forward with and admit an error. Mr. Mueller agreed and said "the bedrock principle ought to be to tell the truth . . . the sooner the better." Senator SPECTER asked Mr. Mueller what his response would be when an FBI official deliberately does not correct a mistake in testimony to Congress or deliberately does not disclose important information. He replied that "absolutely anybody who lies deserves the strongest sanction, up to and including dismissal from the FBI."

Another concern about the FBI culture is the Bureau's treatment of local law enforcement agencies. Senator DEWINE asked how the nominee intended to set the right tone for the FBI in this area. Mr. Mueller replied that one way would be "outreach" to address any complaints such as stealing an investigation. He also stressed that "the FBI can and should allow others to trumpet its successes." He stated, "In my own mind, the praise that makes the biggest difference is that that comes from others with whom you've worked. And my hope would be that we could operate on that principle."

Senator GRASSLEY expressed concern about a culture of arrogance at the

FBI, exemplified by the practice of holding press conferences in very high-profile cases before the investigation is complete. Mr. Mueller responded that he is "not a great one for press conferences" and that in cases where the FBI assists local law enforcement "I would much rather have, at the conclusion of an investigation, that the state and locals stand at the podium, do the press conference, and thank the FBI."

Senator SPECTER, citing an unanswered letter he sent to Director Freeh about leaks in the press regarding an alleged investigation of Senator TORRICELLI, asked what action the FBI Director could take to preclude these types of leaks. Mr. Mueller replied, "Generally speaking . . . I abhor leaks. They are detrimental to the mission of the FBI. They are detrimental to most particularly the individual who is the subject of them. I think you set a standard of very harsh treatment when an investigation is conducted and somebody is determined to have leaked." He pledged to "do everything in my power to assure" that Justice Department regulations on public statements "are abided by and that any breach of those regulations is treated firmly." He also agreed "to determine whether there is predication" for an inquiry on the leaks regarding Senator TORRICELLI and, if there is predication, to "conduct an inquiry."

To ensure full investigation of mistakes, I support the change made by the Attorney General to give the Justice Department's Inspector General full authority over the FBI. The Inspector General statute should be amended to make this regulatory change permanent. Witnesses at the oversight hearings expressed concern that the Inspector General will not get the same cooperation from FBI personnel as a separate Inspector General for the Bureau. The Director's responsibility includes ensuring that FBI personnel cooperate fully with the Inspector General. One former Justice Department Inspector General testified that, when his office sought FBI personnel to work on a review of FBI performance, experienced Agents were reluctant to participate and declined to have their names listed in the report. Agents did not view this work as "career-enhancing." A Director must make clear that FBI executives should reward—not discourage—participation in Inspector General, and other oversight, investigations of Bureau performance.

The committee has heard disturbing testimony about retaliation against FBI Agents who are tasked to investigate their colleagues or who discuss issues with the Congress, either directly or through cooperation with the General Accounting Office, which assists in congressional oversight. It is important that a new Director send a clear message to FBI employees that he will not tolerate retaliation against agents who conduct internal investigations or who bring information about wrongdoing to the Congress directly.

In response to a question from Senator DURBIN about his proposal for a separate FBI Inspector General, Mr. Mueller noted the Attorney General's recent action and said he sees the Inspector General from the Department of Justice "working very closely with the FBI Office of Professional Responsibility to allocate responsibilities." He added, "If I were the Attorney General I might have some concern about a separate Inspector General feeding the perception that the FBI was a separate institution accountable only to itself. And I'm not certain in my own mind whether or not what the accountability you seek cannot be discharged by an Inspector General with appropriate personnel in the Department of Justice, as opposed to establishing another Inspector General in the FBI."

Senator DURBIN asked what steps the nominee would take to ensure that there will be a healthy relationship with an Inspector General in the management of the FBI. Mr. Mueller replied that the FBI Director should meet weekly or every other week "with the Inspector General to review the cases, in the same way that the Attorney General meets with the Inspector General." Mr. Mueller also stated, "To the extent that the Inspector General in the past was hampered by having to go to the Attorney General and specifically requesting authority, that has been removed."

Internal investigations must also lead to fair and just discipline. Here the recent record is troubling. An internal FBI study that was released at the Committee's July hearing found a double standard at work, with senior FBI executives receiving a slap on the wrist for the same kind of conduct that would result in serious discipline for lower level employees. The most vivid example occurred when seven Senior Executives submitted false travel vouchers to they could fly to Washington for the retirement dinner of a Deputy Director. They received only letters of censure for a voucher fraud offense that could cost an average Agent his or her career. Two of them actually received promotions and cash awards. In another case, the argument was asserted within the Justice Department that the FBI Director may not be disciplined because he is a Presidential appointee and that, in any event, the FBI Director should not be disciplined for exercising poor judgment. This argument conflicts with the basic principle that all public officials should be held equally accountable.

In his opening statement, Mr. Mueller said it is "very important that there be no double standards in accountability. I know there have been allegations that senior FBI officials are sometimes treated more leniently than more junior employees. Any such double standard would be fundamentally unfair and enormously destructive to employee morale. If anything, senior FBI officials should be held to a higher standard than other employees,

for, after all, they should serve as an example. I commit to this committee, to the employees of the FBI, and to the American people that there will be no such double standard should I become director of the FBI."

In response to my questions, Mr. Mueller put even greater emphasis on appointing "leaders in the FBI who are held to a higher standard" because they "serve as example for others in the FBI."

During the confirmation hearings, Committee members raised issues regarding the scope and methods of FBI investigations.

Senator FEINGOLD asked if the nominee was willing to consider requiring FBI agents to record interviews electronically, a practice consistent with the practice of many law enforcement agencies around the country. Mr. Mueller said that he would and that the FBI no longer has a "hard and fast rule" against it. Interviews may be recorded with the approval of the Special Agent in Charge. While working homicides in the District of Columbia, Mr. Mueller saw "the advantage of the use of recording interviews." However, given the thousands of FBI interviews conducted daily including background investigations, he thought it would be "counterproductive to require recording and transcribing all such interviews." The FBI "will continue to look at it, particularly in an instance where it is important that a confession or critical evidence relating to a terrorist attack needs to be deciphered accurately with no room for error."

Senator FEINGOLD also expressed concern about the FBI's difficulty distinguishing between peaceful political dissent and criminal activity in the past and possibly in the targeting of Arab Americans today. He asked what steps Mr. Mueller would take to ensure that the Bureau does not infringe on fundamental First Amendment rights and restricts itself to investigating only criminal activity. Mr. Mueller replied that he does "share the concern." Citing his experience in criminal investigations, he said he "would insist that whenever we are undertaking an investigative enterprise, that there be adequate predication for the steps we take to pursue that investigation." He also said he would address the problems of "span of control" and the FBI's computer infrastructure in order to "have transparency of information all the way to the top." This would "provide the oversight necessary" to assure that "predication is being looked at, demonstrated, before a particular important investigation is going forward or a class of investigation is going forward."

Senator SPECTER raised the issue of FBI agents asking someone who has been arrested if they have information about some other person who is a public figure, with the suggestion that the case against the individual under arrest will go easier if that individual is able to identify somebody who is well

known. Mr. Mueller responded that "a general targeting, without predication, is anathema to the Bureau, and to the extent that any incident such as that comes to the attention of the Director, it should be dealt with firmly."

Senator CANTWELL raised a privacy concerns, which I share, about the FBI's Carnivore system, or DCS-1000, and new technologies such as a key logger system. Mr. Mueller said he was sensitive to those concerns and had talked with a number of privacy groups when he was Acting Deputy Attorney General. Asked by Senator CANTWELL to review Carnivore, Mr. Mueller said the Justice Department is conducting such a review and he would look at it when it is completed.

The Fourth Amendment must be kept up to date in response to new and emerging surveillance technologies. This is an issue about which I alerted Mr. Mueller that the FBI should anticipate increased oversight from the Judiciary Committee and increased concern on both sides of the aisle. I asked the nominee to look at the procedures in place for law enforcement access to electronic information because so much of it is stored in the hands of third parties. Our aim should be to make sure that privacy is properly protected in the electronic age, whether it is a keystroke, thermal imaging, or dealing with the proliferation of small companies that hold our data. Mr. Mueller agreed to do so, observing that "there are issues where there is a law enforcement tool, there are privacy interests implicated, and yet one doesn't know where the line is."

Privacy interests are also implicated by the Attorney General's decision to cut-back on the retention of records of gun sales to legitimate gun owners. Mr. Mueller initially acknowledged that this decision "could" subvert the FBI's effort to keep guns out of the hands of criminals and go after the bad dealers, but noted that he was "not familiar with the debate or what evidence there is, what study there has been of the impact of the change, but, yes, it could." Mr. Mueller accepted my invitation to work with members of the Committee and the Attorney General to ensure that the National Incident Criminal Background Check System maintains an accurate auditing system, but also protects the legitimate rights of gun owners.

The FBI has long been considered the crown jewel of law enforcement agencies. Today, it has lost some of its earlier luster. The next FBI Director has both a great challenge and a great opportunity to restore public confidence in the Bureau, and the Judiciary Committee stands ready to help. The Committee needs to forge a strong and constructive oversight partnership with the leadership at the Department of Justice and the FBI to shape the reforms and find the solutions to make the FBI the premier law enforcement agency that the American people want and expect it to be.

Robert Mueller seems well prepared to meet this challenge and take advantage of this opportunity as the next Director of the FBI. With a statutory ten-year term, the position of FBI Director is unique in our government, and confirmation of a nominee to that position is an exceptionally serious responsibility for the Senate.

With full consciousness of that responsibility, I urge my colleagues to confirm the nomination of Robert S. Mueller, III, to be Director of the Federal Bureau of Investigation.

Mr. HATCH. Madam President, I am very pleased that the Senate will vote today on the confirmation of three excellent nominees for high office.

The nomination of Robert Mueller to be FBI Director is particularly significant. I consider the FBI to be one of the most important agencies of the Government, and the post of FBI Director to be one of the most consequential in the world. The FBI Director is trusted to command huge resources that touch the lives of people around the globe. He is charged with protecting the most important resource in America—our people. And the Director holds a term—10 years—that exceeds that of any elected Federal representative. The Director thus has great power and great insulation from the popular will—a combination that requires this body to be especially vigilant in its confirmation review. But after examining Bob Mueller's record, meeting with him privately, listening to many people who know him, and questioning him at the Judiciary Committee hearing earlier this week, I am extremely confident that President Bush has chosen the right person for this position. Mr. Mueller has the judgment, integrity and dedication to purpose that will make him an excellent FBI Director.

I will mention two things about Mr. Mueller that particularly strike me on his long list of professional accomplishments. The first is his military record. For his service as a Marine during the Vietnam war, Mr. Mueller was awarded the Bronze Star, 2 Navy Commendation Medals, the Purple Heart, and the Vietnamese Cross of Gallantry. The second particularly notable item is that in 1995, after 2 years as a senior partner in the distinguished firm of Hale and Dorr, Mr. Mueller left to become a regular, line prosecutor in the homicide section of the District of Columbia's U.S. Attorney's Office. This was after he had served as the head of the Criminal Section in the Department of Justice and in other high offices. This speaks volumes about Mr. Mueller's character, values, and commitment to public service.

Of course, Mr. Mueller will need to muster all his skill and experience to execute his new assignment. He will step into the FBI at a time of some disruption caused by several high-profile embarrassments. But he will have the inheritance of former Director Louis Freeh's tremendous work, and he will be supported by the Bush administration and Attorney General Ashcroft in

particular. I hope he has support from Congress as well. We should be careful to act in ways that encourage positive change at the FBI and avoid distracting the bureau from its mission.

I again applaud President Bush for his choice of Bob Mueller to be FBI Director. I have every confidence that he will prove to be an excellent leader and a force for positive change at the FBI.

Madam President, I urge my colleagues to vote to confirm the President's nominee, Mr. Mueller.

Mr. GRASSLEY. Madam President, I rise to support the nomination of Robert Mueller to be the Director of the FBI. I also want to thank my friend, the chairman of the Judiciary Committee, for holding a hearing and a committee vote on Mr. Mueller's nomination this soon after President Bush's forwarding of Mr. Mueller's nomination to the Senate. It is my hope that when we return from summer recess, we will be able to keep the same pace with President Bush's many other critical nominees.

Mr. Mueller will have a big job in front of him as the new Director of the FBI. The Bureau is plagued with culture problems which have eroded the public's confidence in their ability to effectively investigate crime and apprehend criminals. The senior management of the FBI has fostered a culture of arrogance that has produced abuse of power and coverup. The FBI has been embarrassed time and again by the misconduct of its senior management. First there were the tragedies at Waco and Ruby Ridge. The FBI retaliated against Dr. Fred Whitehurst after he blew the whistle on the FBI crime labs. There was also the botched investigation into the Wen Ho Lee matter and the FBI's failure to turn over evidence to the defense in the Timothy McVeigh trial.

As an ardent advocate of FBI reform, what often gets lost in my comments is the respect that I have for the thousands of men and women serving their country as FBI employees. My criticisms of the FBI's management culture should in no way minimize the great sacrifices that our honest and hardworking FBI agent and support personnel make every day for our country. But these men and women, as well as the American people, deserve a law enforcement organization that has integrity and credibility. The FBI management system is broken, and this does a real disservice to the hardworking agents on the street.

Mr. Mueller and I met in my office a few weeks ago to discuss this culture of arrogance and his plans for reform. In the three short weeks since that meeting, the FBI's culture of arrogance has continued to raise its ugly head. Just a week after the meeting, the national papers were filled with headlines that the FBI couldn't find its guns. The FBI has lost or had stolen from them 440 firearms and 171 laptop computers. The Inspector General is currently conducting an investigation to determine

the extent of the damages, but we do know that one of the lost guns was used in the commission of a homicide and at least one of the laptops contained classified information about two espionage cases.

A day after that revelation, four senior FBI agents testified before the Judiciary Committee that the Bureau has dual standard for the disciplining of employees. According to these men, Senior Executive Service employees are given slaps on the wrists for their infractions, while the rank and file agents are often punished to the letter of the law.

Most recently, last Thursday, the public saw a good example of how some SES employees abuse their power: The Washington Times reported that a group of FBI managers staged a conference entitled "Integrity in Law Enforcement" that we merely a sham and a cover, so that senior FBI managers could obtain improper reimbursements for traveling to a retirement party for veteran agent Larry Potts. The Washington Times further reported that "no one was disciplined other than to receive letters of censure." This lack of discipline directly counters the letter of the law. In 1994, Director Freeh issued a "Bright Line" memo dictating that voucher fraud and the making of false statements would result in dismissal. Had the rank and file done this, they would have been fired.

These most recent FBI blunders are further eroding public confidence that the FBI is up to the task their Nation has called upon them to do.

But, not all the news is bad. In the weeks since our meeting, the Attorney General has issued an order to enlarge the jurisdiction of the Department of Justice Office of Inspector General. The Inspector General will not have primary jurisdiction over allegations of misconduct against employees of the FBI and DEA. This is an important and encouraging step toward overall FBI reform. I hope it will help to solve the problems that the FBI has with their management culture. Previous to this, the Inspector General could not initiate an investigation within the FBI or DEA, without expressed permission from the Deputy Attorney General. I have been saying for many years that the FBI should not be allowed to police itself, and I am encouraged by this new step toward the establishment of a free and independent oversight entity. Along these same lines, Senator Leahy and I will soon be offering a bill to make permanent what the Attorney General's Order accomplished regarding oversight of the Bureau and the reporting of misconduct by FBI employees. This bill is critical to having lasting reform.

In order for a true change in the FBI's management culture to occur, there must be vigorous oversight by an independent IG, as well as by the Congress. With the Attorney General's order and the work of the Senate Judiciary Committee, there will be over-

sight. But, there must also be a strong leader known for honesty and integrity at the helm of the Bureau. Mr. Mueller has sterling credentials and a great deal of experience. He has also impressed me with his history of reform while the U.S. Attorney for San Francisco. A similar overhaul is needed at the FBI. However, I'm concerned that Mr. Mueller still doesn't fully comprehend the culture problems that exist at the FBI. As the new Director, he must be committed to fundamentally changing the Bureau's management culture.

That being said, I am supporting Mr. Mueller's nomination. Based on this responses to the concerns that I have raised with him, the commitments he has made to reform the culture of the FBI, as well as the many recommendations he has received in support of this nomination, I trust that he will be able to institute the much needed reform of the FBI's management culture. I will be voting to confirm Mr. Mueller to be director of the FBI.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to comment on the confirmation of Robert Mueller to be Director of the FBI and to comment about the hearings which were very important in establishing standards for congressional oversight.

Mr. Mueller brings outstanding credentials to the position of Director of the FBI: an excellent academic background, an excellent professional background, served as U.S. attorney in Boston, as U.S. attorney in San Francisco, as Assistant Attorney General in charge of the Criminal Division, earlier this year was acting Deputy Attorney General.

One of the things he did which I found enormously impressive was while in private practice in a very lucrative context, he called up the U.S. attorney for the District of Columbia and asked for a job trying homicide cases. That was after he had been Assistant Attorney General for the Criminal Division. That was his devotion to public service and his devotion to law enforcement and his devotion to prosecution.

I found that unique based on my own experience as an assistant district attorney before becoming D.A. of the city of Philadelphia. People ask me from time to time what my favorite job was. It is not Senator or D.A., but assistant D.A. where you really get into the courtroom and try so many cases. He brings an outstanding background to this very important and very difficult job.

Arguably, the Director of the FBI is the most powerful man in America. I say that because the Director has a 10-year statutory term. The most the President of the United States can serve is two 4-year terms for a total of 8 years. What the President does is subject to considerable public scrutiny, unlike the record of the FBI where

most of its work is done on a confidential basis and in secret. So it is a very powerful position.

Mr. Mueller comes to this job with a very troubled Federal Bureau of Investigation. Recognizing that and the problems they have had with the crime laboratory and the Hanssen case and Waco and Ruby Ridge, they have also had tremendous successes. They have had successes on the Unibomber, the Trade Center bombings, the Embassy terrorist attacks, Khobar Towers, and many successful actions thwarting terrorist attacks which are not publicized.

When a mistake is made by a public official or by an agency like the FBI, they are plastered across the front pages. Their successes are not noted. Many of them are confidential so their informants and sources are not disclosed. While it is a troubled agency, it is still a very fine agency. It has performed investigative service for the United States. The FBI responsibilities have increased enormously in the last few years, fighting organized crime overseas and international terrorism.

I think Director Freeh did as good a job as could be done under very difficult circumstances. I analogize Director Freeh to the story of the Dutch boy who is trying to keep the water from coming through the dyke. He runs around and sticks his finger in the holes of the dyke. No matter how many holes he plugs up with his fingers, more water comes in. That was a problem Director Freeh had. I think overall he did as good a job as could be done under the circumstances.

Notwithstanding that overall evaluation, I do believe there were very serious shortcomings in the responsibility of the FBI and by Director Freeh to congressional oversight. I believe the oversight function is an enormously important function; Congress has to oversee the way our appropriations are spent and oversee the way the executive branch functions. We have not done enough in that regard. We did not do the oversight necessary in Waco where there was the incident on April 19, 1993. No one can establish cause and effect, but chances are good that had there been effective oversight immediately after the Waco incident, that the Oklahoma City bombing would not have occurred 2 years to the day on April 19 of April 1995. It took until 1999 with the inquiry by former Senator Danforth to do appropriate oversight there.

This Senator tried hard in mid-1995 to pursue oversight as to Waco and as to Ruby Ridge. Finally, we did have hearings on Ruby Ridge. That was an example of effective congressional Senate oversight. I had the opportunity to chair that subcommittee. It is not just my view but a widespread view. Randy Weaver was on the mountain at Ruby Ridge and a virtual army went out to bring him off the mountain. The results were disastrous. The U.S. Marshal, Marshal Degan, was killed. Randy Weaver's wife, Vicki, was killed. Randy

Weaver's son, Sammy Weaver, age 14, was killed in a gunfire fight.

The FBI finally conceded they had violated the constitutional standards in use of deadly force on their rules of engagement. It took a Senate oversight hearing to bring that out and to get that matter corrected. Regrettably, to this day, Ruby Ridge was a 1992 incident and the Senate Judiciary Committee worked in 1995 and published a report in December. To this day, that matter is still under investigation with substantial reason to believe there has not been appropriate action taken by way of discipline.

One of the things Mr. Mueller committed to do was to revisit that situation.

The oversight function is a matter which our Judiciary Committee has not pursued, as I stated. I had the opportunity to chair a subcommittee on Department of Justice oversight in 1999 and in the year 2000. In the course of that oversight inquiry, when we were investigating campaign finance reform and sought to get a report made by Charles Labella, who came in as a special assistant. We could never get the report, even though the Department of Justice had a duty to provide it to the Judiciary Committee on oversight. When we finally issued a subpoena for the Labella report in April of the year 2000, we did obtain the report.

At that time, we obtained another document which classifies as a dynamite document which should have been turned over to the FBI long before. This is a memorandum dated December 9, 1996. I ask unanimous consent the text of this memorandum be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1)

Mr. SPECTER. This memorandum, dated December 9, 1996, is from Director Freeh to one of his top deputies, Mr. Esposito. It relates to a conversation which Mr. Esposito had with a top-ranking official in the Department of Justice named Lee Radek of the Public Integrity Section.

The kernel of the memorandum is contained in paragraph 4 which I will now read:

I also advise the Attorney General of Lee Radek's comment to you that there was a lot of "pressure" on him and PIS, Public Integrity Section, regarding this case [and that refers to the Democratic national campaign matter which is the caption of the memorandum] because the "attorney General's job might hang in the balance" or words to that effect.

Now, this conversation between Mr. Esposito and Mr. Radek occurred in December of 1996 at the precise time when President Clinton had not stated whether he would reappoint Attorney General Reno. There was an enormous furor over the issue of campaign finance irregularities. The Governmental Affairs Committee conducted an extensive investigation in 1996.

Now, had this memorandum been disclosed, as I think it should have been,

and had the Senate known a top Department of Justice official was going easy on this investigation because of protecting the Attorney General's job, the demands for independent counsel might have come out entirely differently. That was a major matter.

When I saw this memorandum in December of the year 2000, I told Director Freeh I thought he had an absolute duty to have turned over this memorandum contemporaneously with the event, and he disagreed, saying it would have destroyed his relationship with the Attorney General—and his relationship had a lot of problems, in any event. I admired Director Freeh for his taking a stand that independent counsel should have been appointed, and in many respects he did act in a courageous way on that particular subject. But this memorandum was dynamite. By the time it came up in the year 2000, it was a cold potato, it was an old matter.

I said to Director Freeh that he must testify about this issue, and he said he wouldn't do so. To my chagrin, I could not get a subpoena from the Judiciary Committee to compel Director Freeh's attendance and testimony.

We did bring in Mr. Esposito and we did bring in Mr. Radek, put them both under oath and had them testify, and they told contradictory versions. Mr. Radek said, well, he had made a comment about pressure and he had made a comment about the Attorney General's job hanging in the balance, but there was no connection between the two. That is set out fully in the record and can be reviewed by anyone who cares to do so, to evaluate the credibility of Mr. Radek in saying that—although he had said there was a lot of pressure and he said the Attorney General's job hung in the balance, that there was no connection between the two.

When Attorney General Reno testified 3½ years after the fact, she said she didn't recall any such conversation with FBI Director Freeh but if it had occurred, she was sure she would have taken some action. But, as I say, at that point it was totally stale, not subject to any real investigation or congressional oversight on that point.

Before the confirmation hearing with Mr. Mueller, I met with him for the better part of an hour in my office and went over that memorandum and other matters about which I had questioned him. During the course of his testimony on Monday, 3 days ago, when I asked him if that was the kind of a memorandum which ought to have been disclosed, he was equivocal. He was equivocal about a number of other matters. At the suggestion of the chairman that Bob Mueller and ARLEN SPECTER sit down, we did Tuesday morning in my office for the better part of an hour. And when he resumed his testimony on Tuesday, he said that that memorandum from Director Freeh should have been made a part of the record, that that was appropriate congressional oversight and it should have



been disclosed. I consider that important because we really have to establish standards as to what Mr. Mueller will do as FBI Director and what is appropriate congressional oversight.

Another matter that I had discussed informally with Mr. Mueller before the confirmation hearing, and then questioned him about during the confirmation hearing, was the issue of the obligation of the FBI, of the Department of Justice, to submit to congressional oversight on pending criminal investigations and on pending criminal prosecutions. I cited to Mr. Mueller a summary of the law which appeared in Congressional Research.

During the course of my questioning of Mr. Mueller on Monday afternoon of this week, I had asked him about his recognition of the authority of Congress to have the last word on oversight, and to have access to pending FBI investigations and pending FBI prosecutions. At that time, I read to him extracts from the Congressional Research Service which summarized the law on the subject in a publication dated April 7, 1995, as follows:

... a review of congressional investigations that have implicated the Department of Justice or the Department of Justice investigations over the past 70 years, from the Palmer Raids and Teapot Dome to Watergate and through Iran-Contra and Rocky Flats, demonstrates that the Department of Justice has been consistently obligated to submit to congressional oversight regardless of whether litigation is pending so that Congress is not delayed unduly in investigating misfeasance, malfeasance, or maladministration in the Department of Justice or elsewhere.

Skipping some:

In all instances, investigating committees were provided with documents respecting open or closed cases that included prosecutorial memoranda, FBI investigative reports, summaries of FBI interviews memoranda.

Another facet of the same report:

In the majority of instances reviewed, the testimony of subordinate Department of Justice employees, such as line attorneys and FBI field agents, was taken formally or informally and included detailed testimony about specific instances of the Department's failure to prosecute alleged meritorious cases.

In my questioning of Mr. Mueller on Monday afternoon, he was equivocal about his recognition of those legal principles. As I say, we had a meeting in my office for the better part of an hour Tuesday morning at the suggestion of the chairman. During that time, we came to a meeting of the minds, as we had on the memorandum of December 9, 1996, so that when Mr. Mueller testified on Tuesday afternoon, he did say that it was appropriate for Congress to inquire as a matter of oversight into pending criminal investigations, so that he agreed with the language of the Congressional Research Service and did agree that, in the final analysis, Congress had the last say as to what was appropriate for congressional oversight.

There was a bit of qualification when he talked about appropriate cases. Of

course, there has to be responsibility in what the Congress asks for. But when the Congress presses it, the law is established that if it ends a criminal prosecution because Congress believes the oversight is warranted for legislation, then Congress has the paramount authority.

I discussed with Mr. Mueller the frustration of congressional oversight in the Wen Ho Lee case, which was illustrative of Congress really not doing sufficient oversight and the intransigence and noncompliance by the Federal authorities.

The Wen Ho Lee case was a matter under investigation really for decades. To this day, we do not know whether Dr. Wen Ho Lee was a major spy or was a victim of overreaching by the FBI and the Department of Justice.

The case came to a head in August of 1997, when FBI Director Freeh sent one of his top deputies to talk personally with Attorney General Reno to request a warrant under the Foreign Intelligence Surveillance Act.

Attorney General Reno delegated that authority to someone who had no experience in the field, and ultimately the warrant was turned down. And there was no followup by either Attorney General Reno or FBI Director Freeh. That resulted last year in legislation, so that it is now a statutory obligation. When the FBI Director makes a request, the Attorney General has an obligation to respond in writing, and the FBI Director has an obligation to follow up personally.

The Wen Ho Lee case then languished for 16 months until December of 1998, when it was reinvigorated because the Cox commission was about to come out with a report from the House of Representatives highly critical of the Department of Energy and the Department of Justice, including the FBI. At that time, Department of Energy Secretary Richardson initiated a polygraph of Wen Ho Lee conducted by a private agency, which was reported to have cleared Wen Ho Lee of complicity, saying he passed the polygraph. It was later held in question and later discredited. Meanwhile, Dr. Lee had continuing access to highly classified information.

Finally, the FBI proceeded with a search warrant in April of 1999 and then waited until December of 1999 before indicting Wen Ho Lee and arresting him. At that time, they manacled him and held him in solitary confinement, with no explanation ever forthcoming as to why he could stay at large for months and months and months and then be worse than public enemy No. 1.

During that period of time, a Judiciary subcommittee with oversight of the Department of Justice was proceeding to try to get records and documents and, significantly, without success. Our efforts are summarized, and there are many letters, but this one is illustrative, dated November 30, from me to Director Freeh saying:

I am very much concerned about the repetitive problem that the FBI fails to produce records and that they are then discovered at a much later date.

I know you will recall the incident in September 1997 when the CIA advised the Government Affairs Committee of certain information in FBI files concerning foreign contributions which the FBI had not disclosed.

That one was a very vituperative hearing where the FBI had not turned over the information and the CIA came forward and told us what was in the FBI files. Then the FBI belatedly conceded that it was in fact in their files.

My letter to Director Freeh of November 30 goes on:

By letter dated November 24, 1999, I wrote asking for an explanation about the failure of the FBI to turn over records pursuant to subpoenas in the Ruby Ridge hearings.

We had no response there.

Going on:

With respect to Waco, there has been a series of belated disclosures. Last August, it was disclosed that incendiaries were fired at the compound contrary to Attorney General Janet Reno's previous testimony. Shortly thereafter, the FBI discovered extensive documents in Quantico which had not been previously disclosed. A few days ago, the press reported another incident where the FBI found documents long after they were supposed to have been produced, some four days after Department of Justice attorneys had advised a Federal Judge in Waco that there were no such records.

The Department of Justice has recently advised that Attorney General Reno's testimony before the Judiciary Committee on June 8, 1999 was incomplete because she did not have access to certain FBI records.

The letter goes on and on.

I ask unanimous consent, instead of reading it at length, that it be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. I am not unaware that this is a somewhat lengthy statement, but believe me, it is a short summary of efforts made to find out what was going on in the Wen Ho Lee investigation and where we were being stonewalled by the FBI. Had we had access to these records and had we conducted the oversight, we would have perhaps been able to correct some of the serious errors which were in process.

Another illustrative letter was from me to Director Freeh dated January 3, 2000. I will read only one paragraph.

I am writing to renew my request—which was first made in writing on September 29, 1999—for access to the ten pieces of intelligence information referred to in the July 1999 Inspector General's Special Report on the Handling of FBI Intelligence Information...

Then a note:

We have been waiting for the 10 pieces of intelligence information for an unreasonably long time.

Again, I ask unanimous consent that the full text of the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. SPECTER. Then the Department of Justice accepted a guilty plea from Dr. Wen Ho Lee on 1 count of 59 counts and then was thoroughly chastised by the Federal judge for the way they had conducted the investigation.

Then Dr. Lee was debriefed, and we are still waiting for answers from the FBI as to what has occurred in the case going up to August of 2001 on an oversight which has been in process for years.

I talk about this at some length because of the importance of the Judiciary Committee pursuing this oversight and finding out what is going on in the FBI. We have a very significant advance made on a recognition by Mr. Mueller, who will be sworn in as Director of the FBI, that the Congress has a right to pending FBI investigations and to pending FBI prosecutions.

They can't hide behind the assertion that, well, it is confidential and subject to investigation or subject to prosecution.

The hour is growing late. One other matter I want to put on the record at this point is the issue on which I questioned Mr. Mueller about the leaks on the alleged investigation into Senator ROBERT TORRICELLI. As I said to Mr. Mueller at the hearing on Tuesday afternoon, the day before yesterday, all I know about that is what I read in the newspaper. But I had written to Director Freeh back on June 8 of this year, saying:

I am interested to know whether you have initiated any investigation on the leaks which have appeared in the press concerning an alleged investigation of Senator Bob Torricelli; and, if so, what that investigation has disclosed.

As I said Tuesday, and repeat today, I haven't gotten an answer to the letter. I asked Mr. Mueller for a commitment that he would investigate to see what had happened because of the devastating nature of this leak. But this leak is one of many. The papers have been filled with stories about Dr. Wen Ho Lee and many other matters. But we have a commitment from the Director to respond on the Torricelli matter.

Briefly, in conclusion—the two most popular words of any speech—I comment about the problems in the FBI, but I do acknowledge, as I did at the outset, that I believe the FBI is a very important and good investigative organization, and that we find the errors, we find the difficulties, and they are publicized. But I do believe that the Senate is at fault, the Congress is at fault in not pursuing oversight. It is a very tough thing to do because you have to make the request repeatedly and you have to insist on it and you have to follow up on it. When we will have a Director who concedes that Congress is entitled to information on pending investigations and pending prosecutions, then we know where we ought to head.

## EXHIBIT 1

DECEMBER 9, 1996.

## MEMORANDUM

To: Mr. Esposito.  
From: Director, FBI.  
Subject: Democratic National Campaign Matter.

As I related to you this morning, I met with the Attorney General on Friday, 12/6/96, to discuss the above-captioned matter.

I stated that DOJ had not yet referred the matter to the FBI to conduct a full, criminal investigation. It was my recommendation that this referral take place as soon as possible.

I also told the Attorney General that since she had declined to refer the matter to an Independent Counsel it was my recommendation that she select a first rate DOJ legal team from outside Main Justice to conduct the inquiry. In fact, I said that these prosecutors should be "junk-yard dogs" and that in my view, PIS was not capable of conducting the thorough, aggressive kind of investigation which was required.

I also advised the Attorney General of Lee Radek's comment to you that there was a lot of "pressure" on him and PIS regarding this case because the "Attorney General's job might hang in the balance" (or words to that effect). I stated that those comments would be enough for me to take him and the Criminal Division off the case completely.

I also stated that it didn't make sense for PIS to call the FBI the "lead agency" in this matter while operating a "task force" with DOC IGs who were conducting interviews of key witnesses without the knowledge or participation of the FBI.

I strongly recommended that the FBI and hand-picked DOJ attorneys from outside Main Justice run this case as we would any matter of such importance and complexity.

We left the conversation on Friday with arrangements to discuss the matter again on Monday. The Attorney General and I spoke today and she asked for a meeting to discuss the "investigative team" and hear our recommendations. The meeting is now scheduled for Wednesday, 12/11/96, which you and Bob Litt will also attend.

I intend to repeat my recommendations from Friday's meeting. We should present all of our recommendations for setting up the investigation—both AUSAs and other resources. You and I should also discuss and consider whether on the basis of all the facts and circumstances—including Huang's recently released letters to the President as well as Radek's comments—whether I should recommend that the Attorney General reconsider referral to an Independent Counsel.

It was unfortunate that DOJ declined to allow the FBI to play any role in the Independent Counsel referral deliberations. I agree with you that based on the DOJ's experience with the Cisneros matter—which was only referred to an Independent Counsel because the FBI and I intervened directly with the Attorney General—it was decided to exclude us from this decision-making process.

Nevertheless, based on information recently reviewed from PIS/DOC, we should determine whether or not an Independent Counsel referral should be made at this time. If so, I will make the recommendation to the Attorney General.

## EXHIBIT 2

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, November 30, 1999.

Director LOUIS FREEH,  
Federal Bureau of Investigation,  
Washington, DC.

DEAR DIRECTOR LOUIS FREEH: I am very much concerned about the repetitive prob-

lem that the FBI fails to produce records and that they are then discovered at a much later date.

I know you will recall the incident in September 1997 when the CIA advised the Governmental Affairs Committee of certain information in FBI files concerning foreign contributions which the FBI had not disclosed.

By a letter dated November 24, 1999, I wrote asking for an explanation about the failure of the FBI to turn over records pursuant to subpoenas in the Ruby Ridge hearings.

With respect to Waco, there has been a series of belated disclosures. Last August, it was disclosed that incendiaries had been fired at the compound, contrary to Attorney General Janet Reno's previous testimony. Shortly thereafter, the FBI discovered extensive documents in Quantico which had not been previously disclosed. A few days ago, the press reported another incident where the FBI found documents long after they were supposed to have been produced, some four days after the Department of Justice attorneys had advised a Federal Judge in Waco that there were no such records.

The Department of Justice has recently advised that Attorney General Reno's testimony before the Judiciary Committee on June 8, 1999 was incomplete because she did not have access to certain FBI records.

Similarly, Mr. Neil Gallagher has sought to correct his testimony before the Governmental Affairs Committee on June 9, 1999 because he was not aware of certain FBI documents when he testified.

On the eve of our Judiciary Subcommittee hearing on Wen Ho Lee on November 3, 1999, we were given important documents at the last minute which have been in the FBI files since December 19, 1997 and December 10, 1998.

These are only a few of the many instances where documents have been disclosed by the FBI long after they should have been made available. Would you please let me know why so many documents have been produced so late and what procedures you now have or are putting into place to prevent this from happening in the future. As I know you understand, every time we get late disclosures, we have to go back and retrace our inquiries. Of even greater importance is the issue of the reliability of FBI responses to our document requests.

I would appreciate a response as promptly as possible so that we can proceed.

Sincerely,

ARLEN SPECTER.

## EXHIBIT 3

U.S. SENATE,  
Washington, DC, January 3, 2000.

Hon. LOUIS J. FREEH,  
Director, Federal Bureau of Investigation,  
Washington, DC.

DEAR DIRECTOR FREEH: I am writing to renew my request—which was first made in writing on September 29, 1999—for access to the ten pieces of intelligence information referred to in the July 1999 Inspector General's Special Report on the Handling of FBI Intelligence Information Related to the Justice Department's Campaign Finance Investigation, and any analysis regarding the validity of such information and its suitability for use in a prosecution or relevance to a plea agreement. These ten pieces of information are covered by the November 17, 1999, resolution of the Judiciary Committee, which authorized a number of subpoenas.

I would also appreciate your assistance in ensuring that the background check and clearance request for my Chief Counsel, Mr. David Brog, it processed in an expeditious manner.

Both of these matters are important for the Judiciary subcommittee which I chair to be able to conduct its oversight in a prompt and thorough manner.

Sincerely,

ARLEN SPECTER.

Mr. SESSIONS. Madam President, I served on the subcommittee on oversight effort on the FBI and the Department of Justice. I thought if the American people had seen that, they would have known that he was committed to getting to the truth, as he is always, and that there was, indeed, vigorous oversight at least with regard to those aspects of the FBI and the Department of Justice.

Nobody is perfect. Everybody makes mistakes. But it is our duty to ask tough questions and insist on excellence. I am a big fan of the FBI, but they are not perfect. I am a big fan of the Department of Justice, but they are not perfect. Senator GRASSLEY and Senator SPECTER have been tough on them and demanded excellence, and I respect that. I think it is very healthy. I believe that Bob Mueller, who I knew at the Department of Justice for many years, is a professional's professional, who is a tough leader with the kinds of insight into the FBI's strengths and weaknesses that would allow him to have a unique opportunity to make a positive change.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Robert S. Mueller, III, of California, to be Director of the Federal Bureau of Investigation? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) is absent because of a death in family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 272]

YEAS—98

Akaka	Craig	Inhofe
Allard	Crapo	Jeffords
Allen	Daschle	Johnson
Baucus	Dayton	Kennedy
Bayh	DeWine	Kerry
Bennett	Dodd	Kohl
Biden	Dorgan	Kyl
Bingaman	Durbin	Landrieu
Bond	Edwards	Leahy
Boxer	Ensign	Levin
Breaux	Enzi	Lieberman
Brownback	Feingold	Lincoln
Bunning	Feinstein	Lott
Burns	Fitzgerald	Lugar
Byrd	Frist	McCain
Campbell	Graham	McConnell
Cantwell	Gramm	Mikulski
Carnahan	Grassley	Miller
Carper	Gregg	Murkowski
Chafee	Hagel	Murray
Cleland	Harkin	Nelson (FL)
Clinton	Hatch	Nelson (NE)
Cochran	Helms	Nickles
Collins	Hollings	Reed
Conrad	Hutchinson	Reid
Corzine	Hutchison	Roberts

Rockefeller	Smith (OR)	Thurmond
Santorum	Snowe	Torricelli
Sarbanes	Specter	Voinovich
Schumer	Stabenow	Warner
Sessions	Stevens	Wellstone
Shelby	Thomas	Wyden
Smith (NH)	Thompson	

NOT VOTING—2

Domenici Inouye

The nomination was confirmed.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the distinguished majority leader and Members on both sides of the aisle for arranging to expedite the scheduling of these three votes. As I said to the Senator from Nevada, the majority whip, it is extremely important that we were able to move especially Bob Mueller as quickly as we did.

I thank the leadership for making this possible, and I thank all Senators on both sides of the aisle for voting for him. It sends a strong signal. We have somebody who wants to preserve the very best of the FBI and to correct those areas where there are problems. I think he can do both. He comes with a strong mandate from the Senate, and that will help.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Madam President, I compliment the distinguished chairman of the Judiciary Committee for his expeditious work on these nominations and so many others. We have broken some records. His work and determination demonstrate real fairness and ensure these people have the opportunity to serve at the earliest possible date. His willingness to do that and his desire to work with the leadership are very much appreciated. I want to commend him publicly for that.

Mr. LEAHY. I thank the Senator.

## LEGISLATIVE SESSION

### JUDICIAL NOMINATIONS

Mr. LEAHY. Madam President, on July 20, I was pleased that we were able to confirm a number of judicial and executive nominations. We confirmed Judge Roger Gregory for a lifetime appointment to the United States Court of Appeals for the Fourth Circuit. Last year and earlier this year, he was unable even to get a hearing from the Republican majority.

Having gotten that hearing, his nomination was reported favorably to the Senate on a 19 to 0 vote by the committee and the Senate voted to confirm him by a vote of 93 to 1 vote. The supposed controversy some contend surrounded this nomination was either nonexistent or quickly dissipated. In

addition we have confirmed the two nominees to the District Court vacancies in Montana in order to help end the crisis in that district that was brought to our attention by Chief Judge Molloy.

Today we report and the Senate is confirming William Riley, nominated to the United States Court of Appeals for the Eighth Circuit. Mr. Riley was strongly supported by both his home State Senators, one a respected Republican and one a valued Democratic Senator.

In the entire first year of the first Bush Administration, 1989, without all the disruptions, distractions and shifts of Senate majority that we have experienced this year, only five Court of Appeals judges were confirmed all year.

In the first year of the Clinton Administration, 1993, without all the disruptions, distractions and shifts in Senate majority that we have experienced this year, only three Court of Appeals judges were confirmed all year. In 1993, the first Court of Appeals nominee to be confirmed was not until September 30. During recent years under a Republican Senate majority, there were no Court of Appeals nominees confirmed at any time during the entire 1996 session, not one. In 1997, the first Court of Appeals nominee was not confirmed until September 26.

Having confirmed our first Court of Appeals nominee on July 20, the Senate this year is ahead of the pace in 1993, the first year of the Clinton Administration, and ahead of the pace in 1996 and 1997, when the Senate was under Republican control.

A fair assessment of the circumstances of this year would suggest that the confirmation of a single Court of Appeals nominee this early in the year and the confirmation of even a few Court of Appeals judges in this shortened time frame of only a few weeks in session should be commended, not criticized. Today we confirm our second Court of Appeals nominee.

The Judiciary Committee held two hearings on two Court of Appeals nominees in July. In July 1995, the Republican Chairman held one hearing with one Court of Appeals nominee.

In July 1996, the Republican Chairman held one hearing with one Court of Appeals nominee, who was confirmed in 1996. In July 1997, the Republican Chairman held one hearing with one Court of Appeals nominee. In 1998, the Republican Chairman did hold two hearings with two Court of Appeals nominees, but neither of whom was confirmed in 1998. In July 2000, the Republican Chairman did not hold a single hearing with a Court of Appeals nominee.

During the more than 6 years in which the Senate Republican majority scheduled confirmation hearings, there were 34 months with no hearing at all, 30 months with only one hearing and only 12 times in almost six and one-half years did the Judiciary Committee

hold as many as two hearings involving judicial nominations in a month. Over the last 6 years only 46 nominees were confirmed by the Republican majority in the Senate to the Courts of Appeals around the country.

This Democratic Senate has confirmed two within the month the Senate has been reorganized before the August recess. So without acknowledging the unprecedented shifts in majority status this year, our productivity compares most favorably with the last 6 years. With the confirmation of William Riley to the Eighth Circuit, we have exceeded the record in five of the last 6 years.

I am considering holding another judicial confirmation hearing in August, during the Senate recess. No such hearing was held during any of the last 6 years. If we proceed, it may be the first time a judicial confirmation hearing was held during the August recess.

I went to the White House for the President's announcement of his first judicial nominations as a demonstration of bipartisanship. I noticed our initial hearing on judicial nominees within 10 minutes of the Senate adoption of S. Res. 120 reorganizing the Senate just before the July 4 recess. We held two hearings in July. We confirmed two Court of Appeals Judges in July. The facts are that the Democratic majority in the Senate has proceeded fairly.

I have also respectfully suggested that the White House work with Senators to identify and send more District Court nominations to the Senate who are broadly supported and can help us fill judicial vacancies in our federal trial courts. According to the Administrative Office of the U.S. Courts, almost two-thirds of the vacancies on the federal bench are in the District Courts, 75 of 108. But fewer than one-third of President Bush's nominees initial 30 nominees have been for District Court vacancies.

The two who were consensus candidates and whose paperwork was complete have had their hearing earlier this month and were confirmed July 20.

I did try to schedule District Court nominees for our hearing last week, but none of the files of the seven District Court nominees pending before the Committee was complete.

Because of President Bush's unfortunate decision to exclude the American Bar Association from his selection process, the ABA was only able to begin its evaluation of candidates' qualifications after the nominations were made public. We are doing the best we can, and we hope to include District Court candidates at our next nominations hearing.

There has been talk that the President will be sending more District Court nominees to the Senate today or tomorrow.

If he does, I hope that they are consensus candidates and that their home state Senators have been involved in the selection process. Unfortunately,

they are being received late in this short session and without the peer review that the ABA had traditionally provided at the time of the nomination for more than 50 years. We will do the best we can to proceed with mainstream candidates with broad-ranging support in the limited time available to us before the Senate adjourns this year and given the heavy legislative agenda that we must accomplish.

When some Republican Senators bemoan the current vacancies, they should also acknowledge that many of the current vacancies could have been filled and should have been filled over the last several years. Indeed, if the 65 judicial nominations sent to us over the past few years by President Clinton had been acted upon, we would have scores fewer vacancies.

At the end of the last session of Congress in which there was a Senate Democratic majority, in 1994, there were 63 vacancies on the Federal courts, which included several new judgeships created by statute in 1990 and as yet unfilled. When the Senate returned to a Democratic majority on June 6 of this year, there were 104 vacancies. When the Senate was finally allowed to reorganize and made its Committee assignments on July 10, there were 110 vacancies.

Of the judicial emergency vacancies, almost half would not exist if President Clinton's qualified nominees for those positions had been confirmed by the Republican majority over the last few years. I noted last week that the Republican Senate over the last several years refused to take action on no fewer than a dozen nominees to what are now emergency vacancies on the Courts of Appeals.

I remind my colleagues of their failure to grant a hearing or Committee or Senate consideration to the following: Robert Cindrich to the Third Circuit; Judge James A. Beaty, Jr. and Judge James A. Wynn, Jr. to the Fourth Circuit; Jorge Rangel, Enrique Moreno and H. Alston Johnson to the Fifth Circuit; Judge Helene White, Kathleen McCree-Lewis and Kent Marcus to the Sixth Circuit; Bonnie Campbell to the Eighth Circuit; James Duffy and Barry Goode to the Ninth Circuit.

Those were 12 Court of Appeals nominees to 10 vacancies who could have gone a long way toward reducing the level of judicial emergencies around the country. Our first confirmation this year was of Judge Roger Gregory to a judicial emergency vacancy.

I have yet to hear our Republican critics acknowledge any shortcomings among the practices they employed over the last six years.

When they have done that and we have established a common basis of understanding and comparison, we will have taken a significant step forward. That would help go a long way toward helping me change the tone here in Washington. It would make it easier to work together to get as much accomplished as we possibly can.

Mr. HATCH. Madam President, I am pleased that today the Senate confirmed William Riley to be a judge on the Eighth Circuit Court of Appeals. This confirmation brings the total of judicial confirmations for the year to four. Even if we include today's confirmation vote in the total for the month of July, I want to note for the record that this is significantly fewer judges than were confirmed during most of the months of July during my tenure as Chairman of the Judiciary Committee, even though we had a Democratic President and a Republican Senate during those years. Here is the number of judges confirmed during the months of July when I was chairman:

July 1995—11 judges confirmed.

July 1996—16 judges confirmed.

July 1997—3 judges confirmed.

July 1998—6 judges confirmed.

July 1999—4 judges confirmed.

July 2000—5 judges confirmed.

#### MORNING BUSINESS

Mr. DASCHLE. I ask for unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ELECTION FRAUD

Mr. BOND. Madam President, for the past several months I have been waiting patiently for the opportunity promised me to offer testimony on election fraud before the Senate Rules Committee. The committee has held days of hearings in Washington, and they have been on the road. My concern was that perhaps the committee was not interested in vote fraud, was not interested in hearing the details of the criminal activities that took place in Missouri in November of 2000. Certainly, it was not interested in what election law reforms are necessary to attack vote cheats.

Unfortunately, I can wait no longer. I am here in the Chamber rather than the committee because, although I was assured I would have the opportunity to testify about the extraordinary circumstances that occurred around the election in St. Louis, and thus make the case for real vote fraud reform, the committee has decided to move ahead without giving me the opportunity to pursue a voting machinery bill before the recess.

It is an understatement to say I am disappointed. But rather than dampening my enthusiasm, that disappointment makes me even more committed to the cause.

Simply put, it is imperative that we pass legislation this year that makes it easier to vote but harder to cheat. One without the other will not work and will not be acceptable.

Voting is the most important duty and responsibility of a citizen of our Republic. It should not and must not

be diluted by fraud, by false filings and lawsuits, judges who don't follow the law, and politicians to try to profit from confusion. At the same time, voters should not be unduly confused by complicated ballots and voter rosters or confounded by inadequate phone lines or voting machinery.

One simple point as we begin: Vote fraud is not about partisanship. It is not about Democrats versus Republicans. It is not about the north side of St. Louis versus the south side. It is not about ethnic groups or religious groups or interest groups. It affects all citizens. It is about justice, for vote fraud is a criminal, not a political, act.

Illegal votes dilute the value of votes cast legally. When people try to stuff the ballot box, what they are really doing is trying to steal political power from those who follow election laws. There can be no graver example of disenfranchisement. The Missouri Court of Appeals wrote:

[E]qual vigilance is required to ensure that only those entitled to vote are allowed to cast a ballot. Otherwise, the rights of those lawfully entitled to vote are inevitably diluted.

Let's discuss what is vote fraud; how does it work; how widespread is it; how can we stop it. Vote fraud is, at the core, the practice of illegally adding votes to a candidate's vote total or taking them away. It can be done by simply stuffing the ballot box with extra ballots at the end of the voting day. It can be done by voting in the names of people who are dead or otherwise have not voted. It can be done by creating lists of bogus names and addresses and then voting all those fake identities. It can be done in person. It can be done by absentee ballot. It can be done with a judge, incompetent, inattentive or unlawful, who issues a court order.

However, it is done, its design and purpose is single-minded: cheat to win. Fortunately, most of the time it does not work. But unfortunately, there are those who argue that because it fails more than it succeeds, it is not a real problem.

To those who make that argument, I recommend they take a few moments to review the comments of an old friend of mine with whom I served when I was Governor of Missouri. He is from the other party but is an active leader. State Representative Quincy Troupe stated this year, after news of the vote fraud came out in St. Louis: In this town, to win in a close election "you have to beat the cheat." That is the cry in St. Louis, people trying to cheat to win.

The impulse has been around since the dawn of civilization. Parents, teachers, and coaches tried mightily to instill in us that we should play fair, abide by the rules, and 99 percent of the time their lessons took root.

Unfortunately, not everybody has gotten the message. Every day we read stories of consumer fraud, the selling of test scores, point shaving scandals,

stock swindles, real estate scams. I suppose we should not be shocked that people also try to steal votes and, ultimately, elections.

Because we are a nation of laws and we have basic faith that people will play fair, we simply don't like it when people try to cheat to win. That, of course, is what voter fraud is all about.

Unfortunately, we in Missouri saw it in this past election. No one wants his or her State to become a poster child for a problem, the hometown become a laughingstock. So it is with dismay that I come before my colleagues today to describe what has gone on in St. Louis, what is going on, what reforms I believe are vital.

Missouri's secretary of state has just completed a comprehensive review of election 2000, centered around four basic voter fraud schemes, the question of felons voting, as well as reviewing the actions by local judges and the now infamous dead-man-claims-long-lines-keep-him-from-voting court case.

The four vote fraud schemes regularly practiced across the country are: Did individuals register and vote more than once; did any dead individuals have votes cast in their names; were false names/addresses voted; were drop sites used to give individuals multiple voting identities.

Each of these are classic vote fraud schemes designed to allow a small number of people to cast numerous votes either by absentee ballots or by moving from polling place to polling place and voting multiple names from the voter list.

Each scheme relies on access to registered voter lists in order to know what names to use, knowledge of the false names, or requires the individuals to have control of the absentee ballots. In one common form of absentee ballot fraud, the drop site scam, the individuals used in the scheme simply register, usually by mail, multiple names at one address and then request absentee ballots for all their new roommates, phantom though they might be, and they vote all of the ballots coming into those invisible roomies.

Sad to say, each of these schemes was in use on election day in Missouri. In reviewing only 2 of Missouri's 114 counties, the secretary of state found 14 probable drop sites where there were at least 8 registered voters, 8 registered voters in one house, with another 200 possible sites requiring further review. We had 68 dual registered people who voted twice. Good luck, folks. I think your day is coming. There were 79 vacant lots used as addresses for voters, and 14 dead people voted—certainly an inspiring theological effort, but one that is disappointing politically.

In addition, this investigation found that 114 felons voted and over 1,200 people who were not registered at all voted—in direct contravention of Missouri law. These people went before judges and said, "I want to vote." The Missouri Constitution says you have to be registered to vote. The judges said:

You look like a nice guy or lady, so we are going to let you vote. That is illegal; that is fraud; that is criminal.

As I said, for each of the drop sites, the secretary of state used an eight-person rule—meaning he only reviewed those sites that showed eight or more registered voters at one address. And his staff only visited 20 percent of the total sites identified. Only law enforcement would be able to determine how many illegal votes were cast from these sites.

However, those responsible for voting twice, voting dead persons' names, and creating false addresses were obviously violating the law. There can be no question that criminal fraud occurred.

What can be done to protect us from this cheating in the future? In our review of the secretary of state's report, it is clear that a fundamental requirement for fraud is voter list manipulation. Bogus names are added with the intent to vote them absentee. Voters who have moved or died are left on the lists in order to create a pool of names to be voted, and the sheer confusion of clogged up voter rolls is used to further complicate efforts by election officials to keep the votes legal.

My staff's review of the voter lists in St. Louis has found rolls so clogged with incorrect, fraudulent data it almost defies description.

The number of registered voters threatens to outnumber the voting age population. A total of 247,000-plus St. Louis residents, dead or alive, are listed as registered voters compared with the city's voting age population of 258,000. That is a whopping 96-percent registration rate.

The reason why: Almost 70,000 St. Louis residents, or 28 percent, are on the inactive voter list. That means 1 in 4 eligible St. Louis voters cannot be located by the U.S. Postal Service as actually living where the voter rolls say they are registered.

More than 23,000 people in St. Louis are also registered elsewhere in Missouri. That means 1 in 10 are at least dual registered. Over 17,000 voters still are listed as registered in the city, even after moving out and registering at new addresses. Nearly 700 voters are registered twice in St. Louis. No fewer than 400 are registered once in the city and twice more elsewhere in the State. And five Missouri voters are registered at four different places across the State.

Though dead for 10 years, former St. Louis Alderman Albert "Red" Villa was actually registered to vote this spring in the city's mayoral primary. Ritzky Meckler, a mixed-breed dog, was also registered to vote in St. Louis. We don't know her party preference, but I won't go into the "voting is going to the dogs" line.

This spring, a city grand jury began an investigation of 3,800 voter registration cards dumped on the election board on the last day to register before the March 6 primary: Press reports initially noted that at least 1,000 were

bogus registrations for people already registered.

The U.S. attorney has now taken over the case, and a Federal grand jury investigation is underway, as the FBI has recently issued a subpoena to the St. Louis Election Board for records pertaining to any person who registered to vote between October 1 of last year and March 6 of this year. They also requested all records of anyone who cast absentee ballots or regular ballots, as well as anyone who was turned away from voting.

It is obvious that there has been brazen fraud with these bogus voter registrations. With dead people registering, fake names on voter lists, and phony addresses, it is painfully clear that the system is being abused.

The only conclusion: Reform is imperative.

There are three key weaknesses in the current system: the ease in which drop sites can be created; the ability of individuals to imposter others and vote in their name; and dual registrations.

The drop sites are a direct result of allowing mail-in or drop-off registration without also requiring some form of authentication that the names being registered are of people actually existing. This creates pools of false names on the voter rolls.

Because absentee voting after mail-in registration is allowed, it is very easy for those bent on cheating to cast votes for people who never existed. This clearly is in need of reform.

Second, the ability of individuals to pose as others is directly dependent upon what type of identification is required for people voting. In the St. Louis mayoral primary this past March, as a result of the attention I and others brought to this situation, they required photo IDs, and there were no complaints of voter impersonation or voter intimidation. Obviously, the ability to pose as another would be severely restricted with a simple photo ID requirement. St. Louis may have had an honest election. It should be celebrated in the history of Missouri. The March election was an honest one.

Third, the number of dual registrations creates a huge pool of names for the unscrupulous to abuse. It also causes confusion for the legitimate voters. A statewide database would clearly eliminate most dual registrations. That is certainly one of the recommendations of the Carter-Ford Commission that deserves support.

However, as simple as these reforms may be, the problems are deeper. For example, motor voter actually blocks States from requiring notarization or other forms of authentication on mail-in registration cards.

Given that nearly all of the fraudulent registrations were mail-in forms, it is obvious that we need to make real reforms in this area. At a minimum, States need to be given the authority to require on mail registration forms a place for notarization or other authentication. Under current law, States are

actually prohibited from including this safeguard. This is one obvious place where the Federal law is clearly an impediment to antifraud efforts. Why do we so easily require a photo ID to board a plane or to buy beer and cigarettes, while leaving the ballot box undefended?

Motor voter has also built a system whereby once bogus names are registered, it is impossible to get them off the lists. Current Federal law blocks a person's removal from the rolls unless he or she is reported dead, requests removal, or the U.S. Postal Service returns certified election board mailings to the person as "undeliverable" and the person fails to vote in two successive Federal elections. When names are added to vote lists for fraudulent purposes, they certainly are not going to request removal, or they certainly are not going to forget to vote. If you have gone to the trouble to register somebody fraudulently, you are going to vote them in every election. What protections do we have? None.

We passed the motor voter bill with best intentions. Unfortunately, we now have proof that the very mechanism designed to boost voter participation has turned the Nation's voter rolls into a tangled mess. In Missouri, we saw how the motor voter flaws paralyzed the St. Louis Election Board last year. The board's inability to maintain its lists invited brazen vote fraud, now the subject of a Federal criminal probe.

In Florida, St. Louis, and elsewhere, sloppy maintenance of voter rolls fueled charges of minority disenfranchisement. The legacy of the motor voter bill is that while it tried to boost voter participation, it may, in fact, now be responsible for reducing the integrity of and confidence in our elections. The best election "reform" Congress can undertake this year is to go back and fix the flaws in the law we passed 7 years ago.

We need to get a handle on the voter lists. People who register and follow the rules should not be frustrated by inadequate polling places and phone lines, or confused by out-of-date lists. At the same time, we must require the voter list to be scrubbed and reviewed in a much more timely manner—so cheaters cannot use confusion as their friend.

It is time we got rid of St. Louis's lasting reputation, described my old friend Quincy Troop this way: The only way you can win a close election in this town, you have to beat the cheat.

Madam President, I thank the Chair and my colleagues. I yield the floor.

#### RELEASING THE HOLD ON TWO NOMINEES FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. SPECTER. Madam President, I had written placing a hold on two nominees from the Department of Health and Human Services. I wrote that last week on Janet Rehnquist, on

July 27. She is up for inspector general of the Department of Health and Human Services; and Alex Michael Azar, II, up for general counsel of the Department of Health and Human Services.

I placed a hold on them and had notified them on that day, last Friday. I had a meeting with them on Monday and I have written today releasing the hold.

The hold was placed on them on a matter that is ongoing. That is because, when we had the Budget Appropriation hearings on the National Institutes of Health, Senator HARKIN and I had written—I was chairman at the time—to the Institutes asking questions about stem cell research. The replies we got were censored, and we finally laboriously got the originals and found that information very favorable to stem cell research had been deleted. I asked Secretary Thompson about that and got an unsatisfactory answer, which I need not go into in any detail about here. And then NIH had submitted a 200-page report to the Department of Health and Human Services, and that report on the report was published in the New York Times in mid-June.

Senator HARKIN and I could not get it until less than 24 hours after we had a hearing on stem cells on that report 2 weeks ago. I talked to the inspector general nominee, Janet Rehnquist, about assurances that if she were confirmed that she would, as inspector general of HHS, conduct a thorough inquiry into why those reports were censored.

I received a letter in reply, and I need not go into detail now, and it is really not determinative for consideration because I am advised by the chairman of the Finance Committee they will not be reported out before recess with respect to Mr. Azar. I asked him about his standards as general counsel to render an opinion on stem cell research, which would be an objective opinion. The general counsel, under the previous administration, had rendered an opinion that the Federal statute barred extracting stem cells from the embryos, but did not ban research once they had been extracted.

The President has taken a contrary position, and funding has been held up. I wanted assurances from Mr. Azar that his determination would be an objective determination. He has written to me. It is not ripe for a final determination, but I wanted to comment because of the importance of the subject and state publicly that the holds have been withdrawn as far as this Senator is concerned.

I thank the Chair especially for her diligence in presiding.

I yield the floor.

LOUIS ARMSTRONG DAY

Mr. HATCH. Madam President, I wish to thank my colleagues, Senators SCHUMER, BREAUX, LANDRIEU, and



LIEBERMAN for co-sponsoring my resolution designating this Saturday, the centennial of a great American legend's birthday, "Louis Armstrong Day."

Thanks to the wonders of technology, we can all continue to appreciate the genius of Louis Armstrong's music. It is music that uplifts the spirit, and that has inspired countless musicians and fans for nearly a century. There are millions of people around the world who love Louis Armstrong's music. And, thanks to the wonders of technology, there are millions more who have never heard his music who someday will, and their lives will be uplifted. From the perspective of this Louis Armstrong fan, they've all got something to look forward to.

#### DEPARTMENT OF DEFENSE COUNTERDRUG SUPPORT

Mr. GRASSLEY. Madam President, I rise to express my deep concern about the apparent lack of emphasis by the Department of Defense on the counterdrug mission. This has been a year of continual discussion of increased DoD funding for various military missions. However, all the indications I am hearing point to a decreased DoD interest in this mission, as well as decreased funding levels. I believe this would be a poor policy decision, and a poor indication of the nation's priorities.

In May 2001 testimony, before the Senate Caucus on International Narcotics Control, on which I served as Chairman, the heads of the Drug Enforcement Administration, the U.S. Customs Service, and the U.S. Coast Guard all testified that DoD reductions would be detrimental to their agencies' counterdrug efforts. The Office of National Drug Control Policy summarized that (quote) DoD's command and control system provides the communications connectivity and information system backbone . . . while the military services detection and monitoring assets provide a much need intelligence cueing capability (end quote).

The Commandant of the Coast Guard testified at length about DoD counterdrug support, stating (quote) [w]e would go downhill very quickly (end quote) without DoD contributions. The Commandant also stated that 43 percent of Coast Guard seizures last year were from U.S. Navy vessels, using onboard Coast Guard law enforcement detachments. The Coast Guard concluded that (quote) [s]hould there be any radical reduction of the assets provided through the Department of Defense . . . it would peril the potential for all the other agencies to make their contributions as productive . . . mainly because of the synergy that is generated by the enormous capability that the 800-pound gorilla brings to the table . . . They are very, very good at what they do. They are the best in the world . . . and when they share those capabilities . . . in

terms of intelligence fusion and command and control, we do much better than we would ever otherwise have a chance to do (end quote). I understand that an internal review of DoD's drug role contemplated severe reductions as a working assumption. After years of decline in DoD's role in this area, I believe this sends the wrong signal and flies in the face of DoD's statutory authority.

I have consistently supported an integrated national counterdrug strategy. If we reduce the DoD role, we risk lessening the effectiveness of other agencies as well. We need to make these decisions carefully, and with full Congressional involvement. I urge the Department of Defense to keep in mind DoD's important role in, and necessary contribution to, a serious national drug control strategy.

#### AMERICAN INDIAN ENERGY AND NATIONAL ENERGY SECURITY

Mr. CAMPBELL. Madam President, as Congress begins the August recess and Americans get in their cars, vans and trucks to take their deserved vacations, we should keep in mind that the U.S. dependency on foreign sources of energy is at an all-time high of more than 60 percent.

Both the House and Senate are considering various parts of what will become our national energy plan, but to date little attention has been paid to energy development and conservation on American Indian reservations.

Indian lands comprise about 5 percent of the total landmass of our Nation and if consolidated, would be about the size of the State of Minnesota. In the last century, Indians were relegated to small remnants of their aboriginal lands, in areas most considered ill suited to agriculture or any other form of activity.

On and under these Indian-owned lands are huge reserves of oil, natural gas, coal bed methane, uranium, and alternative sources of energy such as wind and hydropower. There are many tribes that want to develop these energy resources and are looking to Congress for assistance to do just that.

We are not just talking about drilling in the Alaska National Wildlife Refuge, ANWR. Indian resources span from the coal fields of Montana to the natural gas patch in Colorado and beyond.

The tribes are not only interested in research and development, and financial and tax incentives, though they are needed, but are looking for changes and reforms to existing regulations that have kept energy and other projects from Indian lands.

Developing Indian energy is not only in the interest of the tribes and their members, but is largely consistent with the Bush administration's emphasis on production, conservation, and ensuring long-term supply is guaranteed.

It is Congress' obligation to ensure the Nation's supply of energy is secure

and also to assist Indian tribal development and job creation in the process. To this end I am working to help ensure that tribes are brought into the fold when Congress gets serious about energy policy this fall.

I ask unanimous consent that copies of various recent news articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 29, 2001]

#### FALLING ENERGY PRICES COULD SPARK THE ECONOMY

(By Greg Ip)

WASHINGTON.—Energy prices, which helped drive the economy to the brink of recession, are declining and could be crucial to reviving growth.

Rising production, moderate weather and weakening demand have helped reduce prices of natural gas, gasoline and Western wholesale electricity to below year-ago levels and return inventories to a comfortable range. If sustained, the drop in prices, combined with a tax cut and lower interest rates, helps increase the likelihood of an economic recovery in coming months.

But here is the catch: Prices have dropped in part because slowing economies in the U.S. and abroad have lessened demand. A sharp rebound in growth could tighten supplies and cause prices to rise.

"It looks that the worse of the energy stocks may be behind us, in part because of growing supply and, even more important, the effects of the economic downturn are really starting to show up on the demand side," said Tom Robinson, senior director at Cambridge Energy Research Associates. "The market looks much better supplied heading into the summer and next winter than most people would have thought six months ago."

Higher energy prices, by some estimates, reduced economic growth about a percentage point in the past year by sapping consumer incomes. Spending isn't likely to fully rebound because the prices haven't returned to previous levels and because retail electric bills have yet to fully reflect the jump in wholesale costs earlier this year.

Federal Reserve Chairman Alan Greenspan yesterday blamed rising energy costs for hurting profit margins and investment as they drove up business costs between the spring of 2000 and last winter, little of which was passed on in higher prices.

The subsequent decline suggests "some easing in pressures on profit margins from energy this quarter," he told the Economic Club of Chicago. While the Fed couldn't be certain the spike in gasoline prices "is behind us . . . it is encouraging that in market economies well-publicized forecasts of crises, such as earlier concerns about gasoline price surges this summer, more often than not fail to develop."

Crude-oil prices have slipped to about \$25 a barrel from an average of \$28.63 in May and more than \$30 a year ago. But drops in other energy prices have been more striking. Consider:

Spot natural-gas prices, which rose from \$4.40 per million British thermal units a year ago to above \$10 in the winter, have since slipped to about \$3.25. Mr. Robinson estimates robust drilling activity has lifted North American production as much as 3% from a year ago, while demand has fallen as some power plants substituted cheaper fuels for gas. Combined that has dramatically boosted gas in storage from far below seasonal norms to well above.

Regular gasoline average \$1.54 a gallon across the country Monday, down from \$1.71 in the late May and 12 cents below year ago levels, according to the Energy Department. Larry Goldstein, president of P \* \* \* Energy Group, an industry research organization, said that consumption instead of rising the expected 1% to 1.5% this summer is now expected to fall 2%. Gasoline inventories, bolstered by surging imports are near a five-year high.

\* \* \* \* \*

[From the Reno Gazette Journal, July 31, 2001]

#### TEAMSTERS BACK OIL EXPLORATION IN ALASKA WILDERNESS

WASHINGTON.—The Teamsters will start airing radio ads this week in favor of drilling in the Arctic National Wildlife Refuge in Alaska. The campaign aligns the union with the Bush administration and sets it apart from much of organized labor.

The 60-second spots will air on radio stations in Pennsylvania and West Virginia this week as the House prepares to vote on the issue and other energy proposals.

The ads will cost at least \$20,000, said Teamsters spokesman Rob Black.

Pennsylvania and West Virginia were selected because of the impact energy exploration could have on their economies, union officials said. More than 200 businesses in those states are involved in Alaskan petroleum exploration.

The ads say that opening the refuge could mean 75,000 new jobs—"Good jobs, union jobs"—with 40,000 of those in Pennsylvania and West Virginia.

Environmentalists get slammed for being "so intolerant and excessive" while jobs are being lost and families are hurting.

"Part of the problem? Not understanding that protecting the environment and developing new sources of energy go hand in hand," the ads say. Listeners are urged to call their representatives.

Vice President Dick Cheney met with the Teamsters and some of the more conservative construction and steel unions earlier this summer, when the Bush administration was trying to build support for its energy plan by touting job creation.

The Teamsters union, which supported former Vice President Al Gore in last year's election but sometimes tilts Republican, has been a thorn in the Bush administration's side on another issue—whether to open the border to Mexican trucks.

The union has been lobbying against President Bush's plan to allow the trucks on America's roads on Jan. 1, in keeping with the North American Free Trade Agreement.

The Senate is nearing a vote on the issue, and Democratic leaders predict passage of tougher safety standards for Mexican trucks.

Bush prefers giving the trucks access to U.S. roads and then auditing Mexican trucking companies during the next 18 months.

The Teamsters union has been airing \$50,000 worth of radio ads, opposing Bush's plan, in the Washington area.

#### NATION OF IMMIGRANTS

Mr. KENNEDY. Madam President, each year the American Immigration Law Foundation and the American Immigration Lawyers Association sponsor a national writing contest on immigration. Thousands of fifth grade students across the country participate in the competition, answering the question, "Why I'm Glad America is a Nation of Immigrants."

In fact, "A Nation of Immigrants" was the title of a book that President Kennedy wrote in 1958, when he was a Senator. In this book, and throughout his life, he honored America's heritage and history of immigration as a principal source of the Nation's progress and achievements.

I had the privilege of serving as one of the judges for this year's contest, and was very impressed by the young writers. In their essays, they showed great pride in the Nation's diversity and its immigrant heritage, and many students told the story of their own family's immigration.

The winner of this year's contest is Crystal D. Armstead, a fifth grader from Philadelphia. In her essay, she reminds us of America's immigrant foundation and the importance of honoring our diversity. She describes how immigration has affected her family and how it enriches her life today. Other students honored for their creative essays were Robert Banovic of Pittsburgh, PA, Megan Imrie of Orland Park, IL, Carter Jones of Huntington Beach, CA, and Amanda Tabata of Honolulu, HI.

I believe that these award-winning essays in the "Celebrate America" contest will be of interest to all of us in the Senate, and I ask unanimous consent they be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

GRAND PRIZE WINNER, CRYSTAL D. ARMSTEAD, PHILADELPHIA, PA

#### REASONS WHY I'M GLAD AMERICA IS A NATION OF IMMIGRANTS:

The United States has the largest immigration population in the world. There are two types of immigrants today. Those who are running from something, and those who are running to something. In the early 1600's there was a third reason. Africans were brought to America against their will as slaves. Africans had no choice but to become part of American culture. Today, African Americans have freedom to leave, but are so much a part of the American society that we remain a part of this country. I'm part of the American melting pot.

My school is an example of America in 2001. There are at least thirty countries represented in my school.

Some of the children in my school don't speak English, or speak very little English. In the classroom, they sometimes have a translator. In the lunchroom and in the school yard, language is not a problem. We play tag, jump rope, and run around the school yard. We need no translators. It is a privilege to go to school with so many cultures.

In the fourth grade, everyone researched their culture and country of origin. My ancestors came from Africa. They weren't treated well, but today I'm able to attend one of the best schools in Philadelphia. I was proud when my grandmother shared stories from Africa.

We finished the project with an international lunch. We enjoyed dishes and wore clothes from our country of origin.

FINALIST, ROBERT BANOVIC, PITTSBURGH, PA  
MY ROAD TO AMERICA

When the war started, I was four years old. I lived with my mom, dad, grandmother, and

grandfather. One day my dad went to the war. My mom said that he would come back soon but he never did.

As we sat down to eat one day, the shaking and screaming began. There was dust all over. They threw a grenade in my house and killed my grandfather who I loved a lot. The door and bricks fell on me. Everywhere around me were dead people—men, women, and children. The war didn't choose.

My uncle took my mom, grandmother, and me to another city. From there we moved on again but my mom didn't come because she was trapped in the city we came from. My grandmother died three months later and I was left with a woman I didn't even know. I didn't see my mom for six months. When she came, the war was still going on but I didn't care, at least I had my mom. My dad was gone, my grandfather and grandmother, too—all of them died in one year.

When my mom and I came to the United States, it was hard and we cried a lot. We didn't have any friends and we didn't know how to speak English. But we have a lot more here than we did in Bosnia. Most of all we have freedom. Now I'm one happy kid who is glad we are here!

FINALIST, MEGAN IMRIE, ORLAND PARK, IL  
LIBERIO

This is a true story. It is to show why I am glad America is a nation of immigrants.

My great-grandfather was an immigrant from Italy. In the 1930s people did not get paid much and had to work very long hours. His name was Liberio. When people became tired with the way their bosses treated them, they picketed for unions. Liberio and his co-workers were among these workers. Liberio was their leader. One day during a picket, the police arrested him and his co-workers. When it was Liberio's turn to be questioned, the police asked why they were picketing, since this is America. Then Liberio said: "I know all about America. My name is Liberio and it means liberty. I have three sons. My first son is named Salvatore, which means salvation. America gives salvation to people who are poor, hungry, persecuted or even in danger. My next son's name is Victory, which means victory. Victory stands for America because we are victorious over depression and hardships and other countries that are against our way of life. My last son's name is Frank which means freedom. Freedom is America. Its people can believe, can live and dream however they choose. Do not tell me I do not know what America is." When the police heard this, they let my great-grandfather and his companions go. I feel that this is very important because it made many understand what America is.

FINALIST, CARTER JONES, HUNTINGTON BEACH, CA

#### AMERICA AS A QUILT

I like to think of America As a huge quilt, Each person acting as A small thread, Each person's character Describes the color Of each thread. Each person's appearance Determines the texture Of each thread. Each family acts as A group of threads. Each family's love For each other Determines how the Threads are placed. When a marriage occurs Two more threads Are woven together. When all the families Are woven together, It makes a very Unique fabric.

As the fabric grows, It forms quilt pieces That form a Complete quilt. Each family has its Own unique pattern That determines the Way the quilt Patches will look. If you were To take other Country's quilts and Compare them to The United States' Quilt, you would Get a very different Product because Of different foods And different Traditions of each Country in the world. The United States

Quilt would have A very different Texture and color Than any other Country in the world. All the different Characteristics and skin Colors of people Around the world Make our quilt Beautiful.

If you were to Look at the United States' Quilt, really Study it, you Would find Characteristics Of all the other Countries on it.

People have Immigrated here From other countries, And because of that, Each quilt patch Is different from The next quilt patch. Immigrants from Countries other than The United States Bring different foods And traditions, which Change the colors and Textures of the United States' beautiful And unique quilt.

FINALIST, AMANDA TABATA, HONOLULU, HI

I'm proud to live in a place with many immigrants.

Many people get to share customs, traditions, history, language, and many more things.

Many people do not know how lucky they are to live in a place with many immigrants.

I can learn many things about a culture from one another.

Give thanks because you live in a wonderful diverse, and free country.

Really take the time to experience, and learn about all of the cultures, history, tradition, religions and many more things.

Always be proud of who you are, what culture you are, and where you come from.

Nurture, and create an appreciation for all cultures.

Together we stand in a community of different cultures, so we are strong.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 4, 1991 in Houston, TX. Eight to 10 high school and college-aged males beat Paul Broussard, 27, and two of his companions with two-by-fours, some with nails in them. Broussard died seven hours later. Police labeled the homicide a "gay bashing."

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### FISCAL YEAR 2002 TRANSPORTATION APPROPRIATIONS ACT

Mr. FEINGOLD. Madam President, I am pleased that the Senate was able to pass a Transportation Appropriations bill that fully funds the airport and highway trust funds and provides funds for high-speed rail research and development, among other things. Ensuring that our Nation's transportation infrastructure receives adequate funding for improvement and maintenance is a critical responsibility of Congress. Due in large part to TEA-21, Congress has been able to provide these necessary funds on a consistent basis.

At the same time, I continue to be concerned about unauthorized spending that is included in the accompanying report. While I appreciate the desire to respond to local requests and concerns, nevertheless Congress must work harder to rein itself in when it comes to this type of spending. We all know that this is not an easy task. While I disagree with the President's tax cut which has reduced the availability of funds for necessary programs, nevertheless I am encouraged by the Administration's recent announcement that it wants to work with Congress to cut back unauthorized spending in appropriations bills.

Adequate funding for our entire transportation infrastructure is one of my highest budget priorities. I am pleased that this bill accomplishes that goal.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Wednesday, August 1, 2001, the Federal debt stood at \$5,706,162,161,657.50, five trillion, seven hundred six billion, one hundred sixty-two million, one hundred sixty-one thousand, six hundred fifty-seven dollars and fifty cents.

One year ago, August 1, 2000, the Federal debt stood at \$5,652,485,270,404.28, five trillion, six hundred fifty-two billion, four hundred eighty-five million, two hundred seventy thousand, four hundred four dollars and twenty-eight cents.

Five years ago, August 1, 1996, the Federal debt stood at \$5,183,636,383,503.29, five trillion, one hundred eighty-three billion, six hundred thirty-six million, three hundred eighty-three thousand, five hundred three dollars and twenty-nine cents.

Ten years ago, August 1, 1991, the Federal debt stood at \$3,577,200,000,000, three trillion, five hundred seventy-seven billion, two hundred million.

Fifteen years ago, August 1, 1986, the Federal debt stood at \$2,079,858,000,000, two trillion, seventy-nine billion, eight hundred fifty-eight million, which reflects a debt increase of more than \$3 trillion, \$3,626,304,161,657.50, three trillion, six hundred twenty-six billion, three hundred four million, one hundred sixty-one thousand, six hundred fifty-seven dollars and fifty cents during the past 15 years.

#### ADDITIONAL STATEMENTS

#### COMMENDING THE STUDENTS OF SUNNYSIDE AND TECUMSEH MIDDLE SCHOOLS OF LAFAYETTE, IN

• Mr. INOUE. Madam President, I rise to commend the students of Sunnyside and Tecumseh Middle Schools of Lafayette, IN, for their efforts to honor the Japanese American veterans of World War II.

On June 29, 2001, I was honored to help dedicate the long-awaited National Japanese American Memorial to Patriotism. Located just a stone's

throw from this chamber, at the corner of New Jersey and Louisiana Avenues, the memorial is a beautiful evocation of Japanese American contributions to life of this great Nation.

Though small in numbers, Americans of Japanese ancestry have had a tremendous impact on our Nation in countless ways, in fields and factories, in boardrooms and classrooms, in State houses and court houses. Of course, when their Nation called, they answered, performing magnificently on the battlefield. Their success, achieved in the face of discrimination and cultural misunderstanding, is a testament to their values of hard work, self-sacrifice, and love of family, community, and country, values that have helped make our Nation strong and prosperous.

The National Japanese American Memorial to Patriotism is a fitting tribute to the "patriotism, perseverance, and posterity" of this small but vigorous minority in our country. I hope that all our colleagues, and indeed Americans everywhere, will have a chance to visit this remarkable shrine and reflect on the lesson that it teaches us, that America is great because it embraces its diversity, and that freedom and opportunity can be realized only when they are available to all.

Today I would like to share with you another tribute, one less grand, perhaps, and constructed of cloth and paper rather than steel and stone, but no less meaningful. I am referring to a remarkable work of art and remembrance, a quilt that comes from the heartland of America. Crafted by the young people in Lafayette, IN, the quilt honors the thousands of Japanese Americans who answered the call of duty during the Second World War.

Through the good offices of the Japanese American Veterans Association, the larger-than-life quilt to which I refer had its inaugural unveiling at the dedication dinner celebrating the June 29, 2001 opening of the National Japanese American Memorial to Patriotism. It captured the hearts and imaginations of all who saw it that evening, and in so doing, appropriately highlighted the memorial's primary mission, to educate Americans about the heritage of Japanese Americans and their special place in the fabric of our Nation.

I would like to commend the 8th grade students of Sunnyside and Tecumseh Middle Schools of Lafayette, IN, who joined together to create this unique work, and to thank their teacher, Ms. Leila Meyerratken, for her inspirational support for this initiative. Five hundred students, often working after school and on weekends, contributed their time, energy, and inspiration to the school project. Mrs. Meyerratken herself gave up holidays and leave to see the project through.

The quilt is a marvelously conceived and meticulously constructed work. The structure and detail were crafted with an eye for historical accuracy, and every opportunity was taken to imbue the quilt with appropriate symbolism. For example, 120,000 tassels edge the red-white-and blue tapestry, to represent the number of Japanese Americans incarcerated in the wartime relocation camps. And the quilt's dimensions are carefully framed at 19 x 41 feet, to recall the fateful year America entered the war.

The main body of the red, white, and blue cloth quilt is interspersed with memorabilia, including dog tags and parts of uniforms, that were selected from Nisei veterans themselves. Other sections contain heartfelt poems written by some of the junior high students. The names of more than 20,000 Nisei soldiers, from the 100th Battalion, the famed 442nd Infantry Regiment, the 522nd Artillery Battalion, 1399th Engineer Construction Battalion, and the Military Intelligence Service, are painstakingly attached to the rest of the quilt's panels.

Its creators intended the quilt to honor Americans of Japanese ancestry who volunteered to fight for their country in order to prove their loyalty, in spite of the detention of their family members in internment camps. The students expressed hope that the tapestry will teach others how Japanese Americans, by making sacrifices on the field of battle, rose above the indignities they suffered. These youths felt strongly that the World War II history of the Japanese Americans soldiers, which is not generally covered in history books, was a story worth telling.

Mrs. Meyerratken, the leader of the project, says that the quilt "is meant to promote social justice by teaching others in simple ways what these veterans did and how they overcame racism."

I hope that the quilt will tour the Nation and convey to all citizens the message of tolerance and understanding that these young people from Indiana have so beautifully and inspirationally captured in this marvelous quilt. If this quilt accurately represents the sentiments of America's heartland, then I think the future is in good hands indeed.●

#### TRIBUTE TO WALKER JOHNSON

● Mr. McCONNELL. Madam President, today I rise to pay tribute to a fine man and a great Kentuckian, Mr. Walker Johnson. On July 24, 2001, Walker celebrated his 90th birthday. I urge my colleagues to join me in wishing him the very best.

Walker Johnson is a loving family man and a great friend. Born to Robert and Sanny Johnson, he enjoys small-town living and is a life-long resident of Adair County, KY. Walker is the father of four children, Billy, Doris, James, and Delois. In fact, it is through Delois and her husband, Rich,

that I have heard so many wonderful stories about Walker. He is a special friend to many, and is always willing to help others.

Walker is a unique individual who is known for his wit and sense of humor. Throughout his life, Walker has pursued a wide range of activities including music, horse shoeing, and dog trading. He is a talented musician and spent much time in his early years traveling and playing the fiddle with performers such as String Bean and Uncle Henry's Mountaineers. In the 1940s, he put the fiddle aside and began shoeing horses and trading dogs. Walker was one of the most skilled and hardest working farrier's in the business. In fact, at the age of 68, he managed to shoe 18 horses in one day. What a feat!

Walker has also stayed busy trading dogs, which he's done for more than 50 years. He has sold dogs all over Kentucky as well as in several other States. Today, at the age of 90, he still enjoys trading and sitting down with friends for good conversation.

On behalf of myself and my colleagues in the U.S. Senate, I want to pay tribute to Walker Johnson and sincerely wish him and his family the very best. I ask that an article which ran in the Adair Progress on Sunday August 24, 2000, appear in the RECORD. The article follows:

[From the Adair Progress, Aug. 24, 2000]

AN OLD-TIME FIDDLER NOW AN HONORABLE KENTUCKY COLONEL

(By Paul B. Hayes)

For around three-quarters of a century, Walker Johnson has traveled around the countryside—playing a fiddle, shoeing horses or trading dogs and various other items.

Johnson, a life-long resident of the county who has resided in the Millerfield community for the past 50-plus years, is known far and wide for his activities throughout the years, along with wit and humor.

A few weeks ago, the 89-year-old Johnson began having some health problems, but doctors installed a pacemaker in his heart about a month ago, and he appears to be on the mend. Last week, his spirits got a little boost when State Senator Vernie McGaha paid him a visit, and made him a Kentucky Colonel on behalf of Gov. Paul Patton.

While visiting with Sen. McGaha, his son Bobby, and another friend, Johnson took a little while to reminisce about his years as a musician, farrier and trader—and even play a tune or two on his fiddle.

"I've been playing a fiddle over 80 years," Johnson said while sitting on the porch of his home. "When I was six years old, Daddy made me a little cigar box fiddle."

"I started playing it, and that's all I wanted to do," he continued, "I got so where I wouldn't help Momma pack in the water or wood, and she got mad and threw it out the window."

"Eight days later, Daddy went to town and bought me a three-quarter size fiddle. He brought it home, give it to me, and told Momma 'This don't go out the window.'"

Johnson kept playing his fiddle and before too many years had passed, was traveling quite a bit to play music (In an article about Johnson that appeared a few years ago in the Russell Register, he was quoted as saying "I found out it was a lot easier to earn money by playing a fiddle at night than it was to hoe in the fields all day long.")

He played for a long time with String Bean, who later went on to the Grand Ole Opry and also made many appearances on Hee Haw.

He also played for a good while with Uncle Henry's Kentucky Mountaineers. The group played weekly on a Lexington radio station for three years, then got a chance to audition for the Grand Ole Opry.

"We went down there and played, and they offered to hire us," he recalled. "But, we decided not to go because it was too far."

Uncle Henry's group also went to Chicago to perform for a while, Johnson didn't go. "Casey Jones took my place when the band went to Chicago," he said.

Johnson also played at a weekly square dance that was held in Columbia for two years, but in the 1940s, he gave up playing his fiddle on a regular basis, and took up his other two professions—shoeing horses and trading dogs.

Johnson shoed horses for many years—including many race horses that raced at the country fairs in Russell and Adair counties. He shoed so many Russell County Derby winners (along with several Adair County Derby winners) that he was given special recognition at the Russell County Fair one year.

He kept on shoeing horses way past the time most people would have retired, even shoeing 18 horses in one day when he was 68 years old.

"They always said it took a strong back and a weak mind to shoe horses," he said, "and I guess I was well qualified, for I had them both."

While he's played music and shoed horses for years, Johnson's main reputation has been gained as a dog trader. In dog trading circles, he's known all over Kentucky and several other states.

"I've been trading dogs for 55 years," he said "I've sold a many a load of dogs in North Carolina, Virginia, Georgia and other states. I've owned a many a good dog, and a lot that weren't no count at all."

Johnson said that he traded fox hounds for 43 years, then 12 years ago switched to beagles. A few weeks ago, when he was sick, he sold all the beagles he had.

"I had six, and sold them all," he said. "This is the first time in 35 years that I haven't had a dog, but I'm going to get me some more when I get able."

On his being made a Kentucky Colonel at the age of 89, Johnson admitted he was quite pleased to receive the commission.

"I'm proud to be a Kentucky Colonel, it's about the only thing I've got now that I ain't got no dogs," he said. And, referring to the Kentucky Colonel certificate, which lists him as the Honorable Walker Johnson, he added, "I've been a long time finding out I was honorable—I was always called something else."●

#### HONORING FOSTER PARENTS

● Mrs. CARNAHAN. Mr. President, I would like to take this opportunity to honor and recognize a very special group of people. I commend Missouri's foster parents for their dedication to helping the lives of children. Every day, caring people open up their homes for children who are in need of help. Currently, Missouri is home to approximately 4,416 foster families.

Being a foster parent takes tremendous skill and dedication. Foster parents have to go through a training and assessment program in order to have a better understanding of the challenges that they will face raising foster children. Foster parents work as a team

with experts from state agencies to provide care that is in the best interest of the child.

Of special note are two extraordinary Missourians. Mr. and Mrs. Isaac Garner of Lexington, MO, have unselfishly been foster parents to 236 kids. Their dedication throughout the years stems from a life-long commitment to serving their community and children who are in need of a loving home.

I commend the Garners and all of the foster parents in Missouri for their efforts on behalf of Missouri's children. Thank you for making me proud to be a Missourian.●

#### IN MEMORY OF BILL ASHWORTH

● Mr. SARBANES. Madam President, earlier this week the Senate lost one of its finest and most respected professional staff members. George William Ashworth, known to all of us as Bill, passed away suddenly on Monday, leaving not only his loving family and a multitude of friends, but a 25-year record of extraordinary public service.

I first came to know Bill when I joined the Senate Foreign Relations Committee in 1977. He had been serving on the staff, which was then non-partisan, since 1972, after having served two years in the U.S. Army and then covering the Pentagon and national security issues for the Christian Science Monitor. He came to the Committee as a specialist on arms control matters, and provided expert advice to all of us as we considered landmark treaties such as the Anti-Ballistic Missile Treaty, the Threshold Test Ban Treaty, the Peaceful Nuclear Explosions Treaty, and the Interim Agreement on Strategic Offensive Arms SALT I. Bill not only understood the details and implications of complex treaty provisions, but could explain them in a way that made clear the vital interests at stake. He had a passion for helping to build an institutional framework for peace and stability, at a time when the threat of mutual assured destruction shaped nearly every aspect of U.S. foreign policy.

After 7 years with the committee, Bill was appointed to important positions at the U.S. Arms Control and Disarmament Agency, one of which required Senate confirmation. In 1981, he returned to the Committee staff, this time under the leadership of Senator Claiborne Pell, where again he brought his vast experience to bear on the establishment of sensible and verifiable controls on nuclear arms. Over the next 16 years, until his retirement in 1997, Bill Ashworth became one of the most knowledgeable and influential staff members on national security questions, ranging from conventional weapons sales and military assistance to multilateral arms control treaties. He served as a key staffer for the bipartisan Arms Control Observer Group, briefing Members and planning missions to increase our familiarity with salient issues under negotiations.

Many of us relied on his insights and guidance as the Foreign Relations Committee considered amendments to the Arms Export Control Act, controversial arms sales, foreign policy implications of the annual defense authorization and appropriation bills, and resolutions of ratification for the START I and II Treaties, the Intermediate-Range Nuclear Forces INF Treaty, the Treaty on Conventional Forces in Europe, CFE, and the Chemical Weapons Convention, among others.

In all these endeavors, Bill developed cooperative working relationships with colleagues on both sides of the aisle while remaining true to his high ideals and strongly-held convictions. He was known as a hard bargainer, who took seriously his role in conducting oversight of the administration and protecting the interests of Committee members. Many an ill-conceived policy was dropped or amended because of Bill's close eye and sharp mind. He served as an example and mentor to my own staff, selflessly providing advice and encouragement at every turn.

Bill Ashworth's influence will long be felt in the field to which he devoted his career, but his presence will be sorely missed by all who had the privilege of knowing him. I want to extend my deepest condolences to his wife, Linda, and his daughters, Anne and Jennifer. It was clear to all of us how much Bill adored his family, and I want to thank them for all the late hours and stressful moments they must have endured while he was diligently working to make the world a safer place for all of us.●

#### IN RECOGNITION OF DR. JAMES BIANCO AND ANTHONY BIANCO

● Mrs. MURRAY. Madam President, I rise today to recognize a very distinguished father and son duo from the State of Washington, Dr. James Bianco and his father, Anthony Bianco.

Jim Bianco is the CEO of Cell Therapeutics Inc., a Seattle-based company that develops cancer therapies. Recently, Jim was honored by the National Organization of Rare Diseases, NORD, for his distinguished work.

Jim's father, Anthony Bianco, also just received some long-overdue recognition for his military service to our Nation. During World War II, Tony Bianco was a pilot with the 32nd bomb squadron. Our Christmas Day, 1944, Tony was not required to fly. But he choose to fly that day in service to his country. On that mission over Czechoslovakia, his squadron was attacked. Shrapnel came through the floor of his B-17, entered his lower leg, and exited through his knee. It was a serious injury, yet Tony managed to land his plane safely. He spent the next nine months in a hospital in Italy before being sent back to the United States.

Because of the recovery time for his injury and the coinciding of the end of the War, Tony was never given his 2nd

Lieutenant bars. Tony's son Jim just recently discovered this oversight, and has worked diligently to get his father the recognition he deserves.

Recently, Jim was able to present his father Tony with his 2nd Lieutenant bars in recognition of his correct status after his bravery in World War II. I, too, would like to recognize Anthony Bianco and thank him for his brave service to our country. Congratulations should go to both of these men, and a heartfelt thanks to both of them for serving our country.●

#### HONORING REAL LIFE WITH MARY AMOROSO

● Mr. TORRICELLI. Madam President, I rise today to bring to your attention a noteworthy television program as we in Government continue to encourage broadcasters to produce more "family entertainment" programming. It is a program that reflects a commitment to family programming by a cable television network and an individual, Mary Amoroso.

The program is called "Real Life with Mary Amoroso," and appears on the Comcast Cable Network's CN8 Channel. It can be seen in about four million households from the Washington DC to New York City mid-Atlantic region.

Completing its fifth season, the program is a multiple Emmy Award nominee. With criticism around the country about a lack of quality family programming, Real Life with Mary Amoroso has stood as proud proof that family entertainment can be accomplished.

Real Life with Mary Amoroso has tackled issues ranging from grieving for the loss of a child to finding a job after you've been laid off to Internet dating. The show has focused on government's involvement in personal lives, in topics ranging from the human impacts of Federal approval of stem-cell research to the effect of divorce on today's families.

In fact, comedian/philosopher, Steve Allen, father of the talk-show format, told the show's producers that he'd never had a better interview after he appeared on the program to talk about "Dumbth"—his book about the "dumbing-down" of American discourse.

"We talk about birth, death, dating, child development and parenting issues, addictions and abuse, public range and school yard shootings, mid-life crises, and aging," said show host Mary Amoroso. "If our viewers are living it and worrying about it, we want to talk about it and offer them resources and connections."

I would like to recognize Ms. Amoroso, who is also a columnist on family issues for the Bergen Record newspaper in New Jersey, for her excellent work and dedication to these family-friendly formats. The Comcast cable television network and the Roberts family owners also deserve a great

deal of credit for its commitment to this initiative.●

#### IN MEMORY OF SARAH MAE SHOEMAKER CALHOON

● Mr. CARPER. Madam President, I rise today to commemorate the passing of a wonderful woman, mother, and American, Sarah Mae Shoemaker Calhoon died on July 7, 2001 outside of Columbus, OH after a courageous battle with cancer. Mrs. Calhoon was 75 years old.

Mrs. Calhoon was born on August 31, 1925 in Philadelphia, PA to the late Samuel and Sarah Mae Shoemaker. She spent her childhood in Philadelphia, where she would graduate from Cheltenham High School. On August 29, 1947, just two days before her 22nd birthday, Sarah Mae Shoemaker was married to Tom Calhoon, a Marine from nearby Grandview Heights.

The new Mr. and Mrs. Calhoon had their first child, Tom, Jr. or "little" Tom as they often called him, early in their marriage. In September of 1948, Tom, Sarah, and "little" Tom moved to Columbus, OH, where, over the next 4 years would become the proud parents of three more sons, Sam, Don, and Bob. Their only daughter, Susie, would be born in April of 1961.

Although I did not know Sarah Mae Calhoon personally, I have known her son Tom for more than half of my life. We met as undergraduates at Ohio State University in the 1960s and have been fraternity brothers for more than three decades. Despite living so far from each other, Tom and I have managed to keep in touch over the years. It is often said that all children are a reflection of their parents. If Tom is even a faint reflection of his mother, it is a great tribute to the values she carried throughout her life and instilled in her children.

Since her recent passing, I have heard and read many wonderful things about Sarah Mae Calhoon. I have learned about her strong commitment to the community of Columbus, whether it be through her active membership in a variety of organizations like the PTA, 4-H, the Lions Auxiliary or in her unofficial role as the "zoning watchdog" of the Calhoon's neighborhood on Old Cemetery Road. I have read about her great success as a multi-million dollar producer in the real estate industry. I have heard, from both former customers and competitors alike, about the dedication, loyalty, and integrity that she brought to her job every day.

Most importantly, however, I have learned about her unfailing commitment to being a mother and wife. Nothing was more precious to Sarah Calhoon than her family, and she did all she could to ensure that all of her children grew up in a loving and nurturing environment that would enable them to go on to lead valuable and fulfilling lives. She consistently put the needs, concerns, and feelings of her

family and others before her own wishes, never asking for much but always giving a great deal. Her life served as an example, providing inspiration to women everywhere struggling to maintain the careful balance between career and family, a task that she carried out with admirable grace and skill.

Everything that I have learned about Sarah Mae Calhoon since her death has only confirmed what I had always pictured my good friend Tom's mother would be like: the epitome of an exemplary wife, mother, business woman, and citizen.

In closing, I would like to extend my greatest condolences to her husband, their five children, seven grandchildren, and countless others whose lives were touched by this wonderful woman. As we celebrate her remarkable life, let it be known that Sarah Mae Calhoon will be dearly missed, yet never forgotten.●

#### TRIBUTE TO CINDY REESMAN FOR HER SERVICE TO THE PEOPLE OF SOUTH DAKOTA

● Mr. JOHNSON, Madam President, I rise today to honor and pay tribute to Cindy Reesman, who grew up on a farm near Colton, SD, and attended school in Chester. Cindy has been a highly-valued member of my staff for 10 years, and I wanted to take this opportunity to publicly thank her for years of hard work and dedication to the people of South Dakota and to me. Cindy will no longer be working on my staff after next week, as she will be moving back to South Dakota with her husband, Ed Reesman and their two year old daughter, Margaret. My wife Barbara and I, along with my entire staff, will miss her greatly.

Cindy is truly a public servant, as demonstrated by her efforts in my office since 1991, when she joined my staff in the House of Representatives as office manager and scheduler. Cindy quickly earned my trust and confidence, and she soon brought stability and her considerable organizational skills to my office. As every member of Congress knows, a scheduler and office manager are an integral part of a congressional office and our daily life. Cindy's efforts over the years have certainly made my time in Congress more organized, as well as more enjoyable.

Cindy's efforts over the years as a member of my staff have included five and a half years as my office manager and scheduler in the House of Representatives, as well as four and a half years working for me in the Senate, both as my scheduler and in her current role as a part time employee managing my official Senate website. I have had the opportunity to see Cindy progress through an important part of her life, from when she started on my staff as Cindy Coomes, a graduate of Northern State University in Aberdeen, SD, to when she was married in September of 1994 to Ed Reesman and to when Cindy and Ed became proud

parents of Margaret "Mattie" Reesman in May of 1999.

Cindy has been an instrumental part of my staff for the past 10 years, and it is hard to imagine her not being here. However, I know that when she returns to South Dakota to live in Sioux Falls, she will be an active member of the community who will continue to serve the public with her many talents.

I know Cindy's parents, Eddie and Lois Coomes, the rest of her family, friends and colleagues are all very proud of Cindy and wish her all the best on her move back to South Dakota. She has a wonderful career and life in front of her, and I know she will continue to succeed at whatever she chooses to do. On behalf of my wife Barbara and I, and my entire staff, I want to thank Cindy Reesman for her dedication and years of hard work for the people of South Dakota.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 4:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4. An act to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

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; to the Committee on Governmental Affairs.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:



H.R. 2602. An act to extend the Export Administration Act until November 20, 2001.

## MEASURES READ THE FIRST TIME

On August 1, 2001:

The following bill was read the first time:

H.R. 2602. An act to extend the Export Administration Act until November 20, 2001.

On August 2, 2001:

The following bill was read the first time:

H.R. 2505. An act to amend title 18, United States Code, to prohibit human cloning.

## 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-3244. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator of the Federal Railroad Administration, received on July 31, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3245. A communication from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Motions to Reopen for Suspension of Deportation and Special Rule Cancellation of Removal Pursuant to Section 1505(c) of the LIFE Act Amendments" (RIN1125-AA31) received on July 31, 2001; to the Committee on the Judiciary.

EC-3246. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report under the Government Securities Act Amendments of 1993 for the period beginning January 1, 2000 through December 31, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-3247. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report on Air Force depot maintenance for Fiscal Year 2001; to the Committee on Armed Services.

EC-3248. A communication from the Administrator of the General Service Administration, transmitting, a report relative to additional lease prospectuses that support the GSA's Capital Investment and Leasing Program for Fiscal Year 2002; to the Committee on Environment and Public Works.

EC-3249. A communication from the Acting Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Program to Assist U.S. Producers in Developing Domestic Markets for Value-Added Wheat Gluten and Wheat Starch Products" (RIN0551-AA60) received on July 31, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3250. A communication from the Acting Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Export Sales Reporting Requirements" (RIN0551-AA51) received on July 31, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3251. A communication from the Principal Deputy Associate Administrator of the

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities; New York" (FRL7024-7) received on August 1, 2001; to the Committee on Environment and Public Works.

EC-3252. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins" (FRL7025-2) received on August 1, 2001; to the Committee on Environment and Public Works.

EC-3253. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "New Mexico: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL7026-1) received on August 1, 2001; to the Committee on Environment and Public Works.

EC-3254. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Wyoming: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7025-1) received on August 1, 2001; to the Committee on Environment and Public Works.

EC-3255. A communication from the Personnel Management Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Employment and Training, EX-IV, received on August 2, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-3256. A communication from the Director of the Employment Service, Office of Employment Policy, United States Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Repayment of Student Loans" (RIN3206-AJ33) received on August 2, 2001; to the Committee on Governmental Affairs.

EC-3257. A communication from the Acting Deputy General Counsel, Office of Disaster Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Military Reservist Economic Injury Disaster Loans" (RIN3245-AE45) received on August 2, 2001; to the Committee on Small Business and Entrepreneurship.

EC-3258. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-3259. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator of the Bureau for Policy and Program Coordination, received on August 2, 2001; to the Committee on Foreign Relations.

EC-3260. A communication from the Alternate OSD, Office of the Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE Eligibility and Payment Procedures for CHAMPUS Beneficiaries Age 65 and Over" (RIN0720-AA66) received on August 2, 2001; to the Committee on Armed Services.

EC-3261. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report concerning the detailed live fire test

and evaluation plan for the C-130 Avionics Modernization Program; to the Committee on Armed Services.

EC-3262. A communication from the Deputy Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-3263. A communication from the Assistant Director for Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of the Air Force, Acquisition, received on August 2, 2001; to the Committee on Armed Services.

EC-3264. 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 Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Closure of the Commercial Fishery from U.S.-Canada Border to Leadbetter Pt., WA" received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3265. A communication from the Director of the Minority Business Development Agency, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Solicitation of Applications for the Minority Business Development Center (MBDC)" (RIN0640-ZA08) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3266. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rule Amending the Emergency Interim Rule for the Atlantic Deep-Sea Red Crab Fishery" (RIN0648-AP10) received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3267. 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 Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment for the Commercial Fishery from U.S.-Canada Border to Cape Falcon, OR" received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3268. 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 Off West Coast and Western Pacific States; West Coast Salmon Fisheries; Closure of the Commercial Fishery from Horse Mountain to Point Arena, CA" received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3269. 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—Closes Third Quarter Deep-Water Species Using Trawl Gear, Gulf of Alaska" received on August 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3270. A communication from the Regulations Coordinator for the Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities—Update" (RIN0938-AK47)

received on August 2, 2001; to the Committee on Finance.

EC-3271. A communication from the Regulations Coordinator of the Center for Medicaid and Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Prospective Payment System for Inpatient Rehabilitation Facilities" (RIN0938-AJ55) received on August 2, 2001; to the Committee on Finance.

EC-3272. A communication from the Regulations Coordinator of the Centers for Medicaid and Medicare Services, Department of Health and Human Service, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Rates and Costs of Graduate Medical Education; Fiscal Year 2002 Rates" (RIN0938-AK20, 0938-AK73, 0938-AK74) received on August 2, 2001; to the Committee on Finance.

### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-173. A resolution adopted by the City Council of Fairview Park, Ohio relative to NASA; to the Committee on Commerce, Science, and Transportation.

POM-174. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to Turkey and the Republic of Cyprus; to the Committee on Foreign Relations.

#### HOUSE CONCURRENT RESOLUTION 9

Whereas, in 1974, Turkey sent armed forces to Cyprus and occupied over 36 percent of the land, creating widespread displacement of Greek Cypriots from the northern part of the island; and

Whereas, the international community and the United States Government have repeatedly called for the speedy withdrawal of all foreign forces from Cyprus; and

Whereas, a peaceful, just, and lasting solution to the Cyprus problem would greatly benefit the security and the political, economic, and social well-being of all Cypriots, as well as contribute to improved relations between Greece and Turkey; and

Whereas, the attention of the world will be focused on this region when the Olympics are held in Greece in 2002; and

Whereas, United Nations Security Council Resolutions 1250 and 1251, adopted on June 26, 1999, and June 29, 1999, respectively, provided parameters for a solution and were supported by the United States; and

Whereas, Resolution 1250 reaffirms all its earlier resolutions on Cyprus, particularly Resolution 1218 of December 22, 1998, and

Whereas, Resolution 1251 reaffirms that the status quo is unacceptable and that negotiations on a final political solution to the Cyprus problem have been at an impasse for too long; and

Whereas, Resolution 1251 also reiterates the United Nations' position that a Cyprus settlement must be based on a state of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising 2 politically equal communities as described in the relevant United Nations Security Council resolutions, in a bicomunal and bizonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession; and

Whereas, despite such resolutions over 30,000 Turkish armed forces remain stationed

on the island of Cyprus with no substantial progress toward the establishment of an independent, bicomunal federation; and

Whereas, efforts by the United Nations and the United States to resolve this dispute remain unsuccessful; Now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

That the general court of New Hampshire hereby urges the President of the United States to increase the administration's efforts in mediating a peaceful resolution to the dispute in Cyprus; and

That the general court of New Hampshire hereby urges the President of the United States to persuade Turkey to comply with United Nations Security Council resolutions addressing Cyprus and to cooperate fully in achieving lasting peace and independence for the Republic of Cyprus; and

That copies of this resolution, signed by the speaker of the house and the president of the senate, be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the New Hampshire Congressional delegation, the President of the Republic of Cyprus, the American Ambassador to Cyprus, the Cypriot Ambassador to the United States, and the Turkish Ambassador to the United States.

POM-175. A concurrent resolution adopted by House of the Legislature of the State of Delaware relative to Clean Air Act; to the Committee on Environment and Public Works.

#### HOUSE CONCURRENT RESOLUTION NO. 12

Whereas, methyl tertiary butyl ether (MTBE) is a volatile organic compound derived from natural gas that is added to gasoline either seasonally or year-round in many parts of the United States to increase the octane level and to reduce carbon monoxide and ozone levels in the air; and

Whereas, MTBE is found in gasoline and other petroleum products commonly stored in underground storage tanks and is typically added to reformulated gasoline, oxygenated fuel and premium grades of unleaded gasoline; and

Whereas, health complaints related to MTBE in the air were first reported in Alaska in November 1992 when about 200 Fairbanks residents reported problems such as headaches, dizziness, eye irritation, burning of the nose and throat, disorientation and nausea; and

Whereas, similar health complaints have been registered in Anchorage, Alaska, Milwaukee, Wisconsin, Missouri, Montana, and New Jersey; and

Whereas, currently the United States Environmental Protection Agency (EPA) tentatively classifies MTBE as a possible human carcinogen; and

Whereas, MTBE is one the EPA's Drinking Water Priority List, which means that it is a possible candidate for future regulation; and

Whereas, there is widespread concern about the health risks presented by the continued use of MTBE in gasoline; and

Whereas, on January 3, 2001, H.R. 20 was introduced in the United States House of Representatives; and

Whereas, H.R. 20 amends section 211 of the Clean Air Act (69 Stat. 322, 42 U.S.C. §7401 et seq.) to modify the provisions regarding the oxygen content of reformulated gasoline and to improve the regulation of the fuel additive, methyl tertiary butyl ether (MTBE); Now therefore be it

*Resolved*, That the House of Representatives of the 141st General Assembly of the State of Delaware, the Senate thereof con-

curring therein, memorializes the Congress of the United States to enact H.R. 20, that was introduced on January 3, 2001, and that modifies provisions of the Clean Air Act, regarding the oxygen content of reformulated gasoline and improves the regulation of the fuel additive methyl tertiary butyl ether (MTBE).

POW-176. A joint resolution adopted by the Legislature of the State of Maine relative to Election Reform; to the Committee on Rules and Administration.

#### JOINT RESOLUTION

Whereas, Maine citizens believe election outcomes are rightfully determined by voters, not state and federal courts of law; and

Whereas, in recent local, state and federal elections, outdated voting technology and numerous other problems concerning the election process in the nation as a whole have led to action in state and federal courts; and

Whereas, concerns about the integrity of the voting process, whether well-founded or not, point to the inadequacies of voting procedures that exist nationwide; and

Whereas, we wish to acknowledge the citizens' desire to channel these concerns into action to result in substantial election reform that will ensure nondiscriminatory equal access to the election system for all voters, including seniors and the disabled and minority, military and overseas citizens, and to ensure the complete and accurate counting of all valid votes cast: Now, therefore, be it

*Resolved*, That We, your Memorialists, respectfully urge and request the Congress of the United States to support significant reforms to our nation's voting system; and be it further

*Resolved*, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate and each Member of the Maine Congressional Delegation in support of major electoral reform in order to ensure that the true intent of the country's voters determines the outcome of all future elections.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 93: A bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

H.R. 364: A bill to designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the "Marjory Williams Scrivens Post Office".

H.R. 821: A bill to designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the "W. Joe Trogon Post Office Building".

H.R. 1183: A bill to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the "G. Elliot Hagan Post Office Building".

H.R. 1753: A bill to designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the "M. Caldwell Butler Post Office Building".

H.R. 2043: A bill to designate the facility of the United States Postal Service located at

2719 South Webster Street in Kokomo, Indiana, as the "Elwood Haynes 'Bud' Hillis Post Office Building".

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

H.R. 2133: A bill to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments and an amendment to the title and with a preamble:

S. Res. 138: A resolution designating the month of September as "National Prostate Cancer Awareness Month".

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

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 "National Veterans Awareness Week".

S. Res. 145: A resolution recognizing the 4,500,000 immigrants helped by the Hebrew Immigrant Aid Society.

S. Res. 146: A resolution designating August 4, 2001, as "Louis Armstrong Day".

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 271: A bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 356: A bill to establish a National Commission on the Bicentennial of the Louisiana Purchase.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 737: A bill to designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the "Joseph E. Dini, Jr. Post Office".

S. 970: A bill to designate the facility of the United States Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the Horatio King Post Office Building.

S. 985: A bill to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the "G. Elliot Hagan Post Office Building".

S. 1026: A bill to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the "Pat King Post Office Building".

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 1046: A bill to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 1144: A bill to amend title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.) to reauthorize the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 1181: A bill to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the "Elwood Haynes 'Bud' Hillis Post Office Building".

S. 1198: A bill to reauthorize Franchise Fund Pilot Programs.

By Mr. DODD, from the Committee on Rules and Administration, without amendment:

S.J. Res. 19: A joint resolution providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 20: A joint resolution providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ALLARD for the Committee on Armed Services.

\*Ronald M. Segal, of Colorado, to be Director of Defense Research and Engineering.

By Mr. CLELAND for the Committee on Armed Services.

\*Mario P. Fiori, of Georgia, to be an Assistant Secretary of the Army.

By Mr. LEVIN for the Committee on Armed Services.

\*Michael Parker, of Mississippi, to be an Assistant Secretary of the Army.

\*H.T. Johnson, of Virginia, to be an Assistant Secretary of the Navy.

\*John P. Stenbit, of Virginia, to be an Assistant Secretary of Defense.

\*Michael L. Dominguez, of Virginia, to be an Assistant Secretary of the Air Force.

\*Nelson F. Gibbs, of California, to be an Assistant Secretary of the Air Force.

Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. Paul V. Hester.

Army nomination of Lt. Gen. Larry R. Ellis.

Navy nominations beginning Capt. CHRISTOPHER C. AMES and ending Capt. PATRICK M. WALSH, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2001, [Minus 1 name: Capt. Robert D. Jenkins, III] Marine Corps nomination of Lt. Gen. Earl B. Hailston.

Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Gen. John P. Jumper.

Mr. LEVIN. Mr. President, for the Committee on Armed Services, I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Army nominations beginning BYUNG H\* AHN and ending ELIZABETH S\* YOUNGBERG, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2001.

Marine Corps nominations beginning MICHAEL K. TOELLNER and ending MICHAEL T. ZIEGLER, which nominations were received by the Senate and appeared in the Congressional Record on July 24, 2001.

By Mr. HOLLINGS for the Committee on Commerce, Science, and Transportation.

\*Kirk Van Tine, of Virginia, to be General Counsel of the Department of Transportation.

\*Jeffrey William Runge, of North Carolina, to be Administrator of the National Highway Traffic Safety Administration.

\*Nancy Victory, of Virginia, to be Assistant Secretary of Commerce for Communications and Information.

\*John Arthur Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2002.

\*Otto Wolff, of Virginia, to be an Assistant Secretary of Commerce.

\*Otto Wolff, of Virginia, to be Chief Financial Officer, Department of Commerce.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

\*Theresa Alvillar-Speake, of California, to be Director of the Office of Minority Economic Impact, Department of Energy.

By Mr. LIEBERMAN for the Committee on Governmental Affairs.

\*Daniel R. Levinson, of Maryland, to be Inspector General, General Services Administration.

Lynn Leibovitz, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Mr. LEAHY for the Committee on the Judiciary.

William J. Riley, of Nebraska, to be United States Circuit Judge for the Eighth Circuit.

Sarah V. Hart, of Pennsylvania, to be Director of the National Institute of Justice.

Robert S. Mueller, III, of California, to be Director of the Federal Bureau of Investigation for the term of ten years.

Mr. ROCKEFELLER for the Committee on Veterans Affairs:

Claude M. Kicklighter, of Georgia, to be an Assistant Secretary of Veterans Affairs (Policy and Planning).

John A. Gauss, of Virginia, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before and duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 1302. A bill to authorize the payment of a gratuity to members of the armed Forces and civilian employees of the United States who performed slave labor for Japan during World War II, or the surviving spouses of such members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KERRY:

S. 1303. A bill to amend title XVIII of the Social Security Act to provide for payment under the medicare program for more frequent hemodialysis treatments; to the Committee on Finance.

By Mr. KERRY:

S. 1304. A bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of oral drugs to reduce serum phosphate levels in dialysis patients with end-stage renal disease; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. GRASSLEY):

S. 1305. A bill to amend the Internal Revenue Code of 1986 to clarify the status of professional employer organizations and to promote and protect the interests of professional employer organizations, their customers, and workers; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. HARKIN, Mr. LOTT, Mr. JEFFORDS, Mr. WARNER, Mrs. LINCOLN, Mr. SMITH of New Hampshire, Mr. REID, Mr. VOINOVICH, Mr. CRAPO, Mr. BURNS, Mr. THOMAS, Mr. BOND, Mr. DEWINE, Mr. GRAMM, Mr. HUTCHINSON, Mr. LIEBERMAN, Ms. LANDRIEU, and Mr. ENZI):

S. 1306. A bill to amend the Internal Revenue Code of 1986 to transfer all excise taxes imposed on alcohol fuels to the Highway Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. HELMS (for himself and Mr. KYL):

S. 1307. A bill to bar access to United States capital markets to enterprises owned or controlled by the People's Republic of China, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1308. A bill to provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772-72, 773-71, and 775-71, and for other purposes; to the Committee on Indian Affairs.

By Mr. DOMENICI:

S. 1309. A bill to amend the Water Desalination Act of 1996 to reauthorize that Act and to authorize the construction of a desalination research and development facility at the Tularosa Basin, New Mexico, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID:

S. 1310. A bill to provide for the sale of certain real property in the Newlands Project, Nevada, to the city of Fallon, Nevada; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. BROWNBACK, Mr. KENNEDY, Ms. COLLINS, Mr. DURBIN, Mr. JEFFORDS, and Mr. GRAHAM):

S. 1311. A bill to amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture; to the Committee on the Judiciary.

By Mr. NELSON of Florida:

S. 1312. A bill to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. DODD, and Mr. WELLSTONE):

S. 1313. A bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, and for other purposes; to the Committee on the Judiciary.

By Mr. BREAUX (for himself and Mrs. HUTCHINSON):

S. 1314. A bill to protect the public's ability to fish for sport, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 1315. A bill to make improvements in title 18, United States Code, and safeguard the integrity of the criminal justice system; to the Committee on the Judiciary.

By Mr. KERRY:

S. 1316. A bill to amend title 49, United States Code, to waive federal preemption of State law providing for the awarding of punitive damages against motor carriers for engaging in unfair or deceptive trade practices in the processing of claims relating to loss, damage, injury, or delay in connection with transportation of property in interstate com-

merce; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself and Mr. SANTORUM):

S. 1317. A bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the Medicare program to Medicare+Choice organizations; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 1318. A bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. HATCH):

S. 1319. A bill to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mr. CORZINE):

S. 1320. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on Rules and Administration.

By Mr. INHOFE (for himself and Mr. NICKLES):

S. 1321. A bill to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma; to the Committee on Indian Affairs.

By Mr. FITZGERALD:

S. 1322. A bill to amend the Internal Revenue Code of 1986 to classify qualified rental office furniture as 5-year property for purposes of depreciation; to the Committee on Finance.

By Mr. KERRY:

S. 1323. A bill entitled the "SBIR and STTR Foreign Patent Protection Act of 2001"; to the Committee on Small Business and Entrepreneurship.

By Mr. LIEBERMAN:

S. 1324. A bill to provide relief from the alternative minimum tax with respect to incentive stock options exercised during 2000; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 1325. A bill to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR:

S. 1326. A bill to extend and improve working lands and other conservation programs administered by the Secretary of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN (for himself, Mr. LOTT, and Mr. BURNS):

S. 1327. A bill to amend title 49, United States Code, to provide emergency Secretarial authority to resolve airline labor disputes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 1328. A bill entitled the "Conservation and Reinvestment Act"; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Mr. BINGAMAN, Mr. HATCH, Mr. GRASSLEY, Mr. DASCHLE, Mr. DURBIN, Mr. CHAFEE, and Mr. BOND):

S. 1329. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive

for land sales for conservation purposes; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. HATCH):

S. 1330. A bill to amend the Internal Revenue Code of 1986 to provide that amounts paid for foods for special dietary use, dietary supplements, or medical foods shall be treated as medical expenses; to the Committee on Finance.

By Mr. MILLER (for himself, Mr. CLELAND, Mr. BUNNING, and Mr. HELMS):

S. 1331. A bill to amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes; to the Committee on Environment and Public Works.

By Mr. TORRICELLI:

S. 1332. A bill to amend the Internal Revenue Code of 1986 to exclude certain severance payment amounts from income; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. SCHUMER, and Mr. KERRY):

S. 1333. A bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WARNER:

S. 1334. A bill to require increases in the strengths of the full-time support personnel for the Army National Guard of the United States through fiscal year 2001 to support the readiness and training of the Army National Guard of the United States to meet increasing mission requirements, and for other purposes; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. DEWINE, Mr. DASCHLE, Ms. SNOWE, Mr. DURBIN, Mr. CORZINE, Ms. STABENOW, Mr. BAUCUS, Mr. BINGAMAN, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. JOHN-SON, and Mr. CONRAD):

S. 1335. A bill to support business incubation in academic settings; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MILLER (for himself and Mr. WARNER):

S. 1336. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum capital gains rates for individual taxpayers and to reduce the holding period for long-term capital gain treatment to 1 month, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL:

S. 1337. A bill to provide for national digital school districts; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CAMPBELL:

S. 1338. A bill to expand and enhance the Little Bighorn Battlefield National Monument; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 1339. A bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 1340. A bill to amend the Indian Land Consolidation Act to provide for probate reform with respect to trust or restricted lands; to the Committee on Indian Affairs.

By Mr. HATCH (for himself, Mr. KENNEDY, and Mr. JEFFORDS):

S. 1341. A bill to amend the Internal Revenue Code of 1986 to expand human clinical

trials qualifying for the orphan drug credit, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. STEVENS):

S. 1342. A bill to allocate H-1B visas for demonstration projects in rural America; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mrs. FEINSTEIN, Ms. SNOWE, Mr. SCHUMER, Ms. COLLINS, Mr. BINGAMAN, Mr. SPECTER, Mrs. CLINTON, Mr. JEFFORDS, Mr. GRAHAM, Mr. HARKIN, and Mr. CORZINE):

S. 1343. A bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the medicaid program; to the Committee on Finance.

By Mr. CAMPBELL:

S. 1344. A bill to provide training and technical assistance to Native Americans who are interested in commercial vehicle driving careers; to the Committee on Indian Affairs.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1345. A bill to direct the Secretary of Transportation to establish a commercial truck safety pilot program in the State of Maine, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SESSIONS (for himself, Mr. BINGAMAN, Mr. ALLARD, and Ms. COLLINS):

S. 1346. A bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. BYRD):

S. 1347. A bill to establish a Congressional Trade Office; to the Committee on Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WELLSTONE:

S. Res. 147. A resolution to designate the month of September of 2001, as "National Alcohol and Drug Addiction Recovery Month"; to the Committee on the Judiciary.

By Mr. BIDEN:

S. Res. 148. A resolution Designating October 30, 2001, as "National Weatherization Day"; to the Committee on the Judiciary.

By Mr. DASCHLE:

S. Res. 149. A resolution electing Alfonso E. Lenhardt of New York as the Sergeant of Arms and Doorkeeper of the Senate; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 170

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. REED) 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. 177

At the request of Mr. AKAKA, the name of the Senator from New Jersey

(Mr. CORZINE) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 214

At the request of Mr. MCCAIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 214, a bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 258

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 312

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 312, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 423

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 423, a bill to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes".

S. 503

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 503, a bill to amend the Safe Water Act to provide grants to small public drinking water system.

S. 671

At the request of Mr. SCHUMER, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 671, a bill to provide for public library construction and technology enhancement.

S. 677

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 699

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 699, a bill to provide for substantial reductions in the price of prescription drugs for medicare beneficiaries.

S. 710

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr.

MILLER) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 787

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 787, a bill to prohibit the importation of diamonds from countries that have not become signatories to an international agreement establishing a certification system for exports and imports of rough diamonds or that have not unilaterally implemented a certification system meeting the standards set forth herein.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 918

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 918, a bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, and for other purposes.

S. 1038

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to improve access to tax-exempt debt for small nonprofit health care and educational institutions.

S. 1113

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1113, a bill to amend section 1562 of title 38, United States Code, to increase the amount of Medal of Honor Roll special pension, to provide for an annual adjustment in the amount of that special pension, and for other purposes.

S. 1114

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1114, a bill to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill.

S. 1125

At the request of Mr. MCCONNELL, the names of the Senator from Washington (Ms. CANTWELL), the Senator from California (Mrs. FEINSTEIN), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1200

At the request of Mr. CLELAND, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1200, a bill to direct the Secretaries of the military departments to conduct a review of military service records to determine whether certain Jewish American war veterans, including those previously awarded the Distinguished Service Cross, Navy Cross, or Air Force Cross, should be awarded the Medal of Honor.

S. 1208

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1208, a bill to combat the trafficking, distribution, and abuse of Ecstasy (and other club drugs) in the United States.

S. 1271

At the request of Mr. VOINOVICH, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1271, a bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns

with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1274

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1274, a bill to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke.

S. 1286

At the request of Mrs. CARNAHAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. RES. 143

At the request of Mr. BIDEN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of 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 "National Veterans Awareness Week."

S. RES. 146

At the request of Mr. HATCH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 146, a resolution designating August 4, 2001, as "Louis Armstrong Day."

S. CON. RES. 56

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Con. Res. 56, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart.

S. CON. RES. 59

At the request of Mr. HUTCHINSON, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Maryland (Ms. MIKULSKI), the Senator from Montana (Mr. BAUCUS), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Massachusetts (Mr. KENNEDY) 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.

AMENDMENT NO. 1226

At the request of Mr. MCCAIN, the names of the Senator from Arizona (Mr. KYL), the Senator from Florida (Mr. GRAHAM), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of amendment No. 1226 proposed to H.R. 2620, a bill 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.

## NOTICE

*Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.*

### ORDERS FOR FRIDAY, AUGUST 3, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Friday, August 3. I further ask unanimous consent that on Friday, 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.

### PROGRAM

Mr. REID. Madam President, on Friday, tomorrow, the Senate will convene at 9:30 a.m. and resume consideration of the Agricultural supplemental authorization bill with an immediate

vote on cloture on that bill. We expect to complete action on that bill sometime tomorrow. I remind everyone that all second-degree amendments to the Agriculture supplemental bill must be filed prior to 10 a.m. tomorrow morning.

### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8 p.m., adjourned until Friday, August 3, 2001, at 9:30 a.m.

### NOMINATIONS

Executive nominations received by the Senate August 2, 2001:

### THE JUDICIARY

TERRENCE L. O'BRIEN, OF WYOMING, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE WADE BROBBY, RETIRED.

JEFFREY R. HOWARD, OF NEW HAMPSHIRE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT, VICE NORMAN H. STAHL, RETIRED.

M. CHRISTINA ARMIJO, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO, VICE A NEW POSITION CREATED BY PUBLIC LAW 106-553, APPROVED DECEMBER 21, 2000.

KARON O. BOWDRE, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE SAM C. POINTER, JR., RETIRED.

DAVID L. BUNNING, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY, VICE WILLIAM O. BERTELSMAN, RETIRED.

KAREN K. CALDWELL, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY, VICE HENRY R. WILHOIT, JR., RETIRED.

CLAIRE V. EAGAN, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA, VICE THOMAS RUTHERFORD BRETT, RETIRED.

KURT D. ENGELHARDT, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE MOREY L. SEAR, RETIRED.

STEPHEN P. FRIOT, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA, VICE WAYNE E. ALLEY, RETIRED.

CALLIE V. GRANADE, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ALABAMA, VICE ALEX T. HOWARD, JR., RETIRED.

JOE L. HEATON, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA, VICE RALPH G. THOMPSON, RETIRED.



LARRY R. HICKS, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA, VICE JOHNNIE B. RAWLINSON, ELEVATED.

WILLIAM P. JOHNSON, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO, VICE JOHN E. CONWAY, RETIRED.

JAMES H. PAYNE, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN, EASTERN AND WESTERN DISTRICTS OF OKLAHOMA, VICE BILLY MICHAEL BURRAGE, RESIGNED.

DANNY C. REEVES, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY, VICE A NEW POSITION CREATED BY PUBLIC LAW 106-553, APPROVED DECEMBER 21, 2000.

#### DEPARTMENT OF JUSTICE

ROSCOE CONKLIN HOWARD, JR., OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE WILMA A. LEWIS, RESIGNED.

DAVID CLAUDIO IGLESIAS, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS, VICE NORMAN C. BAY.

MATTHEW HANSEN MEAD, OF WYOMING, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS, VICE DAVID D. FREUDENTHAL, RESIGNED.

MICHAEL J. SULLIVAN, OF MASSACHUSETTS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS, VICE DONALD KENNETH STERN, RESIGNED.

DREW HOWARD WRIGLEY, OF NORTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE JOHN THOMAS SCHNEIDER, RESIGNED.

COLM F. CONNOLLY, OF DELAWARE, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF DELAWARE FOR THE TERM OF FOUR YEARS, VICE CARL SCHNEE, RESIGNED.

SUSAN W. BROOKS, OF INDIANA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS, VICE JUDITH ANN STEWART, RESIGNED.

LEURA GARRETT CANARY, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE CHARLES REDDING PITT, RESIGNED.

THOMAS C. GEAN, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE PAUL KINLOCH HOLMES, III, RESIGNED.

RAYMOND W. GRUENDER, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE AUDREY G. FLEISSIG, RESIGNED.

JOSEPH S. VAN BOKKELEN, OF INDIANA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS, VICE JON ERNEST DEGULLIO, RESIGNED.

CHARLES W. LARSON, SR., OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE STEPHEN JOHN RAPP, RESIGNED.

#### THE JUDICIARY

LAWRENCE J. BLOCK, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE ERIC G. BRUGGINK, TERM EXPIRED.

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8034:

#### *To be general*

LT. GEN. ROBERT H. FOGLESONG, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be general*

GEN. JOHN W. HANDY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

LT. GEN. CHARLES F. WALD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. TEED M. MOSELEY, 0000

### CONFIRMATIONS

Executive nominations confirmed by the Senate August 2, 2001:

#### THE JUDICIARY

WILLIAM J. RILEY, OF NEBRASKA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

#### DEPARTMENT OF OF JUSTICE

SARAH V. HART, OF PENNSYLVANIA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF JUSTICE.

#### DEPARTMENT OF JUSTICE

ROBERT S. MUELLER, III, OF CALIFORNIA, TO BE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION FOR THE TERM OF TEN YEARS.

# EXTENSIONS OF REMARKS

## FINANCIAL LITERACY PROGRAMS

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

Mr. TOWNS. Mr. Speaker, most of us learned our first money management lesson when watching our parents pay bills, earning our first allowance, or getting that first job. But in a fast changing world, parents and young adults could use a little help in life's money lessons. As we move more toward an e-commerce world, it is important that our young people are able to manage their money and have the skills it takes to plan, invest and save in a fast-paced transaction culture.

Traditionally, education has been based on the three R's—reading, writing, and arithmetic—but recent surveys show that parents are ready to add a fourth pillar to basic education: financial literacy. According to a survey recently released by Visa, 82 percent of parents say that teaching practical money skills in schools is very important. In addition 93 percent of parents said that high school students should be required to take a class in practical money skills, yet 69 percent say that their children have not taken any such classes. Similar results have been seen in research conducted by Jump\$tart Coalition for Financial Literacy and consumer groups, including Americans for Consumer Education and Competition headed by our former colleague, Susan Molanari.

As policy makers and parents, we need to bring basic financial facts and skills to young adults across America. It is true that providing an educational framework for financial literacy is easy to say, but more complex to accomplish. Yes, financial maturity does initially begin at home, as it should, but it would be very beneficial to extend into the classroom. To that end, we should do our best to provide teachers with the necessary tools needed to integrate financial literacy into their curriculum in order to ensure that today's young adults grow up with financial know-how.

Some states such as Wisconsin and Delaware have already passed legislation that would incorporate financial literacy into their curriculums and many others are planning similar legislation. Lawmakers on both the state and national levels recognize the importance of integrating personal-finance management courses into the daily lessons of our education system and work with educators and parents to bring it into our local schools.

A number of companies have added their support to these efforts. I would like to commend Visa U.S.A. for working with the teachers and parents to help teach young adults basic economic and personal money management through their Practical Money Skills for Life program. Unfortunately, many young adults are never taught the basic principals of personal finances and have to learn money management through the school of hard knocks. Therefore, I am pleased that Visa,

U.S.A. has created the practical Money Skills for Life curriculum, calculators and interactive games available to everyone, free of charge, over the Internet, making its ability to reach students unlimited.

Practical Money Skills for Life is an online educational resource for personal financial education tools to help parents and educators teach young adults personal financial responsibility. It lets teachers use the Internet as an educational solution and, because it is an Internet based program, parents can also access the curriculum from their homes. It gives students the basics like budgeting, saving, and investing—the essentials for a healthy and prosperous future.

Students are learning how to balance a checkbook, avoid irresponsible spending, understand the importance of a good credit history, and most importantly: how to make and live by a budget. The Practical Money Skills For Life program actually makes it fun for students to learn about finance.

With an understanding that many schools are suffering from a digital divide, Visa takes their program one step further by donating computer labs to high schools in need across the country. Coupled with teacher training on their financial literacy curriculum, this contribution to our nation's schools, teachers and students is invaluable.

In addition to free curriculums and tools being offered by Visa, there are many other organizations that are raising awareness about the importance of educating the youth on personal finances. Two such groups that I would like to recognize is the Jump\$tart Coalition for Personal Financial Literacy, and Americans for Consumer Education and Competition.

The Jump\$tart Coalition for Personal Financial Literacy, is a nonprofit organization based in Washington, DC whose goal is to ensure that students have skills to be financially competent upon graduation from high school. They work with a number of organizations to work to raise awareness of the need for financial literacy for our young people.

Americans for Consumer Education and Competition (ACEC), chaired by my former colleague from the State of New York Susan Molinari is another group working to improve financial literacy skills. Ms. Molinari has been working with state legislatures to introduce financial literacy curriculum into the education system.

We recognize that more still needs to be done. We can all do our part to ensure that parents, teachers and students have tools they need to become financially savvy. Practical Money Skills for Life and curriculums like it, are a step in the right direction.

## IN HONOR OF OUR DIVERSITY

### HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

Mr. CANNON. Mr. Speaker, Hispanic Americans throughout our nation's history have sig-

nificantly influenced our culture and strengthened our democratic society. The Hispanic community in the Southwest has particularly deep roots that have shaped our traditional way of life for centuries. But that community is also one of our most vibrant and dynamic elements today. During my term as the Congressman for the Third District of Utah, the number of residents claiming Hispanic or Latino decent or ethnicity has grown by 138 percent.

Our economy is sustained and revitalized by the contributions of Hispanic Americans. These individuals tirelessly enhance our society by their examples of pride and their drive to succeed. Hispanic Americans routinely establish themselves as pillars of our communities and demonstrate unwavering determination to provide a better life for themselves and their families.

I encourage all Americans to celebrate the cultural and ethnic diversity in our communities. Living among and associating with people from various backgrounds is the best opportunity for all of us to learn greater tolerance, acceptance and appreciation for the unique abilities of all individuals. On this occasion, I rise to specially recognize and commend the Hispanic Americans who live in the Third District of Utah and their many examples of hard work and dedication to family. On behalf of all my constituents, I wish to express my gratitude to these unique Americans whose contributions have helped to establish the blessed, prosperous, and thriving country we all enjoy today.

## PERSONAL EXPLANATION

### HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

Mr. OXLEY. Mr. Speaker, I was detained from the House floor during last night's vote on H.R. 1140, the Railroad Retirement and Survivors' Improvement Act of 1002. As a cosponsor of this legislation, I would have voted "aye" on this bill.

H.R. 1140 was carefully crafted to reduce railroad employee plan cost while improving benefits to retirees, widows, and widowers. It has the endorsement of railroad management and almost every rail labor organization. With nearly 600 active rail employees and more than 2,300 railroad retirement beneficiaries in my congressional district, I am glad that H.R. 1140 passed by such a wide margin, and look forward to Senate action on this much-needed legislation.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

IN HONOR OF MAYOR AND MRS. AL CAPPUCILLI ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY, AUGUST 11, 2001

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to my dear friends, Al and Tavi Cappuccilli, on the occasion of their 50th wedding anniversary.

I have been impressed by a number of the Cappuccilli's accomplishments and achievements, but none reflects more highly upon them than the love and success of their five children and seven grandchildren. I have observed the affection and time Al and Tavi have spent and spend with their children, and how confident and well rounded they are as a result. The Cappuccilli's now delight in lavishing the same kind of attention on their grandchildren. Al and Tavi have done such a superb job of making their family their most important priority, that now the Cappuccilli children and grandchildren come home every Christmas Eve, without fail, to celebrate "the real Christmas".

I am pleased to say that the Cappuccilli's have not confined their magnanimity to their children and family. Al and Tavi have faithfully and dutifully supported the Monroe community in a myriad different ways. For 23 years, Al was the Executive Director of the Monroe County United Way, where he was instrumental in establishing the Monroe County Food Bank in the early 1980s. Most recently, as Mayor, Al has presided over 10 years of growth and considerable progress.

Mr. Speaker, on Saturday, August 11, 2001, Al and Tavi Cappuccilli will return to the same church in which they were wed, and to which they have continued to belong, to renew the wedding vows they made to each other 50 years ago. On this momentous occasion, I wish to express my heartfelt esteem and congratulations to a wonderful couple who stand as a loving example for an entire community.

TRIBUTE TO FIRST BAPTIST CHURCH OF ATLANTA STUDENT CHOIR

### HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. ISAKSON. Mr. Speaker, I am pleased today to welcome the First Baptist Church of Atlanta, Celebration Student Choir to our Nation's Capital.

Tomorrow, in the Cannon caucus room, the choir will perform for the House of Representatives Bipartisan Prayer Breakfast. The Celebration Student Choir consists of one hundred members, ranging in age from 13 to 18. The student choir is under the directorship of Reverend Chester Whisonant.

The First Baptist Church of Atlanta has enjoyed the teaching and leadership of its current pastor Dr. Charles Stanley for 32 years. Dr. Stanley's TV ministry, "In Touch" can be seen in virtually every country of the world. We are indeed honored to have this renowned

choir perform for the members of the United States House of Representatives.

### HUMAN CLONING PROHIBITION ACT OF 2001

SPEECH OF

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2001*

Mr. HOYER. Mr. Speaker, this Congress can and should outlaw the practice of human cloning. No pressing need exists to allow such cloning, and I believe it is appropriate for Congress to make the practice illegal.

However, I cannot support the overbroad approach taken by H.R. 2505. This legislation goes beyond banning reproductive cloning to ban research in somatic cell nuclear transfer. The result is that the bill would cut off scientific developments that are granting new hope to millions of Americans who have been told there is no cure. Without the use of nuclear transfer, these stem cell developments will likely remain in the laboratory and will not be used to help patients.

If H.R. 2505 were to pass into law in its present form it would be difficult, if not impossible, for our nation to benefit from stem cell research that is currently ongoing or that would take place in the future. This is because the only practical means of developing breakthroughs in stem cell research into treatments is through the use of somatic cell nuclear transfer. The bill prohibits the importation of safe and effective medical treatments, and it would use criminal law to interfere with the scientific progress.

Almost every Member of Congress, including myself, agrees that human cloning is unsafe and unethical and should be prohibited. However, I believe the manner in which H.R. 2505 is written would extend the bill's prohibitions far beyond the goal of banning human cloning and would prevent our citizens from benefitting from ongoing or prospective scientific discoveries.

### HISPANIC RECOGNITION AWARDS

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. FRANK. Mr. Speaker, I was delighted to be given a chance to send my congratulations to the winners of the Hispanic Recognition Awards which are going to be held on August 3 in North Dartmouth, Massachusetts. The Hispanic Recognition Awards Committee has assembled a very diverse and valuable group of individuals and institutions to receive well merited recognition for their work in helping preserve Latino culture and values in the framework of our national unity. I am delighted to have a chance to share with my colleagues the work of this important organization and I ask that the names of the award winners be printed here so that they may get the recognition to which they are entitled.

### HISPANIC RECOGNITION AWARDS

INDIVIDUALS AND ORGANIZATIONS TO BE HONORED AT THE EVENT

Organization of Latinos in Action—For their dedicated work educating the Latino

Community in leadership and citizen's participation.

Brockton Hispanic Festival—For their years of service in the cultural arena.

Sabor Latino Car Club—For their enthusiasm and dedication to the youth and community issues.

Poder 1110 Radio Station—For their dedication and service in communications to the Latino Community.

New Bedford Housing Authority—For their services, support and dedication to provide quality-affordable housing to Hispanics and the very estimable support to Latino organizations.

YWCA Southeastern Massachusetts—For their services, support and dedication to provide education to Hispanics and their very estimable support to Latino organizations.

Rev. Miguel and Mary Gonzalez—For their years of service as leaders, teachers and role models for all the citizens of New Bedford.

Benjamin Cruz—For his dedication and leadership in favor of the Latino Community of Brockton.

Jose Torres—For his dedication and leadership in favor of the Latino Community of Taunton.

Jarrett T. Barrios—For his demonstrated leadership and support in favor of the Latino Community.

Officer Osvaldo Alers—For his service as police officer and a role model.

RECOGNIZING THE CONTRIBUTIONS OF RANDY JURADO ERTLL

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Ms. SOLIS. Mr. Speaker, I rise today to recognize my Communications Director, Randy Jurado Ertll, who is leaving today to resume his work on immigration and community issues in the Los Angeles area.

Randy, who was born in the United States and spent his early years in El Salvador, moved to the Los Angeles area as a young boy. After graduating from Occidental College, Randy returned to El Salvador to research the Salvadoran economic system and find ways to promote financial stability amongst the countries' small businesses.

Once he returned to the United States, Randy continued to promote the well-being of the Salvadoran community by co-founding the Salvadoran American Political Action Committee. The PAC seeks to endorse and support candidates for political office who will promote the political and economic well-being of the Salvadoran American/Latino Community in the United States.

In 1996, Randy joined the California League of Conservation Voters as a new voter organizer, working to increase Latino voter turnout and educate new voters on environmental issues. He also became a regular editorial contributor on educational, environmental and political dealings to La Opinion, the largest Spanish newspaper in the United States.

After gaining considerable experience with the Southern California media industry, Randy joined my staff last year as the Communications Director. Given his personal knowledge with immigration issues, he also tackled this important issue for my Congressional office, including serving as my staff liaison to the Congressional Hispanic Caucus.

For the past eight months, Randy has helped to ensure that immigrants in the 31st Congressional District are afforded the rights to which they are entitled. He has also worked to make sure that all of the residents of my district are informed about the important work that we do here in Washington, D.C. Now, I wish him the best of luck as he returns to Los Angeles, to his community and to his dear fiancée.

TRIBUTE TO JOHN MEZZALINGUA  
AND CENTRAL NEW YORK BASED  
PPC ON ACHIEVING SIGNIFICANT  
MILESTONES

**HON. JAMES T. WALSH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. WALSH. Mr. Speaker, this month, one of the pioneering firms in the field of telecommunications equipment productions, PPC, will celebrate the completion of its 60th year in operation and its owner and founder, John Mezzalingua, will celebrate his 97th birthday on August 30th.

As an infant, John Mezzalingua immigrated to Central New York with his mother from Italy. At the age of 17, Mr. Mezzalingua began to work in an iron foundry with his father and soon expanded the family greenhouse and floral business to include a trucking service. During the Great Depression, Mr. Mezzalingua saved enough money to purchase automatic machinery and headed a production products company known as PPC. It grew to become one of the world's largest producers of cable connector products.

When the Magnavox Corporation purchased PPC, Mr. Mezzalingua retired. When the Netherlands-based North American Philips Corporation bought Magnavox in 1974, it decided to exit the connector business. Mr. Mezzalingua, nearing the age of 80, and his son Dan repurchased the company to keep its jobs in Central New York.

Today, John Mezzalingua Associates, Incorporated, the parent company of PPC, is headquartered and operates three plants in Central New York where it designs and manufactures connectors, traps and filters, and fiber optics products for telecommunications firms worldwide. It has additional manufacturing plants in Denmark and St. Kitts and maintains research operations in Switzerland.

On behalf of the people of New York's 25th Congressional District, it is my honor to congratulate Mr. John Mezzalingua on his 97th birthday and PPC on its 60 years in Central New York. We wish the very best for Mr. Mezzalingua, his family, and his company.

CONGRATULATING SAM AND SHIRLEY SHEFTS ON THEIR 50TH  
WEDDING ANNIVERSARY

**HON. JAMES P. MCGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. MCGOVERN. Mr. Speaker, today I rise to pay tribute to Sam and Shirley Shefts as they celebrate their 50th wedding anniversary.

Sam was born in 1929, in the midst of the Great Depression in the Bronx, New York. At the age of 19, he married the beautiful girl next door, Shirley Yshoel. Both having been raised in poverty by immigrant parents, their marriage started out with nothing but love and the traditions of family.

Together they built a life of countless successes. Sam served in the National Guard for 12 years. Shirley maintained a warm and nurturing home, first in the Bronx, then in East Meadow, NY as they raised their three daughters, Janet, Mindy and Nancy. They both taught the girls, mostly by example, the values of hard work, religion, education, charity and appreciation of the goodness of life and nature. Though they could not afford to attend college themselves, they made it possible for all three of the girls.

Working side by side with his brothers, Sam provided for the family in the business and craft of carved glass. The "Shefts" signature could be found on glass murals throughout the country, including fine restaurants such as Tavern on the Green and the Russian Tea Room in New York City and the Old Ebbitt Grill in Washington DC. Once the children were grown, Shirley worked at an art gallery. She also was a volunteer with honors with the United Order of True Sisters, an organization that provides support to families affected by cancer.

Now living in Boynton Beach, Florida, Shirley and Sam Shefts continue to be active and vibrant members of their community and their synagogue. This year, their daughters and son-in-law will proudly honor their golden anniversary with a party, bringing together their brothers and sisters, nieces & nephews, cousins and dear friends in a wonderful celebration of their 50 years together.

Mr. Speaker, I know that all of my colleagues in this House join me in paying tribute to this wonderful couple on this happy occasion.

IN HONOR OF DR. JIM D. ROLLINS

**HON. ASA HUTCHINSON**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. HUTCHINSON. Mr. Speaker, I rise today to honor Dr. Jim D. Rollins, the Superintendent of the Springdale Public School District in Springdale, Arkansas.

On August 23, 2001, the Springdale School District will hold its annual back-to-school celebration and rally. This year's celebration is particularly special as it will commemorate the beginning of Dr. Rollins's 20th year as Springdale Schools Superintendent.

Dr. Rollins has a long and distinguished career working to educate the youth of Arkansas. He began teaching science to students at Ridgeroad Junior High School in North Little Rock, Arkansas. Eventually, he moved across town to take the helm as Principal of Lakewood Junior High School. Years later, he accepted a position in Springdale as Director of Secondary Education, before becoming Superintendent, a position he has held since the early 1980's.

Along with the aforementioned accomplishments, Dr. Rollins has held executive positions in a number of professional organizations in-

cluding the Arkansas Association for Supervision and Curriculum Development and the Board of Directors of Northwest Arkansas Education Service Cooperative. He was selected to be a member of the Arkansas Governor's Task Force on Youth at Risk and received the Arkansas Superintendent of the Year Award in 1992.

I congratulate Dr. Rollins for his 20 years of dedication and service to the students of the Springdale School District. I am confident that he will continue to be successful in molding the lives of our nation's future.

A PROCLAMATION CELEBRATING  
THE MARRIAGE OF MICHAEL  
AND ROBYN SHAHEEN

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, on June 30, 2001 Robyn Horner and Michael Shaheen joined together into the blessed union of holy matrimony, and;

Whereas, they began on that day, witnessed by God, a journey together that will lead them to the path of all of life's joys,

Therefore, I ask my colleagues to join with me in congratulating them and wishing them the very best that life has to offer.

THE EIGHTIETH ANNIVERSARY OF  
THE BIRTHDAY OF DR. ANDREI  
SAKHAROV

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. HOYER. Mr. Speaker, on May 21 of this year human rights advocates in Russia and all over the world marked the 80th anniversary of the birth of celebrated scientist and human rights advocate, Dr. Andrei Sakharov.

As a Soviet scientist and citizen of the world, Andrei Sakharov combined a brilliant intellect with a deep concern for humanity. He was the youngest member of the USSR Academy of Sciences. After World War II, Sakharov worked as a theoretical physicist and received the Soviet Union's highest award three times for his scientific accomplishments in the field of thermonuclear weapons development.

By the late 1960s, however, his protests against nuclear testing and calls for greater intellectual freedom had made him a pariah to the Kremlin. The publication of his seminal essay, "Progress, Coexistence, and Intellectual Freedom," brought him international attention and respect. In 1970, Sakharov and fellow activists Valery Chalidze and Andrei Tverdokhlebov founded the Moscow Human Rights Committee to help Soviet citizens secure the rights theoretically granted to them under the Soviet Constitution. As journalist David Remnick wrote recently, "his modest apartment on Chkalova Street in Moscow seemed the moral center of an immoral empire."

In 1975, as a result of his human rights advocacy and his work toward genuine detente

between the West and the Soviet bloc, Dr. Sakharov was awarded the Nobel Peace Prize. In the words of the Chairman of the Nobel Committee:

Sakharov's fearless personal commitment in upholding the fundamental principles for peace between men is a powerful inspiration for all true workers for peace. Uncompromisingly and with unflinching strength Sakharov has fought against the abuse of power and all forms of violation of human dignity, and he has fought no less courageously for the idea of government based on the rule of law. In a convincing manner Sakharov has emphasized that Man's inviolable rights provide the only safe foundation for genuine and enduring international cooperation. In this way, in a particularly effective manner, working under difficult conditions, he has enhanced respect for the values that rally all true peace lovers.

True to form, Moscow would not allow Dr. Sakharov to travel to Oslo to receive the honor. Dr. Elena Bonner, his energetic wife and partner in the human rights struggle, accepted the prize in his stead and delivered his Nobel lecture, "Peace, Progress, and Human Rights." Ironically, on the same day that Dr. Sakharov was receiving by proxy the Nobel Peace Prize, December 10, 1975, the recipient himself was in Vilnius, Lithuania attending the political trial of Sergei Kovalev, a fellow scientist and colleague in the struggle for human rights.

By 1980, the Kremlin and KGB had decided that this soft-spoken scientist who kept talking about human rights violations and political prisoners, as well as criticizing the Soviet invasion of Afghanistan, could no longer be allowed to speak his mind freely and to meet with foreign journalists. He was picked up on the streets of Moscow and, without a shred of judicial process, sent into "internal exile" in the city of Gorky about 300 kilometers east of Moscow. Even at this distance he could not be silenced, although the KGB did its best to harass him. Through Dr. Bonner, Dr. Sakharov continued to appeal for justice for the victims of human rights violations and to call on the international scientific community to work together for peace and disarmament.

By the late 1980's, however, Soviet authorities understood that the Soviet system could not compete with the rest of the world by repressing its best minds and criminalizing dissent. In December 1986, Soviet leader Mikhail Gorbachev called Dr. Sakharov and invited him to return to Moscow "to resume his patriotic work." What Gorbachev had in mind is unclear. Nevertheless, in April 1989, in the first genuinely contested national elections since Lenin dissolved the Constituent Assembly in 1918, Sakharov was elected to the Congress of People's Deputies where he resumed his "patriotic work" advancing the ideas of liberty and human rights for the Soviet people.

Mr. Speaker, at one point during a session of the Congress of People's Deputies, General Secretary Gorbachev turned off Dr. Sakharov's microphone in an effort to silence his arguments against the privileged position of the Communist Party under the Soviet Constitution. At that time, as Co-Chairman of the Helsinki Commission, I compared Dr. Sakharov's actions with those of former President John Quincy Adams who, as a Member of the United States House of Representatives, absolutely refused to be silenced on the subject of slavery despite the existence of the so-called "gag rule."

Tragically, Dr. Sakharov succumbed to a heart attack on December 14th, 1989, eight months after his election to the Congress of People's Deputies.

Some 50,000 people, along with foreign dignitaries and fellow members of the Congress of People's Deputies, gathered at the Palace of Youth to say farewell to their hero and colleague. And, yes, the KGB was also in attendance. Chairman Kryuchkov filed a report to the Party leadership that can now be found on the Internet.

Mr. Speaker, through the kindness of Dr. Elena Bonner, today Dr. Sakharov's papers are available to researchers and the public at the Sakharov Archive at Brandeis University in Waltham, Massachusetts. This archive is an invaluable contribution to world literature on human rights and international peace, and I hope that it will find generous support from the American people.

May Dr. Sakharov's example inspire us in the years to come.

## A SPECIAL PILGRIMAGE TO ITALY

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mrs. LOWEY. Mr. Speaker, the Italian American community in this nation remains deeply interested in tracing and maintaining their family connections in Italy. Each year, family members of all ages visit the small towns and villages where their loved ones lived before emigrating to the United States.

I recently became aware of one such trip by the grandson of one of the more prominent and successful Italian American families in our country: the Pope family. Paul David Pope, a successful businessman and philanthropist who lives in Florida, traveled to Italy in June to honor the memory of his grandfather, Generoso Pope Sr. While doing so, he rekindled the spirit of benevolence which his grandfather had bestowed on the villages of Pasquarielli, Terranova and Arpaize in the southern province of Benevento.

In 1906, at the age of 15, Generoso Pope left his poor farming village and arrived in New York City with little money and a dream of success. He labored in the sand pits of Long Island for five years while going to night school. Following that, he went to work for the newly formed Colonial Sand and Stone Company and by 1926 he was the company President.

In 1928, Pope purchased *Il Progresso Italo-Americano*, the nation's largest Italian language daily newspaper. He later bought 3 other large Italian language newspapers in New York and Philadelphia.

Generoso Pope became an advocate and a champion for the new Italian immigrants who came to the United States. A patriot who helped to raise funds for the Allies War effort, Pope urged his readers to learn English, become citizens and vote. Pope later became the sponsor of the now world famous Columbus Day celebration in New York.

In 1929, Pope returned to Arpaize, Italy, with his wife and sons. He paid for a municipal power plant to bring electricity to the poor and isolated community, and in subsequent years, helped other local villages construct buildings

like churches, schools and municipal structures. He also financed scholarships for worthy students.

More than 70 years later, Paul Pope followed his grandfather's path home to Arpaize, to learn more about his grandfather's impact on the small towns where he lived. Paul also emulated his grandfather by making a significant contribution to fund several urgently needed civic improvements in the town. The emotional highlight of the trip occurred when town leaders and citizens honored Paul Pope with a magnificent Festa. It came 65 years after a similar Festa was held for his grandfather. Mayor Armando Cimmino bestowed Honorary Citizenship on Paul Pope for his work and philanthropy on behalf of Arpaize. Paul Pope also received the prestigious Magna Grecia Award by the International Association of Magna Grecia and an award from the International Association of Marguttiani. Paul Pope concluded his historic visit with a private mass with His Holiness Pope John Paul II.

While in Italy, Pope announced the establishment of the Pope Medal to be presented annually to an individual who makes significant contributions in promoting their cultural initiatives, as well as his intention to sponsor an annual conference on the Italian-American experience, dedicated to the memory of his grandfather. The annual conference will be held under the auspices of the Calandra Institute of Queens College, City University of New York. The first conference will be held in 2002 and will focus on the Italian language press in America from its origins in the 19th century through today. Mr. Paul also hopes to hold additional forums at selected American colleges and universities with leading Italians in business, government, education and the arts.

Paul Pope's experience proves once again that the ties between the United States and Italy are strong and enduring. I salute Paul Pope and the distinguished Italian Americans from New York who accompanied him on the trip including New York State Supreme Court Justice Dominic R. Massaro; Monsignor George J. Cascelli, Director Italian Apostolate of the Archdiocese of New York; Dr. Joseph Scelsa, Vice President for Institutional Development at Queens College; Maria Fosco, President of the Italian Welfare League; and Joan Migliori, Assistant Director of the City University of New York Italy Exchange Program. Paul Pope has made an important contribution to furthering cultural interactions between the United States and Italy, and I commend him for his leadership, commitment and vision.

ARTICLE BY LANCE SIMMENS AND  
PAMELA CONLEY ULICH

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. CONYERS. Mr. Speaker, I submit the following insightful and poignant article, by Lance Simmens and Pamela Conley Ulich, from the *Loyola of Los Angeles Entertainment Law Review*, for publication in the CONGRESSIONAL RECORD.

"Bye, Bye Miss American pic, drove my Daimler to the movies to see a foreign-

made flic; And good old actors were drinking whiskey and beer, singing this is the day we're unemployed here, this will be the day we're unemployed here."

#### I. INTRODUCTION

Globalization profoundly impacts traditional ways of conducting business, and the entertainment industry is not immune from the new economics drastically changing the world. Could Hollywood become "Hollyhasbeen"? Will television and theatrical motion pictures shot in the United States go the way of the American car and American-made clothing?

Runaway production has caused serious labor issues, including the dislocation of thousands of workers and jobs. In 1998, twenty-seven percent of films released in the United States were produced abroad, and an estimated 20,000 jobs were lost to foreign countries. Lower exchange rates, direct government subsidies and lower labor wages enticed American production companies to film in foreign locales. In 1998, the direct economic loss of runaway production was \$2.8 billion. When coupled with the loss of ancillary business, the losses likely totaled \$10.3 billion for 1998 alone. These losses juxtapose with the issues of free trade versus fair trade in an uneasy balance.

This article considers why many television and theatrical motion pictures targeted primarily at U.S. audiences are not made in America. It also examines the economic impact resulting from the flight of such productions. Finally, it considers possible solutions in an effort to reverse the trend.

#### II. THE HISTORY OF "RUNAWAY PRODUCTION"

Runaway production is not a new phenomenon. In December 1957, the Hollywood American Federation of Labor ("AFL") Film Council, an organization of twenty-eight AFL-CIO unions, prepared a report entitled "Hollywood at the Crossroads: An Economic Study of the Motion Picture Industry." This report addressed runaway production and indicated that prior to 1949, there were an "insignificant" number of American-interest features made abroad. However, the report indicated a drastic increase in productions shot abroad between 1949 and 1957. At that time four major studios—Columbia Pictures, Inc. ("Columbia"), Twentieth-Century Fox, Inc. ("Fox"), Metro-Goldwyn-Mayer ("MGM") and United Artists, Inc. ("United Artists")—produced 314 films. Of these films, 159, or 50.6 percent, were shot outside the United States. It also revealed runaway films were shot primarily in the United Kingdom, Italy, Mexico, France and Germany. The report further identified factors that led producers to shoot abroad: 1) authentic locale; 2) lower labor costs; 3) blocked currencies; 4) tax advantages and 5) easy money and/or subsidies.

On December 1, 1961, H. O'Neil Shanks, John Lehnert and Robert Gilbert of the Hollywood AFL Film Council testified regarding runaway productions before the Education and Labor Subcommittee on the Impact of Imports and Exports on American Employment. Shanks explained to the subcommittee: "Apart from the fact that thousands of job opportunities for motion picture technicians, musicians, and players are being 'exported' to other countries at the expense of American citizens residing in the State of California, the State of New York, and in other States because of runaway production this unfortunate trend . . . threatens to destroy a valuable national asset in the field of world-wide mass communications, which is vital to our national interest and security. If Hollywood is thus permitted to become 'obsolete as a production center' and the United States voluntarily surrenders its po-

sition of world leadership in the field of theatrical motion pictures, the chance to present a more favorable American image on the movie screens of non-Communist countries in reply to the cold war attacks of our Soviet adversaries will be lost forever."

John "Jack" L. Dales, Executive Secretary of the Screen Actors Guild ("SAG"), and actor Charlton Heston also testified before this subcommittee. Dales stated: "We examined and laid out, without evasion, all the causes [of runaway production] we knew. Included as impelling foreign production were foreign financial subsidies, tax avoidance, lower production costs, popularity of authentic locale, frozen funds—all complex reasons. We urged Congressional action in two primary areas: 1) fight subsidy with subsidy. Use the present 10 percent admissions tax to create a domestic subsidy; 2) taxes . . . We proposed consideration of a spread of five or seven years over which tax would be paid on the average, not on the highest, income for those years."

Despite these impassioned pleas, runaway production has continued to grow in importance, scope and visibility. Today it ranks among the most critical issues confronting the entertainment industry. The issue received increased attention in June 1999, when SAG and the Directors Guild of America ("DGA") commissioned a Monitor Company report, "The Economic Impact of U.S. Film and Television Runaway Production" ("Monitor Report"), that analyzed the quantity of motion pictures shot abroad and resulting losses to the American economy. In January 2001, concerns over runaway production were addressed in a report prepared by the United States Department of Commerce. The eighty-eight page document ("Department of Commerce Report") was produced at the request of a bipartisan congressional group. Like the Monitor Report, the Department of Commerce Report acknowledged the "flight of U.S. television and cinematic film production to foreign shores." Both reports quantify the nature and depth of the problem and warn of further proliferation if left unchecked.

Additionally, the media is bringing the issue of runaway production to the attention of the general public. Numerous newspaper articles have focused on the concerns cited in the Monitor Report.

For example, in The Washington Post, Lorenzo di Bonaventura, Warner Bros. president of production, explained the runaway production issue as follows: "For studios, the economics of moving production overseas are tempting. The Matrix cost us 30 percent less than it would have if we shot in the United States. . . . The rate of exchange is 62 cents on the dollar. Labor costs, construction materials are all lower. And they want us more. They are very embracing when we come to them."

Di Bonaventura indicated Warner Bros. received \$12 million in tax incentives for filming The Matrix in Australia. This is a significant savings for a film that cost approximately \$62 million to produce.

#### III. CAUSES OF RUNAWAY PRODUCTION

In the Department of Commerce Report, the government delineated factors leading to runaway film and television production. These factors have contributed to the "substantial transformation of what used to be a traditional and quintessentially American industry into an increasingly dispersed global industry."

##### A. VERTICAL INTEGRATION: GLOBALIZATION

Vertical integration is defined by the International Monetary Fund as "the increasing integration of economics around the world, particularly through trade and financial flows." The term may also refer to "the

movement of people (labor) and knowledge (technology) across international borders."

Consequently, companies must now be productive and international in order to profit. Because companies are generally more interested in profits than in people, companies are often not loyal to communities in which they have flourished. Instead, they solely consider the bottom line in the process of making business decisions.

Columbia is an excellent example of the conversion from a traditional U.S.-based company to a global enterprise. Columbia began in 1918 when independent producer Harry Cohn, his brother Jack and their associate Joe Brandt, started the company with a \$100,000 loan. In 1926, Columbia purchased a small lot on Gower Street in Hollywood, California, with just two sound stages and a small office building. In 1929, Columbia's success began when it produced its first "talkie" feature, The Donovan Affair, directed by Frank Capra, who would become an important asset to Columbia. Capra went on to produce other box office successes for Columbia such as You Can't Take It With You and Mr. Smith Goes to Washington.

In 1966, Columbia faced a takeover attempt by the Banque de Pan's et de Pays-Bas, owner of twenty percent of Columbia, and Maurice Clairmont, a well-known corporate raider. The Communications Act of 1934 prohibited foreign ownership of more than one-fifth of an American company with broadcast holdings. The Banque de Pan's could not legally take over Columbia because one of Columbia's subsidiaries, Screen Gems, held a number of television stations. In 1982, the Coca-Cola Company purchased Columbia.

In 1988, Columbia's share of domestic box office receipts fell to 3.5 percent and Columbia registered a \$104 million loss. In late 1989, Columbia entered into an agreement with Sony USA, Inc., a subsidiary of Japan's Sony Corporation, for the purchase of all of Columbia's outstanding stock. This acquisition apparently did not violate the amended Communications Act.

Following in Columbia's footsteps, other studios have globalized through foreign ownership. Universal Studios, Inc. ("Universal"), previously the Music Corporation of America, was acquired by the Japanese electronics company Matsushita in 1991, and four years later was purchased by Seagram, a Canadian company headquartered in Montreal. In 1985, Australian media mogul Rupert Murdoch acquired a controlling interest in Fox, and Time, Inc., a publishing and cable television giant, acquired Warner Bros. in 1989.

As studios become multinational, their loyalty to the community or country in which they were born wanes. The international corporations are no longer concerned with the ramifications of moving production outside of their community or country; they are instead concerned only with bottom-line profits. Columbia exemplifies globalization. Columbia no longer owns a studio lot, let alone its humble beginnings on Gower Street. The Studio simply rents office space in a building in Culver City, California. Not surprisingly, global corporations think globally, not locally. Shooting abroad is not only acceptable, but preferable to companies who are not loyal to any one country.

##### B. RISING PRODUCTION AND DISTRIBUTION COSTS AND DECREASING PROFITS

By the end of the 1990s, studio executives began to alter their business methods. Despite aggressive cost-cutting, layoffs, strategic joint ventures and movement of production to foreign shores, rising production and distribution costs have consumed profits over the last decade. Production costs rose from an average of \$26.8 million to \$51.5 million. Distribution costs for new feature films



more than doubled. In 1990, the average motion picture cost \$11.97 million to distribute, and by 1999, the costs rose to \$24.53 million. At the same time, profit margins dropped. For example, Disney Studio's profits decreased from 25 percent in 1987 to 19 percent in 1997, and Viacom's profits dropped from 13 percent in 1987 to less than 6.5 percent in 1997. Additionally, both Time Warner and News Corporation, parent of Fox, showed declining profits as well.

#### C. TECHNOLOGICAL ADVANCES

According to the Department of Commerce Report, "New technologies and tools may well be contributing to the increase in the amount of foreign production of U.S. entertainment programming." Ten years ago, even if a foreign country had lower labor costs, it would have been prohibitively expensive to transport equipment and qualified technicians to produce a quality picture abroad. However, new technology is defeating that obstacle. Scenes shot on film must be transferred or scanned into a videotape format; this process creates what is referred to as dailies. However, many foreign production centers are unable to instantaneously produce dailies from film. Nevertheless, technological advancement has led to the creation of high definition video, which, like dailies, offers immediate viewing capabilities approximating the visual quality of film. As the quality of high definition video continues to improve, producers will be free to shoot abroad regardless of whether the country offers film processing centers.

#### D. GOVERNMENT SWEETENERS

Canada is extremely aggressive in its application of both Federal and provincial subsidies to entice production north of the border: At the federal level, the Canadian government offers tax credits to compensate for salary and wages, provides funding for equity investment, and provides working capital loans. At the provincial level, similar tax credits are offered, as well as incentives through the waiving of fees for parking, permits, location, and other local costs.

These enticements equal a sizeable economic benefit. According to the Monitor Report, "U.S.-developed productions located in Canada have been able to realize total savings, including incentives and other cost reducing characteristics of producing in Canada, of up to twenty-six percent." The Department of Commerce Report carefully delineates a plethora of incentives employed by a host of countries. It concludes the undeniable impact of these programs is to weaken the market position of the U.S. film-making industry and those who depend on the industry for employment.

#### E. EXCHANGE RATES

Because the U.S. dollar is stronger than Canadian, Australian and U.K. currencies, American producers have more purchase power when they opt to film abroad. As a result, producers are tempted to locate where the dollar has the most value. The Canadian, Australian and U.K. currencies have all declined by fifteen to twenty-three percent, relative to the U.S. dollar, since 1990.

### IV. THE IMPACT OF RUNAWAY PRODUCTION

#### A. THE ECONOMIC IMPACT

In total, U.S. workers and the government lost \$10.3 billion to economic runaways in 1998. According to the Monitor Report, "\$2.8 billion in direct expenditures were lost to the United States in 1998 from both theatrical films and television economic runaways." For example, if a theatrical picture is shot in New York, then carpenters are employed to make the set, caterers are employed to prepare and serve food, and costume designers are hired to provide ward-

robe. As the Department of Commerce Report explains, "Behind the polished, finished film product there are tens of thousands of technicians, less well-known actors, assistant directors and unit production managers, artists, specialists, post-production workers, set movers, extras, construction workers, and other workers in fields too numerous to mention."

This fiscal loss ripples through the economy affecting peripheral industries. In addition to the direct economic loss discussed above, the Monitor Report calculated an additional \$5.6 billion lost in indirect expenditures. Indirect expenditures include real estate, restaurants, clothing and hotel revenues, which are not realized. In addition to these private industry losses, the government lost \$1.9 billion in taxes to runaway production. As opposed to the \$10.3 billion lost in 1998, the study estimated those figures will be between \$13 and \$15 billion in 2001.

#### B. THE U.S. PRODUCTION DROUGHT

The Monitor Report stated that between 1990 and 1998, U.S. film production growth fell sharply behind the growth occurring in the top U.S. runaway production locations of Canada, Australia and the U.K. It stated that Australia "is growing 26.4 percent annually in production of U.S.-developed feature films, or more than three times the U.S. growth rate." Similarly, "Canada is growing at 18.2 percent annually in production of U.S.-developed television projects, more than double the U.S. rate." During the same period, annual growth rates in the United States were 8.2 percent for feature films, and 2.6 percent for television.

#### C. JOB LOSS

Runaway production also impacts the U.S. labor market. It is estimated there are 270,000 jobs directly tied to film production. It is further estimated that 20,000 jobs were lost in 1998 alone due to runaway production. However, these statistics do not fully reflect the impact of economic runaway production on employment. They fail to account for spin-off employment that accompanies film production. It is estimated by the Commerce Department that the ripple effect of secondary and tertiary jobs associated with the industry might easily double or triple the number of jobs dependent upon the industry.

Regardless of the understated nature of the economic impact, the Commerce Department acknowledges that at least \$18 billion in direct and indirect export revenues and \$20 billion in economic activity are generated by the industry annually.

#### D. LOSS OF PENSION AND HEALTH BENEFITS

Performers and others who work on foreign productions may lose valuable pension and health benefits. As provided in the SAG collective bargaining agreements, performers are entitled to receive pension and health contributions made to the plans on behalf of performers when they work on productions. Although SAG does allow for some pension and health reciprocity with the Canadian performers union, performers must negotiate this term into their contracts. More often than not, performers are unable to negotiate this benefit for work performed in Canada.

#### E. CULTURAL IDENTITY

In 1961, Congress was warned that the trend of runaway production threatened to destroy a valuable "national asset" in the field of worldwide mass communications. As H. O'Neil Shanks, John Lehnert and Robert Gilbert of the Hollywood AFL Film Council testified in 1961, if Hollywood became "obsolete as a production center" and the United States voluntarily surrendered its position of leadership in the field of theatrical motion pictures, the chance to present a more favorable American image on the movie

screen would be forever lost. Although the Cold War is no longer a reason to protect cultural identity, today U.S.-produced pictures are still a conduit through which our values, such as democracy and freedom, are promoted.

### V. SOLUTIONS

#### A. THE FILM CALIFORNIA FIRST PROGRAM

California remains a leading force in the industry, and last year took a legislative step to remedy the problem of runaway production. The state passed a three-year, \$45 million program aimed at reimbursing film costs incurred on public property. The Film California First ("FCF") program is specifically geared toward increasing the state's competitive edge in attracting and retaining film projects. To accomplish this goal, the legislation provides various subsidies to production companies for filming in California, including offering property leases at below-market rates. This legislation should serve as a model for other states, as they too struggle with an issue of increasing economic importance.

#### B. WAGE-BASED TAX CREDIT

A possible solution could be patterned after a legislative proposal offered, but never advanced, in the 106th Congress. Specifically, this proposal called for a wage-based tax credit for targeted productions and provided: (1) a general business tax credit that would be a dollar-for-dollar offset against any federal income tax liability; (2) a credit cap at twenty-five percent of the first \$25,000 in wages and salaries paid to any employee whose work is in connection with a film or television program substantially produced in the United States and (3) availability of credit only to targeted film and television productions with costs of more than \$500,000 and less than \$10 million.

#### C. FUTURE SOLUTIONS

To rectify the problems of runaway productions, legislation at the local, state and federal levels is paramount. Over the past thirty years, the film industry has expanded beyond California to become a major engine of economic growth in states such as New York, Texas, Florida, Illinois and North Carolina. To achieve effective legislative remedies, it is critical to examine the successful programs implemented by other nations.

Maybe it is the inexorable result of a changing world. Regardless, the proliferation of foreign subsidies for U.S. film production, which is occurring at an increasing rate worldwide, raises troubling questions of fairness and equity. From a competitive standpoint, it appears as though the deck is stacked against a class of workers who seek to derive their livelihood from this industry but find their jobs have moved overseas. It is understandable that producers will take the opportunity to film abroad when the reduction in costs is as much as twenty-five percent. Consequently, the only remedy for America's workforce is to pass legislation that provides commensurate benefits in the United States.

It is apparent that a laissez-faire, market-oriented approach has failed the American worker. Unemployment is extraordinarily high within the creative community, leading to seventy percent of SAG's 100,000 plus members earning less than \$7,500 annually. This economic hardship is exacerbated by runaway production. Thus, it is abundantly clear that legislative remedies attempting to more adequately level the playing field must be pursued. Amid encouraging signs that a tax bill of significant consequence is likely to pass Congress in the coming months, it is imperative that the creative community take a proactive position to ensure that the

tax bill provides incentives for domestic film production. It must use all resources to cure the concerns presented in the two reports outlined in this Article. Organizations, such as SAG, must work with Congress to develop a proposal that is acceptable in terms of cost and other political considerations.

While it seems unlikely that there is the political will or desire to match the incentives offered by many of our competitors, it is conceivable to the authors that an effective approach can be designed to substantially close the gap on cost savings without eliminating them. Thus, the approach advocated involves identifying the level where cost savings of filming abroad are minimized so as not to be the determinative location factor. An appropriate level may be in the range of ten percent cost savings versus the twenty-six percent cost savings now common in some Canadian locations.

It is important to note the strategy used to fashion a remedy is just as important as the relief sought. The industry should be willing to approach the tax-writing committee staff with the afore-mentioned concept and work closely with them in designing a legislative remedy. This strategy represents a holistic approach to a global problem. It is important to remember the United States risks losing its economic advantage in a vital industry which carries with it enormous economic consequences. As noted in the Department of Commerce Report:

If the most rapid growth in the most dynamic area of film production is occurring outside the United States, then employment, infrastructure, and technical skills will also grow more rapidly outside the United States, and the country could lose its competitive edge in important segments of the film industry.

#### VI. CONCLUSION

Politics represents the art of the possible. The approach advocated in this Article should find a receptive ear in the halls of Congress if for nothing else than its simplicity. Timing is crucial. Left unchecked, the only certainty is continuing runaway production with the attendant economic costs, lost jobs, and diminished tax revenues at all levels of government. In a time of waning economic growth and warning signs of dwindling surpluses and future economic weakness, including production incentives into any upcoming tax relief is essential to preserving the U.S. workforce in the American entertainment industry.

#### IN RECOGNITION OF THE VIRGIN ISLANDS COUNCIL OF THE BOY SCOUTS OF AMERICA

**HON. DONNA M. CHRISTENSEN**

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to pay tribute to the Virgin Islands Council of the Boy Scouts of America, (VIBSCA) for their long-standing service to the people of the U.S. Virgin Islands and on the occasion of their being recognized by the organizers of the 29th Annual Open Atlantic Blue Marlin Fishing Tournament, popularly known as the "Boy Scouts Tournament," held each year on St. Thomas. Considered the best of its kind, the contest attracts top anglers from around the globe.

Scouting in the United States Virgin Islands can be traced as far back as 1914. After the transfer of the islands in 1917 from Denmark

to the United States, there was scouting of a sort that for all intent and purposes was open only to children of the military. However, it was not until February of 1930, just three years after Scouting was established in Puerto Rico, that the first official Boy Scout Troop was formed in the United States Virgin Islands.

Mr. Speaker, history was made twice on the first of January 1965 when the Virgin Islands got their own Boy Scout Council and Mr. Samuel B. King became the first black council executive in the entire Boy Scout movement in the United States.

During the last thirty-six years, the VIBSCA have sent leaders to Wood Badge Courses in Puerto Rico and to the U.S. mainland and in 1983, the first leadership Wood Badge course was held at Howard M. Wall on St. Croix, U.S. Virgin Islands. Wood Badge, very similar the U.S. Army's Basic Training regimen, is the highest training offered to selected male and female leaders to enable them to better serve the youth. The VIBSCA has participated in eight National Jamborees, one World Jamboree, nine Caribbean Jamborees and many trips to Philmont Scout Reservation in Cimmaron, New Mexico as well as many training courses locally and on the mainland for both leaders and Scouts.

I am proud to represent this segment of my constituency—the VIBSCA—because they have shaped and molded the minds and bodies of thousands of Virgin Islands youth over the past seventy-one years. As a result of their work and service to the Virgin Islands community, today many of these former scouts hold positions of influence and stature still contributing to the betterment of a rich and flourishing Virgin Islands society.

On behalf of a grateful Virgin Islands community, my family, staff and myself, I wish to congratulate the Virgin Islands Council of the Boy Scouts of America, its members, both past and present, for their many contributions to our community and for so generously giving of themselves and their values to generations of Virgin Islands youth over the years.

May God continue to bless the Virgin Islands Council of the Boy Scouts of America and scouts all over our blessed Nation. Best wishes for an eventful, fulfilling "Boy Scouts Tournament."

#### BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO CLARIFY THE TREATMENT OF INCENTIVE STOCK OPTIONS AND EMPLOYEE STOCK PURCHASE PLANS

**HON. AMO HOUGHTON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. HOUGHTON. Mr. Speaker, today I am introducing a bill to solve a problem that has been facing a number of companies during the past year who grant stock options to their employees.

Many companies use stock options as an incentive to attract and motivate employees. Companies give their workers the right to purchase company stock, at a small discount from the listed price, through Employee Stock Purchase Plans and Incentive Stock Options. Employee stock ownership motivates workers

and can create a positive relationship between management and workers, where both reap rewards for successful company performance.

For nearly 30 years the Internal Revenue Service (IRS) has taken the position that the income from these stock options is not subject to employment taxes. However, recent audits and rulings on specific companies have raised the troubling prospect that the IRS now believes that employment taxes should be withheld from the paychecks of individuals who exercise stock options under these plans.

Employee Stock Purchase Plans and Incentive Stock Options were created by Congress to provide tools to build strong companies and encourage greater employee ownership of company stock. It was not the intent of Congress to dilute these incentives by requiring employment tax withholding when the stock is purchased.

While I am pleased that the IRS currently has in place a moratorium so that no employment taxes will be assessed on stock options, I believe Congress needs to clarify existing law to prevent any future attempts to change past policy on stock options. The current moratorium extends until January 1, 2003, and unless Congress adopts the proposed legislation, companies and workers will face uncertainty as to whether options are subject to withholding taxes.

The legislation I am introducing would clarify that the difference between the exercise price and the fair market value of stock offered by the Incentive Stock Option or Employee Stock Purchase Plan is excluded from employment taxes. In addition, wage withholding is not required on disqualifying dispositions of Incentive Stock Option stock or on the fifteen percent discount offered to employees by Employee Stock Purchase Plans.

I urge my colleagues to join me in cosponsoring this legislation.

#### CLOSE FINGER LAKES NATIONAL FOREST TO DRILLING

**HON. JAMES T. WALSH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. WALSH. Mr. Speaker, I rise today in opposition to proposals to drill for natural gas within the Finger Lakes National Forest located in Hector, New York between Seneca and Cayuga Lakes. This proposed drilling will have catastrophic effects on wildlife, recreation in the area, and tourism vital to the region's economy.

The Finger Lakes National Forest is the smallest national forest in the country and draws 46,000 recreational visitors each year who hunt, fish, camp, and hike on the 16,000-plus acre reserve. Any drilling in national parks, including the proposed drilling in the Finger Lakes National Forest which would utilize 130 foot rigs and pipelines, will cause irreparable damage to the landscape and environment.

Recently, my office has been flooded with letters from concerned neighbors across Upstate New York. I have referred their correspondence to Dale Bosworth, Chief of the United States Forest Service, to be included as part of the record on this issue.

In addition, I have expressed my concern to Congressman CALLAHAN, Chairman of the

House Appropriations Subcommittee on Energy and Water Development. I encourage Mr. CALLAHAN and my fellow Appropriations Committee colleagues to support language recently added to an accompanying Senate Appropriations bill that would ban all oil and natural gas exploration in the forest. Our House Energy and Water Development conferees have the ability to retain the Senate version's language when the spending package is considered in conference later this year.

My father, former Rep. William F. Walsh, represented this area in Congress in the 1970's. During that time, he fought hard to ensure this pristine wilderness area would be protected for future generations. In our current attempts to construct a sound and responsible national energy policy, it is my hope that this body recognizes the need for continued environmental stewardship to protect these national treasures for the generations that follow.

I urge my fellow members to support my call to ban drilling in the Finger Lakes National Forest.

RECOGNIZING AN OUTSTANDING  
FRIENDSHIP AND PARTNERSHIP  
BETWEEN TWO CITIES,  
IRWINDALE, CA, AND  
SALVATIERRA, GUANAJUATO,  
MEXICO

**HON. HILDA L. SOLIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Ms. SOLIS. Mr. Speaker, I rise today to recognize an international friendship that began many years, has withstood the test of time and continues to grow as each year passes.

The Sister City Partnership between the City of Irwindale, California, in the 31st Congressional District and the City of Salvatierra, Guanajuato, Mexico, began 36 years ago. Through this partnership, both communities have realized cultural and humanitarian benefits.

For example, the City of Salvatierra has received donations from Irwindale of much-needed equipment such as a fire engine, ambulance, street sweeper and optical instruments to improve the quality of life for its citizens.

In addition, Irwindale has experienced firsthand the benefits of cultural exchange and good will through the bi-annual visits of its residents to Mexico. In fact, a local park in Salvatierra, Mexico, was named after the City of Irwindale.

I am privileged to recognize these two exemplary cities, Irwindale and Salvatierra, for their friendship and exchanges that benefit residents in both cities.

CONGRATULATIONS TO COUNCIL  
OF KHALISTAN

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. TOWNS. Mr. Speaker, the Council of Khalistan, led by my friend Dr. Gurmit Singh Aulakh, recently completed 15 years of service

and I would like to take this opportunity to congratulate the Council of Khalistan. Dr. Aulakh is a well-known presence around here. He has been working these halls for 15 years, advocating the cause of freedom for the Sikhs of Punjab, Khalistan, who are being subjected to brutal tyranny by the Indian government.

The Sikhs and other minorities like the Christians, Muslims, Dalit "untouchables," and others have been killed by the tens of thousands, held as political prisoners in large numbers—over 52,000 Sikhs alone, according to a recent report from the Movement Against State Repression—and subjected to other atrocities like violent attacks on religious institutions like Christian churches and schools, the Golden Temple, and the Babri mosque, attempts to burn down a Gurdwara and some houses, the Staines murder. In the face of these atrocities democratic India does nothing.

It is because of the efforts of activists like Dr. Aulakh that these matters come to light. He is a major leader in the human-rights movement and the leader of the Sikh community. I salute him for his tireless efforts and submit the following articles.

#### CONCERN AT NEW THREATS TO RELIGIOUS FREEDOM

[The following statement was issued in New Delhi and Hyderabad on Sunday, 29th July 2000 by All India Christian Council President Dr Joseph D'Souza and Secretary General John Dayal in the wake of reports of draconian changes in the Foreign Contributions regulation act, the Private members Bill in the Lok Sabha against freedom of faith, the incidence of Vishwa Hindu Parishad goons "arresting" Christian workers in Varanasi, the forcible "re-conversion" of Orissa Christians under the combined pressure of the VHP and the Orissa Police.]

The All India Christian Council calls upon Civil Society, the national Human Rights Commission and fellow citizens to take united action to counter a series of recent incidents in several Indian states by Fundamentalist extremists of the Sangh Parivar, as well as by police forces acting at their behest, in which the civil rights of Christian individuals and groups have been violently attacked. The Council is deeply concerned that the central and state governments, instead of taking urgent steps to restore confidence among the terrorised minorities, have seemingly condoned such actions. The Centre is in fact, according to media reports, bringing forward legislation that will further and more seriously affect religious minorities in the country and their work, and injure Constitutional guarantees.

The Council has declared it will extend all legal assistance to the victims who have been terrorised, specially in the states of Orissa, Gujarat, Uttar Pradesh and Rajasthan.

The most ominous incident has taken place in Varanasi in the state of Uttar Pradesh, where the state government controlled by the Bharatiya Janata party has condoned military training with firearms provided to elements of the Sangh Parivar in recent months. In that city on 24th July 2001, a Christian religious worker was among five persons "detained" by self styled vigilantes of the Vishwa Hindu Parishad. The five men had come to the city to attend a meeting. The City Superintendent of Police, who had the five men released, admitted they were innocent of the charges of conversion levied against them. The police have however taken no action against the VHP goons who terrorised the Christian group.

VHP groups are also terrorising the inmates of an ashram in Kota district of

Rajasthan which is home to over 1,500 destitute and orphaned young people from various parts of the country. Death threats have been made against Bishop M A Thomas and officials of the Ashram. Many other similar cases have been reported from other states.

In Orissa, ruled by a coalition in which the BJP is a partner, the police have looked on while Tribal Christians are being coerced into "reconverting" to Hinduism. The Police have evoked the infamous and ironically named Freedom of Religion Act selectively against the Christians but not against their tormentors. As the media has reported, 17 adult persons had some time ago become Christians, and had told the police they had done so of their own free will, without any duress or allurement. The police, acting at the behest of local religio-political goons, however, chose to prosecute them and registered cases against them. Emboldened by this, the local fundamentalist elements intimidated the Christians, organising social ostracisation against them. Reports suggest that the authorities tacitly supported the "reconversion." The council has deplored the blatant religious partisanship of the local police and civil administration.

It is quite clear that these elements are getting strengthened by the attitude of the Central government. The minority communities, specially Christians are alarmed, at the failure of the Central government to denounce a Private Members bill moved by one of their party members in the Lok Sabha, the lower house of Parliament, which seeks a ban on religious conversions, which in effect means a ban on freedom of faith. This bill evoked dark memories of a similar Hitlerian OP Tyagi Bill in the late Seventies which the government, of which the current Bharatiya Janata party was a part, had extended its support.

The council has also strongly criticised the government's reported plan to enact new laws to strangle foreign donations and grants to minority, specially Christian, institutions and organisations. The existing Foreign Contributions Act, FCRA, is already being used as a weapon by the BJP government to target Christian groups and to stifle all protest. We fear the proposed laws are being designed to entirely curtail the educational and public welfare work of the Christian church in India. Christian groups have been thoroughly investigated in the last two years and have been found innocent, and yet extremist groups as well as ruling political parties have persisted a hate campaign against us using disinformation, half truths and malicious lies.

We call upon Civil Society, the national Human Rights Commission and all fellow citizens to unite in fighting this erosion of civil liberties and constitutional guarantees.

#### HAVE YOU DONE ENOUGH???

The anti-Christian Bill is in the Parliament. This is a place where even very sensitive Bills have been passed by manipulations, ignorance and negligence. Pandemoniums are created to pass Bills by voice votes. Bills become Acts in a second as opposition stages a walkout.

Have you heard your representative opposing the Bill? Have you heard the Christian MP's forum responding? Have you read about the Bill in your newspaper? Have you heard any of the church leaders speaking out? Now the burden is upon you. Do you know that it is the Sikh leader Gurmit Singh Aulakh who dedicates all his energies to bring up the issue of Christian persecution before the American legislative bodies?

How many Indian Christians have you seen lobbying against the persecution of Christians at the UN organisations or the US Committees?

Do you know that it is dalits, atheists and even moslems who have taken up the issue of the present Bill which is bound to affect the Christians the most? Dr. Satinath Choudhry is one of the earliest to respond. The objections to the Bill have appeared before the secular and dalit E-fora even before the head of any Church has even taken note of the Bill. Fascism is here and now. The very rights of individuals are at stake. Have you done enough???

#### PERSONAL EXPLANATION

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall Nos. 298 and 299, final passage of H.R. 2647, Legislative Branch Appropriations Act for fiscal year 2002 and the approval of the Journal, I was detained at the White House in a meeting on World Conference Against Racism. Had I been present, I would have voted "yea" on both.

#### TRIBUTE TO RUTH HYMAN

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. PALLONE. Mr. Speaker, I would like to call the attention of Congress to an event on Thursday, August 16 in New Jersey. The Jewish Family and Children's Service of Greater Monmouth County is holding a dinner and tribute at Temple Beth El of Oakhurst to honor Ruth Hyman. Ruth will have the distinction of being honored for her work as a philanthropist and her support of Jewish causes in the area, as well as in Israel.

Ruth, a close friend of mine, was born in my hometown of Long Branch, New Jersey into a family of four boys and four girls. She says that her parents' direction and teachings of tzedakah, menschlichkeit, and the Torah guided her to be the person that she is today.

Ruth's teachings as a child can well be seen in her community involvement. She is a life member of Daughters of Miriam, charter and life member of the Central Jersey Jewish Home for the Aged, founder and past chairperson of the Federation Women's Business and Professional Division, benefactor and board member of the Jewish Community Center, and an active member of B'nai Brith, AMIT, and Congregation Brothers of Israel. For the past twenty-five years Ms. Hyman has been the Chairperson of the Women's Division of Israel Bonds, and for the past twenty-six years she has been the president of the Long Branch Hadassah.

This is not the first time that Ruth has been honored for her service to the community. Ruth has received the Service Award from the Jewish Federation Women's Campaign, Woman of Valor of the Long Branch chapter of Hadassah, Israel Bonds Golda Meir Award and the Ben Gurion Award, Lay Leader of the

Year by the Jewish Federation, and the Hadassah National Leadership Award. The community cannot express the debt that we owe to my friend Ruth who has shown us all that selflessness will never go unrecognized.

I want to personally thank Ruth Hyman for being a leader of the Jewish community and an excellent role model for our youth.

#### HONORING CONNEE GARTLAND ON HER 80TH BIRTHDAY

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the U.S. House of Representatives to join me in honoring a very special person, Mrs. Connee Gartland, on the occasion of her 80th birthday. Family and friends will gather this weekend in Dennisport, Massachusetts to celebrate this milestone.

Constance Doris Fischer Gartland was born on August 7, 1921 in Boston, Massachusetts to Alfons and Louise M. Fischer. She earned a B.S. Degree in Education from Salem State College in 1943 and a Master's in Business from Boston University in 1945. During her distinguished career as an educator, she held the position of Business Education Teacher at Mary Brooks School and Academie Moderne, both in Boston; and Weston High School in Weston, Massachusetts.

On October 7, 1950 Connee married Edward V. Gartland, Jr. They became the proud parents of four children: Susan, Pamela, Deborah and Edward V. III and eventually the proud grandparents of five grandchildren; Brian and Kevin Anderson, Delaney and Riley Cruickshank, and Edward V. Gartland IV. They lived in Newton, Massachusetts and spent summers in their home in Dennisport.

With warmth and generosity, Connee and Ed opened their hearts and home over the years to neighbors and friends of all ages and from all parts of the country. There was always lively and enjoyable conversation in their home because of their many interests and activities.

During the winter, Connee now lives in Fort Myers, Florida where she is a member of the Development Committee at her church. Other memberships include the Women's Club, the 9-Holers Golf League, where she held the position of Treasurer; and the staff of the Lake Fairways Newsletter, The Informer.

Mr. Speaker, I know my colleagues join me in sending our congratulations to a wonderful person, Connee Gartland, who has touched so many lives as a former educator, parent, grandparent, and friend. Let us extend our best wishes for a Happy 80th Birthday and continued health and happiness.

#### U.S. RELATIONS WITH PERU

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. TOWNS. Mr. Speaker, U.S. relations with Peru have recently become a matter of concern due to the shoot-down of the U.S. missionary plane, with the death of two U.S. nationals, a mother and her child, and the continued imprisonment of Lori Berenson. At the same time, we have been witnessing the growing accusations of corruption and human rights abuses stemming from the arrest of former Peruvian spy chief Vladimiro Montesinos. The fact that Berenson was arrested and convicted at a time when Montesinos virtually controlled the country's judiciary system is enough to arouse suspicion over the country's ability to have fairly administered justice.

Berenson's recent sham retrial, under Peru's current provisional government, has served to bolster those suspicions. As a result of the judiciary's long ties to the country's corrupt political system, Berenson's second trial before a civilian judge, which sentenced her to twenty years in prison, marked only a slight improvement over the original 1996 military trial in which a hooded judge sentenced Berenson to life imprisonment.

On the eve of a potential new era of politics in Peru, the time to act on the Berenson case is now. On July 28th, president-elect Alejandro Toledo will be sworn in as Peru's new president and the country, which had been gripped by autocracy for the last ten years under now-disgraced former President Alberto Fujimori, will be given a genuine opportunity to break with its corrupt past. President Bush and the U.S. Congress should do all that they can to assist President Toledo and the whole of Peru in their recovery from ten years of corrupt leadership, if the new administration ensures that Lori Berenson be granted justice. Regarding the Berenson case, we would like to know if the State Department did enough to protect this U.S. national and what exactly were the ties between this country and Montesinos, and did we do enough to publicize the villainy of this man. I'm afraid the answers to these questions may prove embarrassing.

Beyond the moral obligation to intervene on Berenson's behalf, the President has a legal obligation to seek Berenson's release. Under U.S. Code 22 Section 1732, the President must do everything in his power, short of acts of war, to obtain or effectuate the release of a U.S. citizen wrongfully incarcerated by a foreign government.

The following press memorandum was authorized by Mariah Freark and Sabrina Blum, Research Associates at the Washington-based Council on Hemispheric Affairs (COHA), an organization that has been long-committed to addressing issues associated with democracy and human rights throughout the hemisphere. COHA's researchers have often spoken out about controversial issues regarding U.S. relations with Latin America. The attached press memorandum addresses information concerning Lori Berenson and Peru, and should serve to enlighten us.

[From the American Prospect, May 25, 2001]

# OUR MAN IN LITTLE HAVANA

THE SECRET COLD WAR HISTORY OF OTTO JUAN REICH, GEORGE W. BUSH'S FRIGHTENING NOMINEE FOR ASSISTANT SECRETARY OF STATE OF WESTERN HEMISPHERE AFFAIRS

(By Jason Vest)

It was the summer of 1985 and John Lantigua, then The Washington Post's Nicaragua stringer, discovered he had a new nickname, at least among American right-wingers: "Johnny Sandinista."

For many senior politicians in the Reagan Administration, Nicaragua was a black and white issue. If you weren't pro-Contra and anti-Sandinista, you were a dupe of two malevolent forces: What one senior official euphemistically called "the source" of evil in this hemisphere—Cuba—and the power behind Cuba that then Director of Central Intelligence William J. Casey held was the center of all world terrorism and subversion: the Soviet Union.

John Lantigua's reporting didn't reflect such a Manichean worldview, and for that, the Administration would try to smear him and others who didn't "come on-side." In a "report" produced by the far-right "media watchdog" group Accuracy in Media, Daniel James—identified only as a "Latin America expert," but, in fact, a longtime CIA contract propagandist—reported that, according to unnamed U.S. government officials, Lantigua was being furnished with live-in female Sandinista sex slaves in exchange for penning Sandinista agitprop.

To those who covered Central America, the charges were absurd: Not only was Lantigua living with his American fiancée, but he was in the middle of a freeze-out by the Sandinistas, who, along with the Reagan Administration, sometimes found Lantigua's reporting to be inconvenient. Lantigua got a kick out of the item, assuming that it had originated with Otto Reich, a particularly ideological State Department official who Lantigua and his Newsday colleague Morris Thompson had met for lunch when Reich had made a brief visit to "Venezuela's foreign policy does not depend on the ambassadors in Caracas." Eventually the U.S. prevailed on Venezuela to honor Reich's diplomatic credentials, though he wasn't an entirely beloved figure in Caracas: In 1989, for instance, the newspaper La Republica reported, with some umbrage, that Reich had turned the U.S. Embassy into something of a support base for the Panamanian Civic Crusade, an anti-Noriega group backed by the CIA.

In the view of Larry Birns, the head of Washington's Council on Hemispheric Affairs, the combination of Reich's hard-line views, current business connections, and Iran-Contra past would make him a disastrous choice to be the United States' point person for Latin America. "It would be of interest to anticipate the violent polemical struggle between Fortune 500 U.S. multinationals, most of whom denounced Helms-Burton for interfering with trade with Cuba, and the State Department's Latin American office under an ideologically driven Reich." (Birns is also alarmed at the prospect of Roger Noriega, another Jesse Helms favorite, being named Ambassador to the Organization of American States.)

"If confirmed, [Reich's] tenure will inevitably be littered with hemispheric vendettas, abusive run-ins with strong-willed regional leaders, and a cheerful indifference to state department rules and regulations," Birns says. "During his years in the public sector, Reich seemingly has found it against the very marrow of his personality and basic nature to be able to walk down a straight path. If [Secretary of State Colin] Powell con-

tinues to maintain that Reich and Noriega are the best qualified candidates to fill the vacancies, then the Secretary of State can expect to soon be hearing from Saturday Night Live."

[From the News Mexico, Jan. 20, 2001]

# FAREWELL TO CLINTON, WELCOME TO BUSH BUSH SEEN AS MAN WHO CAN DO BUSINESS WITH MEXICO

(By Krista Larson)

WASHINGTON—Throughout his campaign, the former Texas governor who will become the 43rd president of the United States on Saturday emphasized his experience leading a border state with strong economic ties to its southern neighbor. He even demonstrated his Spanish in stump speeches.

As George W. Bush is inaugurated, experts say there appear to be new opportunities for improved bilateral relations between neighbors, but that potential obstacles also lie ahead.

"Obviously Mexico is going to be predominate on the radar screen, and that can result in more activity," said Armand Peschard-Sverdrup, director of the Mexico Project at the Center for Strategic and International Studies. "With the more activity, chances are you could also have points of tension."

There is an image that Bush will be a "bigger ear in Washington" for Mexico-U.S. relations than in the past, said Larry Birns, director of the Council on Hemispheric Affairs.

"It may not easily play out in specific policies, but certainly in lingo and rhetoric the White House is going to refer to its relations with Mexico as being all-important," Birns said.

Bush's experience in Texas was cited by Peschard-Sverdrup as significant. "The border is definitely the frontline of the relationship," he said. "With Bush being a former border governor, he definitely has first hand experience of managing the relationship at the state level, and I think that's going to give him a better perspective than someone from a state that obviously doesn't have as much interaction with Mexico."

Bush has already met with President Vicente Fox when Fox traveled to the United States shortly after his July 2 presidential victory.

"The good thing is at least at the level of the presidency, there's an affinity toward each other's country and they personally seem to get along," Peschard-Sverdrup said. "Once you have that type of engagement at the presidential level, you would expect that would then transcend down to the Cabinet."

During his campaign, Bush said he had a vision for the two countries and declared that the United States is "destined to have a special relationship with Mexico, as clear and strong as we have had with Canada and Great Britain." He pledged in August to look south "not as an afterthought, but as a fundamental commitment of my presidency." And he said he'd "fulfill the promise of hemispheric free trade" by building on the North American Free Trade Agreement and other regional trade initiatives.

That doesn't mean the new administrations won't be without potential disagreements. "There are disruptive issues out there," said Birns, noting there will be pressure to address the certification process that has been an irritant to Mexicans for years. "Republicans are much less likely to eliminate the drug certification process than the Democrats would have been."

# BUSH ON KEY ISSUES

Trade: Bush wants to restore fast-track negotiating authority and said his priorities will include expanding free trade "within our own hemisphere." Also plans to "vigorously

enforce" anti-dumping and laws to combat unfair trade practices.

Immigration: While Bush is strongly opposed to illegal immigration, he has said more should be done to welcome legal immigrants. He supports expanding temporary agricultural workers program and increasing the number of high-tech worker visas. He favors a six-month standard for processing immigration application and would encourage family reunification. He has said he would support legislation to divide the immigration and Naturalization Service into separate agencies for naturalization and for enforcement. He has also pledged that "with expanded patrols, we can make our borders something more than lines on a map." Wants to hire more agents and focus a reformed INS "on the job of defending our border."

Drugs: Bush has said that the United States is the market that sustains the narcotics trade and has pledged to improve interdiction. His "Southwest Border initiative" would provide 5 million dollars annually to reimburse border counties for prosecuting federal drug cases and would appoint a coordinator responsible for working with federal and local agencies.

[From the New York Times, May 6, 2001]

# NEW CHALLENGE TO THE BOGOTÁ LEADERSHIP POOR REGION'S GOVERNORS UNITE TO OPPOSE DRUG PLAN AND SEEK AID

(By Juan Forero)

IBAGUE, Colombia—Normally, Guillermo Jaramillo, governor of a poor and debt-ridden province, could expect to be ignored by Colombia's highly centralized government in far off Bogotá.

It has been this way since colonial times, with the capital, high in the Andes, dictating policies as it sees fit, often regardless of the wishes of local officials.

But these days, Mr. Jaramillo and five like-minded governors—all from southern provinces mired in civil conflict and where most of the country's illicit drug crops are grown—have not only attracted the attention of Bogotá but also angered entrenched politicians who frown on insolent regional leaders.

The reason is that the governors, all of whom won office last October, have organized into a formidable political bloc that has harshly criticized the central government for everything from the handling of finances to the drug war.

That has embarrassed officials in Bogotá and highlighted the lack of support in rural Colombia for an American-financed program that largely relies on aerial defoliation to stamp out drug production.

Indeed, the governors have gone as far as Europe and Washington to criticize the program, which has destroyed coca fields across southern Colombia but displaced and alienated farmers.

The governors instead propose their own voluntary eradication program of coca and heroin poppy fields, and have sought out foreign governments for financing and technical expertise.

Most troubling to Bogotá, some of the governors have expressed the desire to hold their own talks with insurgencies that have been at war for years, leftist rebels and right-wing paramilitaries. Some in Bogotá, however, see such a proposal as nothing short of treason, since peace negotiations are held under the sole mandate of President Andrés Pastrana.

"This is a threat against the Constitution and against the peace process," said Robert Camacho, a Bogotá congressman.

Some Colombia experts say that the governors' efforts, while understandable in a

country whose rural regions have long been forgotten, could prove damaging to the country as a whole.

The governors' movement, called the southern bloc, has stirred enough concern that new life has been injected into proposed congressional legislation that would sanction local officials who are seen as meddling in the peace process. The bill was first proposed last fall, before the governors took office.

"These governors are popularly elected, and they are realizing a program contrary to their duties: dividing the state," said Fernando Giraldo, dean of the political science department at the Javeriana University in Bogotá.

Because of the southern bloc, said Mr. Giraldo, Colombia is "before the international community displaying a fragmented voice, the president on one side and the governors on the other."

In interviews, the governors said their goal is not to destabilize. Rather, they said, the aim is simply to draw attention to their region's problems and to obtain resources for regional public projects and agricultural development programs seen as alternatives to defoliation.

If the aid comes from Bogotá, so be it, the governors say; but they say they will continue to appeal to foreign governments, too. The southern bloc's proposals are still in the planning stages, and little financial support has gone their way.

"What we want for the regions, for the provinces as well as the towns, is the possibility to express ourselves," said Mr. Jaramillo, speaking in his office overlooking a public square here in Ibagué, the capital of the province of Tolima. "That is why we've gone out to explain our ideas, and present what we think is a bit different from the national government's concepts."

The governors said that they supported Mr. Pastrana's peace efforts and respected his authority when it came to negotiating, but they said they wanted the particular concerns of their provinces to be aired by local officials in those talks with the insurgencies.

The governors and other provincial officials also hinted, as many local officials in Colombia do, that the government should open dialogue with paramilitary groups, something Mr. Pastrana's government has refused. Recently, in fact, Mr. Jaramillo met with the paramilitary leader, Carlos Castaño, and also paid a visit to the rebels.

"What we've said is we cannot sign a peace pact, but we can do a peace process," said Floro Tunubalá, the governor of Cauca. "And to do a peace process means talking."

The southern bloc is a mixture of traditionalists and upstarts. They include Parmenio Cuéllar of Nariño, a former senator and minister of justice, and Mr. Jaramillo, a pediatric heart surgeon who has operated on 1,200 children.

"This is something that can jeopardize the country's well-being," added Mr. Camacho, who in recent speech said the governor's bloc is akin to a secessionist movement. "It is about war and peace and too delicate for them to do what they want."

The group also has the most unlikely governor in Colombia, Mr. Tunubalá a Guambiano Indian who won office in a province well known for discrimination and social inequality. Mr. Tunubalá's political movement—composed of Indians, union leaders, poor farmers, intellectuals and others outside the province's circle of power—has already angered some people in Cauca and prompted death threats.

The other governors, longtime local politicians, are from Huila and the two provinces where most of Colombia's coca grows, Putumayo and Caquetá.

The governors acknowledge that local officials have more control since the country's 1991 Constitution gave regional leaders more decisionmaking powers and resources.

But revenue is still raised by the central government. The six provinces, the size of Kansas and with a combined population of six million, also remain desperately poor and rural in a largely urban country.

The region also contains three-quarters of the country's coca crops and nearly all the poppy fields, employing 335,000 people in all.

The very fact that an alliance exists is "essentially a cry for help, a collective petition for the government to do something," said Larry Birns, a Colombia expert and director of the Council on Hemispheric Affairs in Washington. "These are governors that, because they come from peripheral states, have been neglected."

The issue that most unites the governors is their opposition to defoliation, which they warn alienates their constituents without resolving the problems, that lead farmers to cultivate illegal crops.

Juan de Jesús Cárdenas, governor of Huila, said regional leaders across the south believed that defoliation would simply drive farmers to cultivate coca and poppies in other regions.

"That is what has happened with defoliation of Putumayo, with the movement of displaced people into Nariño," said the governor, whose province serves as a corridor for drugs and rebels.

The governors want to replace illicit crops by prodding farmers to eradicate in exchange for subsidies and markets for their products. The Colombian government, with American money and expertise, is running such a program, but the governors said they were working to tailor their own programs to meet the needs of farmers in their provinces.

"We need gradual eradication," said Mr. Tunubalá. "We need to put in new crops, and we need to look for markets nationally and internationally."

That was the reason for Mr. Jaramillo's recent trip to a mountainous rebel-controlled region in southern Tolima. There, Mr. Jaramillo met with farmers to urge them to participate in the eradication program financed by the Americans. It was not easy. Most had felt ignored by a central government they view as inept and unresponsive.

Several farmers, after meeting with Mr. Jaramillo, said they would not have agreed to meet with or participate had it not been for the governor, whom they view as independent from Bogotá. Leftist rebels who showed up uninvited—and had the power to quash any government plan in the region—allowed farmers to move forward in part because of Mr. Jaramillo's involvement.

"He from these lands," said one farmer, Ramiro Pérez, 38 standing on a steep mountain where he grows poppies. "We've seen him here. He has worked hard to get here. Maybe that means good news."

[From the Berkshire Eagle, Sept. 2, 2000]

#### SOME AMERICAN STRUGGLES

(By Mark Miller)

PITTSFIELD—This week, the president of the United States spent part of a day in Cartagena, Colombia, talking about the drug trade and democracy. The president of Peru announced a new trial for an American serving a life sentence as a convicted terrorist. Venezuela's politics were eclipsed by reports of lawsuits over defective Firestone tires there. Nicaragua continue to be absent from our news while, as usual, we Americans could walk into a discount store and get bargains on back-to-school clothes stitched in Nicaragua.

#### WASHINGTON REPORT ON THE HEMISPHERE

Washington Report on the Hemisphere is a biweekly newsletter from the Council on Hemispheric Affairs that keeps a sharp eye on the rest of the Americas outside the United States. The Aug. 7 and 16 issues (COHA is no slave to the calendar) both lead off with updates on the exploits of Hugo Chavez, Venezuela's immensely popular though unconventional president. I'd forgotten he had engineered the renaming of his nation the Bolivarian Republic of Venezuela, after Simon Bolivar, the Venezuelan leader in early 19th-century South American struggles for independence from Spain.

Chavez "made a healthy start on his campaign promise to weed out the systematic corruption infesting the ranks of the bureaucracy, by sacking hundreds of judges from all layers of the country's notorious judiciary that was plagued by unabated nepotism and inefficiency. His next move was to bring about some badly needed new management to this state oil company (Petroleos de Venezuela) that, as stated in the new constitution, will forever be insulated from privatization."

Business investors are unenthusiastic about Chavez. Note is made (crediting an Economist Intelligence Unit report) of "the rapid rate at which foreign firms are packing up and leaving over concerns of an increasingly hostile business climate. Historically, foreign investment has been an Achilles heel for Venezuela, averaging a mere 2 percent of its [gross domestic product] over the past decade."

Chavez has visited Cuba five times since 1998, recently praising Fidel Castro's "visionary work," and has been cultivating leaders in "oil-exporting hubs including Libya, Iraq and Iran in an effort to convince these OPEC nations to sustain the high price of gasoline . . ." Chavez has been criticized within his own country for his bold moves to freely associate himself with rogue nations, thereby going out of his way to damage relations with the U.S., which remains the largest importer of Venezuelan oil."

[From the New York Times, Dec. 18, 2000]

#### LATIN AMERICA IS PRIORITY ON BUSH TRADE AGENDA

(By Anthony DePalma)

He may not be comfortable discussing unrest in East Timor, or pronouncing the name of the leaders of Turkmenistan, but President-elect George W. Bush considers the rest of the Western Hemisphere "our backyard" and will have several opportunities in his first year in office to make Latin America a trade and foreign policy priority.

During the campaign, Mr. Bush said he would kickstart the stalled process of getting a free trade agreement of the Americas signed by 2005. The agreement would build on the North American Free Trade Agreement, which went into effect in 1994, and would unite 34 of the countries in North, Central and South America into what President Clinton once said would be "the world's largest market."

The first order of business would be a bruising battle in a divided Congress over fast-track authority, the legislative tool that Mr. Bush will need to negotiate a comprehensive trade deal. Under fast track, trade deals are brought to Congress for approval only when complete. Congress then votes on the agreement without having the chance to add amendments that suit the needs and wishes of individual members.



"I'd expect that within the first 100 days in office he'll propose approval of fast-track authority," said Sidney Weintraub, an economist at the Center for Strategic and International Studies and a former deputy assistant secretary of state for international finance and development.

Even though Republicans narrowly control the House of Representatives, Mr. Bush will need to reach across the aisle to Democrats for help in getting fast-track authority approved. Mr. Weintraub expects that the need for bipartisan cooperation will provide Democrats an opportunity to attach environment and labor standards to the bill, although Mr. Bush has made it clear that he does not support such standards if they are too rigidly drawn.

In negotiating a trade deal, Mr. Bush would also have to heed strongly voiced opposition to such side agreements from some Latin American nations, led by Brazil, that fear that labor and environmental standards attached to a trade deal could be used as protectionist shields by American businesses that feel threatened by Latin American competition.

In a campaign speech in Miami in August, Mr. Bush said the Clinton administration dropped the ball on Latin America after losing the legislative battle to win fast-track authority. In the speech, he said that by the time the third Summit of the Americas meets, a fast-track bill will already have been introduced in Congress.

"When the next president sits at the Americas Summit in Quebec next April, other nations must know that fast-track authority is on the way," he said during the campaign.

Although Mr. Bush criticized President Clinton for stalling the drive for a free trade agreement of the Americas, the process has actually been chugging along, though largely out of sight. Negotiating teams have continued to work on technical details, and when trade officials gather in Quebec, a substantial framework for the trade negotiations leading to a 2005 deal will be in place.

"The 2005 date was set at the first Americas Summit in Miami in 1994 and reconfirmed at the second in Santiago," said Richard E. Feinberg, a former senior director of the National Security Council's Office of Inter-American Affairs under President Clinton and now a professor at the graduate school of international relations at the University of California in San Diego. "All the major players remain committed to the 2005 date."

During the campaign, Mr. Bush talked about developing a "special relationship" with Mexico, which is one of the few foreign countries he has ever visited. Referring more broadly to all of Latin America, he said he would "look south, not as an afterthought but as a fundamental commitment of my presidency."

As governor of a border state, Mr. Bush has had a front-row seat on the expansion of international trade, and the effect on Texas has been substantial. According to a recent study by the Council of the Americas, Texas exports to Mexico have more than doubled since NAFTA came into force in 1994.

Mr. Bush will not have to worry about union opposition to new international trade deals as much as Vice President Al Gore would have, but there is a segment of the Republican Party that has become increasingly protectionist and could complicate any trade deal. That could force Mr. Bush to take a page from Mr. Clinton's playbook and cast increased trade in political and strategic terms, as Mr. Clinton did in winning a trade vote on China.

Mr. Bush had promised to meet with Mexico's president, Vicente Fox Quesada, even be-

fore Mr. Fox was inaugurated on Dec. 1, a signal that the administrations of both countries, starting at roughly the same time, would work in tandem to resolve common problems like illegal immigration, illicit drugs and environmental pollution. Because of the extraordinary delays in the American election, the meeting never took place, but Mr. Bush sent a congratulatory message to Mr. Fox on the day of his inauguration.

Mr. Fox has already taken a preemptive lead on some of these areas. During the summer he visited Mr. Clinton and both presidential candidates, and talked freely about his ideas for deepening NAFTA and taking measures to reduce barriers that prevent Mexican workers from entering the United States to find work.

Mr. Fox's ideas were not warmly embraced by either Democrats or Republicans, and a close relationship with him and Mexico could put Mr. Bush into a difficult position with members of his own party.

"He will, as he said, have a 'special relationship' with Mexico, but the question now is what kind of relationship will it be," said Larry Birns, director of the Council on Hemispheric Affairs in Washington, who supported Mr. Gore. "Here is where a Bush presidency might run into real trouble."

[From the Miami Herald, May 30, 2001]

#### GIVING HAITI A CHANCE

(By Larry Birns and Sarah Townes)

Haiti's seemingly eternal malaise is, if anything, worsening as a result of disruptive local politics, shrill rhetoric and the near elimination of overseas assistance.

Even though President Jean-Bertrand Aristide (who last November again won the presidency by a huge margin) agreed to a number of mischievous conditions for U.S. aid to resume, Washington has given no indication that it would be forthcoming. The U.S. campaign of economic asphyxiation and political isolation is not only unseemly, but also gravely damaging to U.S. interests.

If this policy continues unaltered, it could bring added turmoil to the island, inevitably followed by renewed efforts of desperate Haitians willing to risk the dangerous 800-mile voyage to Florida.

Such an exodus would greatly embarrass the Bush White House, just as it did the Clinton administration, particularly as the interdiction pact has now lapsed.

The "Democratic Convergence," a 15-party coalition of mainly micro-factions that vehemently reject Aristide's legitimacy based on charges of electoral fraud in last May's senatorial balloting, has named Gerard Gourgue "Provisional President." This is bringing chaos closer. Gourgue called for the return of the commanders of Haiti's repressive armed forces, expelled by the U.S. military in 1994.

Despite its modest popular standing, the convergence effectively has been awarded a crippling de facto veto by Sen. Jesse Helms, Aristide's relentless avenger, with U.S. policymakers also insisting that it is the democratic alternative.

The convergence is the main obstacle to negotiations and the resumption of aid. Aristide first met with its leaders in February to discuss possible solutions to the stalemate. Regrettably, his offer to include some convergence leaders in his government and appoint a new impartial electoral body were peremptorily rejected. Aristide's call for initiating a dialogue also was rejected by the convergence, though he has offered to move up the next round of legislative elections.

The State Department and National Security Council always have viewed Aristide as a liability rather than as the island's principal political asset. Allegations against him routinely understate his wide support. Aristide towers over potential alternatives and has worked hard to cooperate with Washington's often arrogant demands.

In December, the Clinton administration agreed to restore aid once the Haitian leader adopted eight conditions that addressed electoral and economic reforms along with narcotics smuggling, illegal migration and human-rights violations. Later, Aristide agreed to all of them.

After several requests by Haiti for help in addressing the election issue, the Organization of American States belatedly decided to dispatch a delegation to discuss election reforms. Since Washington largely determines OAS Haiti policy, its initiative's bona fides will require scrutiny.

#### LITTLE SUPPORT

There is a danger here, which comes far less from the fact that relatively few Haitians have any respect for the opposition coalition. Any outside imposed government and revitalized military, as hinted by Gourgue, could destroy the country's fragile human-rights situation, its enfeebled judicial system and its lame democratization process.

The Bush administration would do well to honor the commitments made by President Clinton.

Failing to display some basic amity to Haiti's population will only add more yellowed pages to the profoundly jaundiced and mean-spirited links to Port-au-Prince, which historically have been characterized by condescension rather than respect.

[From the Columbia, Missouri, Tribune Online, July 8, 2000]

#### CITIZENS OF PERU LEFT TO FIGHT FOR NATION'S DEMOCRACY

Editor, the Tribune: Scores of women, clad in black and carrying coffins symbolizing the death of democracy in Peru, Marched through the streets of Lima on June 28m demanding new balloting in protest of President Alberto Fujimori's scandal-ridden reelection. As the march headed toward the hotel hosting the Organization of American States delegation, the women faced a barrage of tear gas from the security forces. The OAS, much like the United States, has been largely ineffective in trying to promote democracy in what has become Fujimori country. Like a couple of ill-whelped dogs, the OAS and the United States have skulked away from the indignant attitude of "El Chino" and left the Peruvian people to be the sole defenders of the nation's democracy.

Even with the recent OAS proposal to reform the system, there are no guarantees that the government will follow the guidelines. In fact, Fujimori has amply shown that he has nothing but contempt for both OAS secretary-general César Gaviria and the Clinton administration, but as the police attack on the women's march reveals—and as Bastille Day approaches—he does indeed have good grounds to fear the citizenry who will no longer tolerate his false claims to power. Where else can change begin but at home? Hopefully, the recent mass demonstrations will spark positive change toward democratic reforms even if a feckless OAS is unable to mandate new elections.

HOLOCAUST VICTIMS INSURANCE  
RELIEF ACT**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. WAXMAN. Mr. Speaker, today I am introducing H.R. 2693, the Holocaust Victims Insurance Relief Act, a bill to require all companies operating in the United States to disclose the names on Holocaust-era insurance policies. The legislation would also enable survivors to access to this information by establishing a Holocaust Insurance Registry at the National Archives.

At its core, this is a moral issue. Insurance companies holding Holocaust-era policies have a responsibility to disclose any information that will help survivors finally reclaim their policies with dignity and equity. In many cases, company archives contain the only existing files related to the countless policies that were stolen from victims of Nazi ghettos and death camps.

Just one year ago, on July 17, 2000, the United States and Germany signed an Executive Agreement establishing the German Foundation "Remembrance, Responsibility, and the Future," a \$5 billion fund to settle all Holocaust-era claims, including slave and forced labor, banking, and insurance. During the preceding ceremony, U.S. Holocaust Envoy Stuart Eizenstat said, "It is critically important that all German insurance companies cooperate with the process established by the International Commission on Holocaust Era Insurance Claims, or ICHEIC. This includes publishing lists of unpaid insurance policies and subjecting themselves to audit. Unless German insurance companies make these lists available through ICHEIC, potential claimants cannot know their eligibility, and the insurance companies will have failed to assume their moral responsibility."

Unfortunately, little progress has been made since then and the urgency of this issue grows as Holocaust survivors are dying every day. Although the ICHEIC was established in 1998 to expeditiously resolve unpaid Holocaust-era claims, more than 84% of the over 72,675 claims inquiries filed remain unresolved because the claimants cannot identify the company holding their assets.

Furthermore, it is outrageous that regardless of their level of compliance with ICHEIC rules insurance companies that contribute to the Foundation fund are given a minimal \$150 million cap on all liabilities, virtual legal immunity in U.S. courts, and an arbitrary January 31, 2002 expiration of their obligation to accept claims.

The insurance companies must be held accountable. H.R. 2693 will ensure that Congress will not stand by and allow them to shirk their obligation.

This bill also expresses congressional support for states seeking to adopt and enforce their own laws to address the issue of unpaid Holocaust-era policies, and recognizes the efforts of legislatures in California, New York, Florida, Washington, and Minnesota. I also understand that similar efforts are underway in the legislatures of Texas, Illinois, and Massachusetts.

California led the nation in enacting a Holocaust insurance reporting statute at the state

level, and it has provided the insurance companies with a powerful incentive to comply with the law. It is time for us to extend this relief to survivors across the country.

I would also like to thank my colleague Representative ENGEL, who is an original cosponsor of this bill and who was instrumental in introducing similar legislation in the 105th and 106th Congresses.

Less than six months from today, the ICHEIC deadline for accepting claims will expire. We must act swiftly to make sure that survivors have the necessary information to file their rightful claims. I urge my colleagues to support this legislation and I hope we can bring it to the floor for a vote in the near future.

## TRIBUTE TO GITTA NAGEL

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to a dedicated champion of Jewish affairs and public service, Mrs. Gitta Nagel of California, who will soon be receiving an Honorary Doctorate degree from Bar-Ilan University in Israel. Mrs. Nagel has continually strived to ensure a brighter, more cohesive future for the Jewish community by encouraging stronger academic programs and an everlasting remembrance of the Holocaust.

As a young child living in Amsterdam during the Holocaust, Gitta saw first hand the destructive force and brutality of the Nazi regime, an experience that would continue to drive her throughout her life as a philanthropist. After the war, she emigrated to the United States where she attended UCLA and met her future husband, Jack Nagel.

Through her efforts to promote a stronger Jewish community, Gitta Nagel has held leadership roles in numerous organizations including the United Jewish Communities, the Union of Orthodox Jewish Congregations, and Israel Bonds. In addition, she was a founding member of the Golda Meir Club, an organization that supports the State of Israel through her annual purchase of \$5,000 worth of Israeli government bonds. Gitta also started a chapter of Bnei Akiva, a testament to her unwavering support for Zionism and the State of Israel.

She has also shown a perpetual commitment to a prosperous future through her support of education. Therefore, Mr. Speaker, it is no surprise that Gitta is an original founder of Yeshiva Yavneh of Los Angeles High Schools. She had lent her support to Bar-Ilan University through an endowment for immigrant students, doctoral fellowships, research grants, and numerous other academic programs.

Mr. Speaker, in addition to Gitta Nagel's unwavering support for Jewish organizations, I would like to both emphasize and commend her work to preserve the memory of the Holocaust. Gitta has selflessly worked to secure a special place in history for Holocaust victims. She has given incredible amounts of time, energy and resources to make sure that the atrocity of the Holocaust is never forgotten.

The Nagel's are founders of the U.S. Holocaust Memorial Museum in Washington, D.C., and are members of the Board of Trustees of

the Simon Wiesenthal Center in Los Angeles. In 1985, Gitta spoke before the Federation of Humanities in Stockholm, Sweden in a ceremony recognizing the 40th anniversary of the disappearance of Raoul Wallenberg, the Swedish diplomat responsible for saving the lives of over 100,000 Jews during the end of World War II, including my wife Annette and me. She was also a featured speaker before the Austrian Parliament during the celebration of the 90th birthday of Simon Wisenthal.

Mr. Speaker, I urge my colleagues in Congress to join me in recognizing Gitta Nagel's contributions and commitments to Jewish affairs and community service worldwide. She has had a major impact in strengthening the ties of the Jewish people and ensuring that the Holocaust will never be repeated. I invite my colleagues to join me in congratulating Gitta Nagel for her very deserved honor.

## TRIBUTE TO KOREY STRINGER

**HON. JAMES A. TRAFICANT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. TRAFICANT. Mr. Speaker, I am deeply saddened to share the news of the passing of Korey Stringer.

Fans of football, the Minnesota Vikings, and the community of the greater St. Paul and Minneapolis area have suffered a great loss. All-Pro Offensive Tackle Korey Stringer was more than a great athlete; he was a great American.

This native of Warren, Ohio has his life cut short while training for the game he loved. However, in that short life Korey contributed much to the teams he played for and communities he lived in. While in high school at Warren Harding High School, in my district, Korey personally achieved status as an all-Ohio player twice and was a unanimous All-American his senior year. As a senior, Korey recorded an incredible 52 tackles as a defensive tackle and was named Ohio Division I Lineman of the Year. These accomplishments are impressive, but Korey was always more proud of Warren Harding's undefeated season that led to a state title his junior year. Korey was a player that was consistently concerned with those around him and made every effort possible to aid them.

Many players with impressive high school accolades never quite make it in college, but this was not the case for Korey Stringer. After doing a fine job representing his hometown, Korey did an excellent job representing the entire state while playing for Ohio State University. In his first year, Korey was selected as Big Ten Freshman of the Year. The awards continued for Korey as he was named Big Ten Offensive Lineman of the Year for both 1993 and 1994, Ohio State's Most Valuable Player in 1994, and two time All-American.

After being drafted as the 24th overall selection in the 1995 draft, Korey joined the Minnesota Vikings. He played with dedication to the game, the fans, and his teammates as he only missed three games in six seasons. Last season was a breakout year for Korey as he was named to the All-Pro team and helped Robert Smith set the team records for single-season and career rushing total. Playing as an offensive lineman, it is hard to assess the

achievements of the individual. With Korey, it is much easier because his achievements came both on and off the field. While on the field, the Vikings, Robert Smith, and every quarterback to play since 1995 have succeeded. Additionally, the Vikings have been one of the most successful teams in the NFL, reaching the NFC Championship game several times. Off the field, Stringer has contributed to the community with the "Super Viking Challenge" at local schools and libraries.

My heart and my prayers go out today to Korey's wife Kelci, his son Kodie Drew, and his extended family. My thoughts also go out to the players on the Minnesota Vikings with whom Korey played. Korey was a great American and superb football player. He will be deeply missed.

#### INTRODUCTION OF THE AMERICAN CITIZENS' PROTECTION AND WAR CRIMINAL PROSECUTION ACT OF 2001

#### HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. DELAHUNT. Mr. Speaker, this afternoon I joined with Senator CHRISTOPHER DODD of Connecticut in introducing the "American Citizens' Protection and War Criminal Prosecution Act of 2001."

This bicameral legislation seeks to reaffirm the U.S. commitment to bringing war criminals to justice, while ensuring that U.S. servicemembers and civilians are not put at risk of unwarranted prosecution before the International Criminal Court or other foreign tribunals.

I am pleased to be joined in introducing the House bill by the gentleman from New York, Mr. HOUGHTON, and the gentleman from California, the ranking member of the House International Relations Committee, Mr. LANTOS.

As my colleagues know, the United States initially withheld its support for the Rome Statute. President Clinton signed it last year only after securing numerous changes that ensure a fair trial for the accused and protect U.S. servicemembers and civilians from arbitrary assertions of jurisdiction by the ICC.

The American role was pivotal in negotiating these concessions, and it remains so today, as negotiators continue to work to improve the rules and procedures under which the ICC will operate.

But some have urged that the U.S., rather than seek improvements, withdraw from this process altogether. The measure introduced by the senator from North Carolina (Mr. HELMS) and the gentleman from Texas (Mr. DELAY), and recently passed by this body as an amendment to the Department of State Authorization bill, would effectively end U.S. participation in negotiations and forbid U.S. cooperation with the ICC.

I believe the concerns that caused this House to take that action should be fully addressed before the President and the Senate consider further steps to ratify the Rome Statute. But this can be accomplished only through engagement, not retreat. At a time when the United States is increasingly perceived as "going it alone," this is not the moment to abdicate our responsibilities by aban-

doning our historic commitment to the rule of law.

Our legislation seeks to reaffirm that commitment while ensuring in no uncertain terms that U.S. servicemembers and civilians are not placed at risk. The bill would protect Americans from prosecution before the ICC in two ways. First, it would require that whenever a U.S. citizen is accused by a crime under the Rome Statute, the U.S. government must investigate or prosecute the case itself—unless the President determines that it is not in the national interest to do so.

Second, the bill would prohibit the extradition of any American citizen if the U.S. is investigating or prosecuting the crime under U.S. law. It would also bar extradition if the individual has been tried and acquitted of the crime or, after an investigation, no reasonable basis has been found to proceed with a prosecution.

If, notwithstanding these protections, a U.S. citizen were ever to come before the ICC, the bill would require the President to take steps to ensure that the defendant receives legal representation and every benefit of due process.

The bill would also encourage active diplomatic efforts to address continuing U.S. concerns with provisions of the Rome Statute. And, whether or not we eventually become a party to the Statute, the bill would authorize the President to provide support and assistance to the ICC in the prosecution of accused war criminals—particularly those accused of committing atrocities against U.S. servicemembers or civilians, or citizens of friendly nations.

The President must have this authority to defend our citizens and protect our national interests. And through our cooperation, to demonstrate our unfailing commitment to the cause of justice throughout the world.

I look forward to working with my colleagues in both chambers and with the Administration to ensure that the United States continues to play its proper role in fostering a more just and peaceful world.

#### TRIBUTE TO CAMP CHEN-A-WANDA

#### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. ISRAEL. Mr. Speaker, I rise today to pay tribute to Camp Chen-A-Wanda on their annual visit to Washington. Every year, many youngster from Long Island, specifically from my district (NY-2) attend this summer camp located in Pennsylvania.

Camp Chen-A-Wanda prepares our young adults to become leaders in tomorrow's society. It encourages campers to express themselves as individuals by offering a wide variety of athletic, artistic, and other recreational activities.

This prestigious institution has provided hundreds of children in the New York area with the opportunity to explore their creative, academic, athletic and spiritual nature in a nurturing and motivating atmosphere.

Although one may leave Camp Chen-A-Wanda just after a few weeks, the camp experience never leaves the camper. By the end of the summer, campers have forged new friend-

ships, achieved new goals, and are confidently prepared to start the upcoming school year.

I would like to congratulate Camp Directors Caryl and Morey Baldwin of Dix Hills, Long Island; and Marcy and Craig Neyer of Montville, NJ, on their good work. I wish them the best of luck in the future.

And most important, I would like to see many of the campers of Camp Chen-A-Wanda, return to Washington, D.C. as interns, legislative staff, and future Legislators.

#### CRAZY FOR KAZAKHSTAN

#### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. PAUL. Mr. Speaker, I would like to draw the attention of my colleagues to the Op Ed article "Crazy for Kazakhstan—Asian nation of vital interest" by former Secretary of Energy Bill Richardson published in "The Washington Times" on July 30, 2001. Mr. Richardson has been working with countries of Central Asia, particularly with oil rich Kazakhstan, for a long time and has an extensive expertise in the region. I think we can rely on his assessments. In the article he outlines achievements of Kazakhstan and defines this country one of the promising "of all the countries rising from the ashes of the Soviet Union".

Indeed, Kazakhstan, despite the difficulties of its transition period, has carried out large scale economic and political reforms, especially when compared to the rest of the newly independent states.

Kazakhstan is a young country located in a critically strategic region with "rough" neighbors and it is crucial for the U.S. to work with this country both politically and economically to ensure their security, independence and progressive development.

This year is the 10th anniversary of Kazakhstan's independence and during this period Kazakhstan has shown its commitment to work with the U.S. in many areas, including sensitive ones, and has proven to be our reliable partner.

Mr. Speaker, I agree with Mr. Richardson that this key Central Asian country is of great importance to U.S. interests. Kazakhstan in many ways should be seen as our natural ally in the region. The time has come for the U.S. to pay closer attention to this country and be more engaged with it. For this reason I co-sponsored the legislation (H.R. 1318) that would grant permanent trade relations to Kazakhstan.

I submit the full text of this article from "The Washington Times" to be placed in the RECORD.

[From the Washington Times, July 30, 2001]

#### CRAZY FOR KAZAKHSTAN

(By Bill Richardson)

As secretary of energy and ambassador to the United Nations during the Clinton administration, I traveled three times to Kazakhstan to underscore the importance of this key Central Asian country to U.S. interests. Of all the countries rising from the ashes of the Soviet Union, few offer the promise of Kazakhstan. In terms of both economic potential and political stability, Kazakhstan is critical to the long-term success of the Central Asian nations. The Bush

administration should continue our policy of engaging Kazakhstan to ensure that this key country moves towards the Western orbit and adopts continued market and political reforms.

From its independence from the Soviet Union in 1991 to the Present, Kazak leaders have made the difficult and controversial decisions necessary to bring their country into the 21st century. In May 1992, President Nursultan Nazarbayev announced that Kazakhstan would unilaterally disarm all of its nuclear weapons. In the aftermath of the Soviet Union's collapse, Kazakhstan was left with the fourth-largest nuclear arsenal in the world, a tempting target for terrorists and other extremists. Mr. Nazarbayev's courageous decision to disarm in the face of opposition from Islamic nationalists and potential regional instability was one of the fundamental building blocks that have allowed Kazakhstan to emerge as a strong, stable nation and a leader in Central Asia. Then-President George Bush hailed the decision as "a momentous stride toward peace and stability."

Since that time, Central Asia has become an increasingly complex region. Russia is re-emerging from its post-Soviet economic crises and is actively looking for both economic opportunities in Central Asia as well as to secure its political influence over the region. China is rapidly expanding its economic power and political influence in the region. Iran, despite recent progress made by moderate elements in the government, is still a state sponsor of terrorism and is actively working to develop weapons of mass destruction. Many of the other former Soviet republics have become havens for religious extremists, terrorists, drug cartels and transit points for smugglers of all kind.

In the center of this conflict and instability Kazakhstan has begun to prosper by working to build a modern economy, developing its vast natural resources and providing a base of stability in a very uncertain part of the world. With the discovery of the massive Kashagan oil field in the Kazak portion of the Caspian Sea, Kazakhstan is poised to become a major supplier of petroleum to the Western World and a competitor to Organization of Petroleum Exporting Countries (OPEC). It is critical that we continue to facilitate western companies' investment in Kazakhstan and the establishment of secure, east-west pipeline routes for Kazak oil. This is the only way for Kazakhstan to loosen its dependence on Russia for transit rights for its oil and gas and secure additional, much needed, oil for the world market.

American policy in the region must be based on the complex geopolitics of Central Asia and provide the support required to enable these countries to reach their economic potential. We must continue to give top priority to the development of Kazakhstan's oil and gas industries and to the establishment of east-west transportation corridors for Caspian oil and gas. We must also remain committed to real support for local political leadership, fostering rule of law and economic reforms and to helping mitigate and solve the lingering ethnic and nationalistic conflicts in the region. Only through meaningful and substantial cooperation with Kazakhstan, will we be able to realize these goals.

There are many challenges ahead for Kazakhstan, but there are enormous opportunities for economic and political progress. Mr. Nazarbayev has taken advantage of Kazakhstan's stability to begin transforming its economy from the old Soviet form giant, state-owned industries and collective grain farms into a modern, market-based economy. We have much at stake in this develop-

ment. Will Kazakhstan become a true market-oriented democracy, or will it slip into economic stagnation and ethnic violence like so many of its neighbor? The stability of Central Asia and the Caucasus depends on how Kazakhstan chooses to move forward. The United States must do its part to enhance U.S.-Kazakhstan cooperation and encourage prosperity and stability for the entire region.

#### REMOVAL OF SIGNATURE FROM DISCHARGE PETITION

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Mr. MOORE. Mr. Speaker, I rise today to request that my signature be removed from discharge petition number 0002. This petition moves to discharge the Committee on Rules from the consideration of H. Res. 165, a resolution providing for the consideration of the bill H.R. 1468.

Mr. Speaker, I am pleased by the Federal Energy Regulatory Commission's (FERC) recent action to expand price restrictions imposed in California on wholesale electricity to cover 10 other Western states. Though FERC could have exercised its statutory authority to set "just and reasonable" wholesale rates several months ago, I hope that the Commission's June 19 Order will soon achieve the intended goal of "correct[ing] dysfunctions in the wholesale power markets operated by the Independent System Operator [ISO] and California Power Exchange [PX]."

In response to FERC's June 19 Order, Senator DIANNE FEINSTEIN [D-CA] and GORDON SMITH [R-OR] stopped advocating consideration of their legislation [S. 764] that would force FERC to follow its statutory mandate to set "just and reasonable" wholesale power rates. I agree with Senator SMITH that FERC's action renders S. 764 "substantially moot."

In light of FERC's recent actions and the decision by Senators FEINSTEIN and SMITH not to push for consideration of their legislation, I believe that House action on this matter is no longer warranted at this time. The House needs to exercise patience and wait for a period of perhaps a few months to see if FERC's June 19 Order exerts downward pressure on wholesale prices.

#### INTRODUCTION OF THE VACCINES FOR CHILDREN LEGISLATION

**HON. JANE HARMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

Ms. HARMAN. Mr. Speaker, I am pleased to be joined by many of my colleagues in introducing legislation today to improve children's access to immunization. Our bill will correct a technicality that now denies children enrolled in some State Children's Health Insurance Programs (SCHIP) free vaccines through the Vaccines for Children Program.

Today is a fitting day to introduce this bill because it is the first day of "National Immunization Awareness Month." Immunization is the first stage in a lifetime of good health. Dis-

eases such as polio, measles, and whooping cough have been virtually eradicated in the United States through widespread immunization. But access to needed vaccines can be severely constrained by the cost of \$600 per child for the recommended schedule of immunizations. Federal programs such as Vaccines for Children were created to help ease the financial burden of vaccinations on poor families—we need to make sure that these vaccines continue to go to those who need them most.

The Vaccines for Children and the SCHIP were both designed to improve the health of children—we must now guarantee that they work well together. Because of a ruling by the Department of Health and Human Services in 1998, in states that chose to offer children insurance through non-Medicaid programs, children enrolled in SCHIP lost their eligibility for free vaccines. In California, this affected almost 580,000 children, and it costs the state \$18 million a year to fill the gap left by the lack of coordination between these two programs. Children in 32 other states are similarly affected.

Our legislation would add children enrolled in State Children's Health Insurance Programs to the list of children eligible for Vaccines for Children, regardless of the way SCHIP is delivered in their state. These children received free vaccines when they were uninsured, and would receive vaccines were they enrolled in a Medicaid SCHIP program in another state. We must now fill the promise of better health care that came with the passage of SCHIP in 1997, and include these children in Vaccines for Children as well.

#### HUMAN CLONING PROHIBITION ACT OF 2001

SPEECH OF

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2001*

Mr. SESSIONS. Mr. Speaker, I would like to submit the article entitled, "Cloning's Big Test" for the RECORD.

[From the New Republic, Aug. 6, 2001]

CLONING'S BIG TEST

(By Leon R. Kass and Daniel Callahan)

Everyone has been arguing for weeks about whether President Bush should authorize funding for research on human embryonic stem cells. But few have noticed the much more momentous decision now before us: whether to permit the cloning of human beings. At issue in the first debate is the morality of using and destroying human embryos. At issue in the second is the morality of designing human children.

The day of human cloning is near. Reputable physicians have announced plans to produce a cloned child within the year. One biotech company (Advanced Cell Technology) just announced its intention to start producing embryonic human clones for research purposes. Recognizing the urgent need for action, Congress is considering legislation that would ban human cloning. Last Tuesday the House Judiciary Committee approved a tough anti-cloning bill, H.R. 2505, the Human Cloning prohibition Act of 2001. Introduced by Republican Dave Weldon of Florida and Democrat Bart Stupak of Michigan, and co-sponsored by more than 120

members from both parties, the bill is scheduled for a vote on the House floor as early as this week. But the House is also considering a much weaker "compromise" bill that would ban reproductive cloning but permit cloning for research. It is terribly important that the former, and not the latter, passes. First, because cloning is unethical, both in itself and in what it surely leads to. Second, because the Weldon-Stupak bill offers our best—indeed, our only—hope of preventing it from happening.

The vast majority of Americans object to human cloning. And they object on multiple grounds: It constitutes unethical experimentation on the child-to-be, subjecting him or her to enormous risks of bodily and developmental abnormalities. It threatens individuality, deliberately saddling the clone with a genotype that has already lived and to whose previous life its life will always be compared. It confuses identity by denying the clone two biological parents and by making it both twin and offspring of its older copy. Cloning also represents a giant step toward turning procreation into manufacture; it is the harbinger of much grizzlier eugenic manipulations to come. Permitting human cloning means condoning a despotic principle: that we are entitled to design the genetic makeup of our children (see "Preventing a Brave New World," by Leon R. Kass, *TNR*, May 21).

So how do we stop it? The biotech industry proposes banning only so-called reproductive cloning by prohibiting the transfer of a cloned embryo to a woman to initiate a pregnancy. But this approach will fail. The only way to effectively ban reproductive cloning is to stop the process from the beginning, at the stage where the human somatic cell nucleus is introduced into the egg to produce the embryo clone. That is, to effectively ban any cloning, we need to ban all human cloning.

Here is why: Once cloned embryos exist, it will be virtually impossible to control what is done with them. Created in commercial laboratories, hidden from public view, stockpiles of cloned human embryos could be produced, bought, and sold without anyone knowing it. As we have seen with in vitro embryos created to treat infertility, embryos produced for one reason can be used for another: Today, "spare embryos" created to begin a pregnancy are used—by someone else—in research; and tomorrow, clones created for research will be used—by someone else—to begin a pregnancy. Efforts at clonal baby-making (like all assisted reproduction) would take place within the privacy of a doctor-patient relationship, making outside scrutiny extremely difficult.

Worst of all, a ban only on reproductive cloning will be unenforceable. Should the illegal practice be detected, governmental attempts to enforce the ban would run into a swarm of practical and legal challenges. Should an "illicit clonal pregnancy" be discovered, no government agency is going to compel a woman to abort the clone, and there would be understandable outrage were she fined or jailed before or after she gave birth. For all these reasons, the only practically effective and legally sound approach is to block human cloning at the start—at producing the embryonic clone.

The Weldon-Stupak bill does exactly that. It precisely and narrowly describes the specific deed that it outlaws (human somatic cell nuclear transfer to an egg). It requires no difficult determinations of the perpetrator's intent or knowledge. It introduces substantial criminal and monetary penalties, which will deter renegade doctors or scientists as well as clients who would bear cloned children. Carefully drafted and limited in scope, the bill makes very clear that there is to be no interference with the sci-

entifically and medically useful practices of animal cloning or the equally valuable cloning of human DNA fragments, the duplication of somatic cells, or stem cells in tissue culture. And the bill steers clear of the current stem-cell debate, limiting neither research with embryonic stem cells derived from non-cloned embryos nor even the creation of research embryos by ordinary in vitro fertilization. If enacted, the law would bring the United States into line with many other nations.

Unfortunately, the House is also considering the biotech industry's favored alternative: H.R. 2608, introduced by Republican Jim Greenwood of Pennsylvania and Democrat Peter Deutsch of Florida. It explicitly permits the creation of cloned embryos for research while attempting to ban only reproductive cloning. But that's not something it is likely to achieve. It licenses companies to manufacture embryo clones, as long as they say they won't use them to initiate a pregnancy or ship them knowing that they will be so used. It therefore guarantees that there will be clonal embryo-farming and trafficking in clones, with many opportunities for reproductive efforts unintended by their original makers. And the bill's proposed ban on initiating pregnancy is, as already argued, virtually impossible to enforce.

There are further difficulties. The acts the Greenwood-Deutsch bill bans turn largely on intent and knowledge—hard matters to discern and verify. The confidentiality of the called-for Food and Drug Administration registration of embryos-cloning means that the public will remain in the dark about who is producing the embryo clones, where they are bought and sold, and who is doing what with them. A provision preempting state law would make it impossible for any state to enact any other—and more restrictive—legislation. A sunset clause dissolving the prohibition after ten years would leave us with no ban at all, not even on reproductive cloning. Most radically, the bill would create two highly disturbing innovations in federal law: It would license for the first time the creation of living human embryos solely for research purposes, and it would make it a felony not to ultimately exploit and destroy them. The Greenwood-Deutsch legislation reads less like the Cloning Prohibition Act of 2001 and more like the "Human Embryo Cloning Registration and Industry Protection Act of 2001."

It is possible that embryo-cloning will someday yield tissues derivable for each person from his own embryonic twin clone, tissues useful for the treatment of degenerative disease. But the misleading term "therapeutic cloning" obscures the fact that the research clone will be "treated" only to exploitation and destruction and that any future "therapies" are, at this point, purely hypothetical. Besides, we have promising alternatives—not only in adult stem cells but also in non-cloned embryonic stem-cell lines—that do not open the door to human clonal reproduction. Happily, these alternatives will not require commodifying women's ovaries in order to provide the vast number of eggs that would be needed to give each of us our own twin embryo when we need regenerative tissue. Should these alternatives fail, or should animal-cloning experiments someday demonstrate the unique therapeutic potential of stem cells derived from embryo clones, Congress could later revisit and lift the ban.

The Weldon-Stupak bill has drawn wide support across the political spectrum; feminist health writer Judy Norsigian and liberal embryologist Stuart Newman joined Catholic spokesman Richard Doerflinger and political theorist Francis Fukuyama in testifying in its favor. Health and Human Services Sec-

retary Tommy Thompson, a proponent of research with embryonic stem cells, has endorsed it. Thoughtful people understand that human cloning is not about pro-life versus pro-choice. Neither is it a matter of right versus left. It is only and emphatically about baby design and manufacture, the opening skirmish of a long battle against eugenics and the post-human future. Once embryonic clones are produced in laboratories, the eugenic revolution will have begun. Our best chance to stop it may be on the House floor next week.

#### DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2001

The House in Committee of the Whole House on the State of the the Union had under consideration the bill. (H.R. 2620) 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,

Mrs. CLAYTON. Mr. Chairman, I want to bring to the attention of my colleagues an important issue affecting communities across the country, especially low-income communities with limited resources. Current Federal programs provide cleanup money for the worst sites. The Federal Government should help States provide funds for sites that have significant contamination but aren't the worst. Federal funding for redevelopment goes mainly to urban areas because private sector participation is more readily available. Rural and Environmental Justice communities have non-commercial needs. Environmental justice programs do not provide funding for cleanup.

Superfund was established to address the worst sites. Sites that don't qualify for the National Priorities List may still require cleanup. Typically the State provides 10 percent of the cleanup cost and the Federal Government provides 90 percent of the cleanup cost.

All costs were recovered for the original Superfund site, the PCB spill along the roadsides of North Carolina that resulted in the Warren County problem.

EPA's Brownfields Program Provides money for site assessments and revolving loan programs. It does not provide money for actual cleanup. Economic redevelopment is key component. Most are located in urban areas.

Environmental Justice Programs provide funds to address EJ concerns and issues and to increase involvement by the people in areas where environment injustice has occurred. It does not provide funds for cleanup activities.

Areas where environmental justice has occurred are typically low-income areas where it is difficult to obtain the private sector interest in economic redevelopment.

EJ communities have many needs other than economic redevelopment.

Warren County is one of the poorest counties in North Carolina. The site of the detoxification and redevelopment project is rural and

not suitable for commercial redevelopment. The county needs recreational and community facilities. They cannot obtain grants for these facilities until the site is cleaned up.

The Environmental Justice Program can not provide funds for the cleanup in Warren County, the birthplace of the environmental justice movement.

States have Voluntary Cleanup Programs. These programs have limited funds. In North Carolina, the program looks at sites that have serious problems but did not qualify for Superfund and provides oversight for their cleanup. Principal Responsible Parties are sought to participate. If they do not voluntarily participate the state may cleanup the site if funds are available.

Federal agencies other than EPA provide cleanup funds if their waste is part of a Superfund Cleanup; 10 percent of the material for the Warren County project came from Ft. Bragg and they have indicated that they will not participate.

The detoxification and redevelopment project in Warren County is not a part of North Carolina's voluntary cleanup program. However, the State of North Carolina has provided over \$10 million to date for the project. The estimated total cost is \$17.5 million. Based on this the state has provided over 50 percent of the funding rather than the 10 percent they would provide for a Superfund project.

#### NAGORNO-KARABAKH PEACE PROCESS

#### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

Mr. SCHIFF. Mr. Speaker, I submit for the RECORD the following letter on Nagorno-Karabakh Peace Process:

WASHINGTON, DC,  
April 4, 2001.

Hon. COLIN POWELL,  
Secretary of State, Department of State,  
Washington, DC.

DEAR SECRETARY POWELL: I would like to extend my congratulations to you on your appointment earlier this year as our nation's new Secretary of State. Your expertise in international affairs and your prestige among world leaders will undoubtedly serve as an asset to the office and our country.

As a representative of the largest Armenian community outside of Armenia, I am very interested in the recent developments in the Nagorno-Karabakh peace process, as well as U.S. recognition of the Armenian Genocide, and the economic well being of the Republic of Armenia.

Your personal attendance at the talks on Nagorno-Karabakh in Key West, Florida is an indication of the Administration's interest in the region.

I fully agree with your statement expressing our country's commitment to facilitating a mutually acceptable settlement of the Nagorno-Karabakh conflict. While a lasting peace will serve as a stabilizing force in the Caucasus, I sincerely hope that the history of this region will be an important factor in determining outcomes.

In his attempt to fortify his iron grip over a multiethnic and multicultural society that was the Soviet Union, Joseph Stalin redrew the map of the region to weaken the indigenous populations by carving up ethnically homogeneous republics into unrecognizable autonomous and semi-autonomous regions, such as Nagorno-Karabakh, Nakhichevan and Javakh, all historically Armenian.

The Nagorno-Karabakh peace talks may be our opportunity to correct one of the many historical injustices committed by Stalin.

As a member of the House International Relations Committee, I would greatly appreciate an opportunity to meet with you in the near future to discuss the Administration's policy vis-a-vis the Caucasus. I look forward to hearing from your office regarding a meeting and look forward to working with you on foreign policy issues in the years to come.

Sincerely,

ADAM B. SCHIFF,  
Member of Congress.

#### WORLD CONFERENCE ON RACISM

#### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 1, 2001

Mr. DAVIS of Illinois. Mr. Speaker, as we speak an intensive two week effort is underway in Geneva to finalize plans for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

The World Conference, to be held in Durban, South Africa on August 31st, is expected to be the most important international meeting on racism ever held.

Given America's tragic history of racial oppression, racism and inequality and the bloody struggles required to end slavery, lynching, Jim Crow, discrimination in employment, education, health care and public accommodations one would assume that America would have some important lessons to share with the international community.

Given the heavy price the world has been forced to pay as a result of the slave trade one would assume that America would be sensitive and responsive to an attempt to clarify that history and examine means of redressing the wrongs of slavery and racism.

Given the ongoing conflicts, and the heritage of conflict, as a result of the exploitation of the third world by the U.S. and other developed nations largely driven by American slave system, driven by the lingering aftereffects of the slave trade one would assume that America would be sensitive and responsive to an attempt to clarify that history and examine means of redressing the wrongs of slavery and racism.

Given the contradictions arising from the international debt crisis, from the process of globalization and trade driven by the great inequalities between the rich nations and the poor nations, one would assume that America would be sensitive and responsive to an attempt to clarify that history and examine means of redressing the wrongs of slavery and racism.

And one would assume that America would feel a powerful sense of responsibility to share

those experiences, because we understand the immense human, social and economic costs associated with the evils of racism and discrimination.

Unfortunately, if one were to make those assumptions, one would be wrong . . . our State Department has indicated that the United States will not attend the World Conference unless two items are struck from the proposed agenda: the characterization of Zionism as racism and the issue of reparations for slavery and colonialism.

In international forums from Ireland to the Mideast, from Southern Africa to the Indian sub-continent America has always insisted that problems cannot be solved, that differences cannot be narrowed if we refuse to discuss them.

Suddenly America has become the loner in world diplomacy, insisting that it is our way or no way.

The Anti-Ballistic Missile Treaty, the Germ Warfare Treaty the Kyoto Global Warming Treaty and now the World Conference on Racism.

What kind of super-power are we?

Are we about democracy, about democratic process, about transparency and mutual self interest.

Or are we about imposing our will on international consultations, about insisting on pre-determining the outcomes of discussions between nations?

Only those who fear the outcome of fair and open discussion have reason to refuse to engage in debate and discussion.

I believe we have nothing to fear in openly and honestly exploring history and repudiating racism.

It's time to come to grips with racism and the legacy of racism. It's in our national interest and our international interest.

U.N. Secretary-General Kofi Annan has corrected defined the problem: we need to "find way to acknowledge the past without getting lost there; and to help heal old wounds without reopening them."

If American is serious about its affirmation that racism and democracy are fundamentally incompatible, and I think that we are serious about it, then America must be at the table in Durban, South Africa on August 31st.

If I might paraphrase the words of Abraham Lincoln: America was conceived in liberty and dedicated to the proposition that all men and women are created equal. Now, we are being tested as to whether this nation, or any nation, so conceived and so dedicated can long endure.

Mr. Speaker, I am optimistic that America, and the world, are firmly on the road to ending racism and resolving the lingering and persistent after effects of this great distortion of all human, civil and economic rights.

Mr. Speaker if we are to continue down that road, we must not, we cannot fail this great test.

Mr. Speaker, in the interests of all humankind let us hope and pray that America will not turn its back on the World Conference on Racism.



# Daily Digest

## HIGHLIGHTS

Senate passed VA–HUD and Independent Agencies Appropriations Act.

House Committee ordered reported the Budget Responsibility and Efficiency Act.

The House passed H.R. 2563, Bipartisan Patient Protection Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S8629–S8707*

**Measures Introduced:** Forty-six bills and three resolutions were introduced, as follows: S. 1302–1347, and S. Res. 147–149. **Pages S8703–05**

#### Measures Reported:

H.R. 93, to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

H.R. 364, to designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the “Marjory Williams Scrivens Post Office”.

H.R. 821, to designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the “W. Joe Trogon Post Office Building”.

H.R. 1183, to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the “G. Elliot Hagan Post Office Building”.

H.R. 1753, to designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the “M. Caldwell Butler Post Office Building”.

H.R. 2043, to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the “Elwood Haynes ‘Bud’ Hillis Post Office Building”.

H.R. 2133, to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*, with amendments.

S. Res. 138, designating the month of September as “National Prostate Cancer Awareness Month”, with amendments.

S. Res. 143, 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 “National Veterans Awareness Week”.

S. Res. 145, recognizing the 4,500,000 immigrants helped by the Hebrew Immigrant Aid Society.

S. Res. 146, designating August 4, 2001, as “Louis Armstrong Day”.

S. 271, to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

S. 356, to establish a National Commission on the Bicentennial of the Louisiana Purchase, with an amendment in the nature of a substitute.

S. 737, to designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the “Joseph E. Dini, Jr. Post Office”.

S. 970, to designate the facility of the United States Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the “Horatio King Post Office Building”.

S. 985, to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the “G. Elliot Hagan Post Office Building”.

S. 1026, to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the “Pat King Post Office Building”.

S. 1046, to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*, with amendments.

S. 1144, to amend title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.) to reauthorize the Federal Emergency Management Food and Shelter Program.

S. 1181, to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the "Elwood Haynes 'Bud' Hillis Post Office Building".

S. 1198, to reauthorize Franchise Fund Pilot Programs.

S.J. Res. 19, providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 20, providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

Pages S8702-03

#### Measures Passed:

**VA-HUD and Independent Agencies Appropriations Act:** By 94 yeas to 5 nays (Vote No. 269), Senate passed H.R. 2620, 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, after taking action on the following amendments proposed thereto:

Pages S8629-76

#### Adopted:

Nelson (FL.) Amendment No. 1228 (to Amendment No. 1214), to direct the Administrator of the Environmental Protection Agency to report to Congress on the safety of children's playground equipment.

Pages S8630-33

Mikulski/Bond Amendment No. 1338 (to Amendment No. 1214), to make certain revisions and improvements to the bill.

Pages S8665-66

Mikulski/Bond Amendment No. 1214, in the nature of a substitute.

Pages S8629-66

#### Rejected:

Kyl Modified Amendment No. 1229 (to Amendment No. 1214), to specify the manner of allocation of funds made available for grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure. (By 58 yeas to 41 nays (Vote No. 266), Senate tabled the amendment.)

Pages S8635-43, S8645-46, S8653-55

Schumer Amendment No. 1231 (to Amendment No. 1214), to make drug elimination grants for low-income housing available for the BuyBack America program. (By 65 yeas to 33 nays (Vote No. 267),

Senate tabled the amendment.)

Pages S8643-45,  
S8647-53, S8655-56

McCain Modified Amendment No. 1226 (to Amendment No. 1214), to reduce by \$5,000,000 amounts available for certain projects funded by the Community Development Fund of the Department of Housing and Urban Development and make the amount available for veterans claims adjudication. (By 69 yeas to 30 nays (Vote No. 268), Senate tabled the amendment.)

Pages S8646-47, S8656-65

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint conferees on the part of the Senate: Senators Mikulski, Leahy, Harkin, Byrd, Kohl, Johnson, Hollings, Inouye, Bond, Burns, Shelby, Craig, Domenici, DeWine, and Stevens.

Page S8676

**Election of Senate Sergeant at Arms:** Senate agreed to S. Res. 149, providing for the election of Alfonso E. Lenhardt as the Sergeant at Arms and Doorkeeper of the Senate, effective September 4, 2001.

(See next issue.)

**Emergency Agriculture Assistance Act:** A unanimous-consent agreement was reached providing that the vote on the cloture motion on S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers, occur at 9:30 a.m., on Friday, August 3, 2001, and that all second-degree amendments to the bill be filed prior to 10 a.m.

(See next issue.)

**Authority to Make Appointments:** A unanimous-consent agreement was reached providing that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or inter-parliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

(See next issue.)

**Permanent Standing Order/Referral of the Nomination of the Assistant Secretary of the Army for Civil Works:** A unanimous-consent agreement was reached providing that the order that was submitted to the Senate today, be considered a permanent standing order with respect to the referral of the nomination of the Assistant Secretary of the Army for Civil Works for the 107th Congress.

(See next issue.)

**Nominations Confirmed:** Senate confirmed the following nominations:

By unanimous vote of 97 yeas (Vote No. EX. 270), William J. Riley, of Nebraska, to be United States Circuit Judge for the Eighth Circuit.

Pages  
S8678-80, S8707

By unanimous vote of 98 yeas (Vote No. EX. 271), Sarah V. Hart, of Pennsylvania, to be Director of the National Institute of Justice. **Pages S8680, S8707**

By unanimous vote of 98 yeas (Vote No. EX. 272), Robert S. Mueller III, of California, to be Director of the Federal Bureau of Investigation for the term of ten years. **Pages S8680–91, S8707**

**Nominations Received:** Senate received the following nominations:

Terrence L. O'Brien, of Wyoming, to be United States Circuit Judge for the Tenth Circuit.

Jeffrey R. Howard, of New Hampshire, to be United States Circuit Judge for the First Circuit.

M. Christina Armijo, of New Mexico, to be United States District Judge for the District of New Mexico.

Karon O. Bowdre, of Alabama, to be United States District Judge for the Northern District of Alabama.

David L. Bunning, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

Karen K. Caldwell, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

Claire V. Eagan, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

Kurt D. Engelhardt, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Stephen P. Friot, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

Callie V. Granade, of Alabama, to be United States District Judge for the Southern District of Alabama.

Joe L. Heaton, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

Larry R. Hicks, of Nevada, to be United States District Judge for the District of Nevada.

William P. Johnson, of New Mexico, to be United States District Judge for the District of New Mexico.

James H. Payne, of Oklahoma, to be United States District Judge for the Northern, Eastern and Western Districts of Oklahoma.

Danny C. Reeves, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

Roscoe Conklin Howard, Jr., of the District of Columbia, to be United States Attorney for the District of Columbia for the term of four years.

David Claudio Iglesias, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

Matthew Hansen Mead, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years.

Michael J. Sullivan, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

Drew Howard Wrigley, of North Dakota, to be United States Attorney for the District of North Dakota for the term of four years.

Colm F. Connolly, of Delaware, to be United States Attorney for the District of Delaware for the term of four years.

Susan W. Brooks, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

Leura Garrett Canary, of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years.

Thomas C. Gean, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

Raymond W. Gruender, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

Joseph S. Van Bokkelen, of Indiana, to be United States Attorney for the Northern District of Indiana for the term of four years.

Charles W. Larson, Sr., of Iowa, to be United States Attorney for the Northern District of Iowa for the term of four years.

Lawrence J. Block, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

4 Air Force nominations in the rank of general.

**Pages S8706–07**

**Executive Communications:** **Pages S8701–02**

**Petitions and Memorials:** **Page S8702**

**Executive Reports of Committees:** **Page S8703**

**Measures Referred:** **Page S8700**

**Messages From the House:** **Page S8700**

**Measures Placed on Calendar:** **Pages S8700–01**

**Measures Read First Time:** **Page S8701**

**Statements on Introduced Bills:** **(See next issue.)**

**Additional Cosponsors:** **Pages S8705–06**

**Amendments Submitted:** **(See next issue.)**

**Additional Statements:** **Pages S8697–S8700**

**Text of H.R. 2299, as Previously Passed:** **(See next issue.)**

**Authority for Committees:** **(See next issue.)**

**Privilege of the Floor:** (See next issue.)

**Record Votes:** Seven record votes were taken today.  
(Total—272) **Pages S8655, S8656, S8665, S8676,  
S8679–80, S8680, S8691**

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 8:00 p.m., until 9:30 a.m., on Friday, August 3, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8706.)

## Committee Meetings

(Committees not listed did not meet)

### FEDERAL FARM BILL

*Committee on Agriculture, Nutrition, and Forestry:* Committee continued hearings on the conservation provisions of the proposed Federal farm bill, focusing on rural economic issues, receiving testimony from David Kolsrud, CORN-er Stone Farmers Cooperative, Luverne, Minnesota, on behalf of the National Cooperative Business Association; Ronald L. Phillips, Coastal Enterprises, Inc., Wiscasset, Maine; Chuck Hassebrook, Center for Rural Affairs, Walthill, Nebraska; Karen Dearlove, Indiana 15 Regional Planning Commission and Indiana Association of Regional Councils, Jasper, Indiana, on behalf of the National Association of Development Organizations; Curtis Wynn, Roanoke Electric Cooperative, Rich Square, North Carolina; Deborah M. Markley, Rural Policy Research Institute, Chapel Hill, North Carolina; Steve Lane, Security Savings Bank, Gowrie, Iowa, on behalf of the Iowa Independent Bankers Association and the Independent Community Bankers of America; and Jack Cassidy, CoBank, Greenwoodville, Colorado.

Hearings recessed subject to call.

### NOMINATIONS

*Committee on Armed Services:* Committee ordered favorably reported 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. Dominguez, of Virginia, to be Assistant Secretary for Manpower and Reserve Affairs, and Nelson F. 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, Gen.

John P. Jumper, USAF, for reappointment to the grade of general and to be Chief of Staff, United States Air Force, and 1147 military nominations in the Army, Navy, Air Force, and Marine Corps.

### AUTHORIZATION—DEFENSE INSTALLATIONS/CONSTRUCTION/ HOUSING

*Committee on Armed Services:* Subcommittee on Readiness and Management Support concluded hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on installation programs, military construction programs, and family housing programs, after receiving testimony from Raymond F. DuBois, Jr., Deputy Under Secretary of Defense for Installations and Environment; Maj. Gen. Robert L. Van Antwerp, Jr., USA, Assistant Chief of Staff for Installation Management, Department of the Army; Rear Adm. Michael Johnson, USN, Commander, Naval Facilities Engineering Command; Maj. Gen. Earnest O. Robbins II, USAF, The Civil Engineer, Headquarters, United States Air Force; and Lt. Gen. Gary S. McKissock, USMC, Deputy Commandant for Installations and Logistics, Headquarters, United States Marine Corps.

### DEPOSIT INSURANCE REFORM

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Financial Institutions concluded hearings to examine financial institution recommendations to strengthen and improve the Federal Deposit Insurance Corporation's deposit insurance fund system, focusing on preserving the value of FDIC protection and coverage for the future, establishing a pricing structure, smoothing out premiums to avoid wild swings caused by the hard target reserve ratio, and providing appropriate rebates of excess fund reserves, after receiving testimony from Robert I. Gullledge, Citizens Bank, Robertsedale, Alabama, on behalf of the Independent Community Bankers of America; Jeff L. Plagge, First National Bank of Waverly, Iowa, on behalf of the American Bankers Association; and Curtis L. Hage, Home Federal Bank, Sioux Falls, South Dakota, on behalf of the America's Community Bankers.

### SOCIAL SECURITY REFORM

*Committee on the Budget:* Committee concluded hearings to examine Social Security reform issues, focusing on budgetary tradeoffs and transition costs, after receiving testimony from Peter R. Orszag, Sebago Associates, Inc., Robert Greenstein, Center on Budget and Policy Priorities, and Sylvester J. Scheiber, Watson Wyatt Worldwide, all of Washington, D.C.

**BUSINESS MEETING**

*Committee on Commerce, Science, and Transportation:* Committee ordered favorably reported the following business items:

S. 633, to provide for the review and management of airport congestion, with an amendment in the nature of a substitute;

S. 951, to authorize appropriations for the Coast Guard, with an amendment in the nature of a substitute;

S. 980, to provide for the improvement of the safety of child restraints in passenger motor vehicles, with an amendment in the nature of a substitute;

S. 1214, to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports; and

The nominations of John Arthur Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board, Jeffrey William Runge, of North Carolina, to be Administrator, National Highway Traffic Safety Administration, and Kirk Van Tine, of Virginia, to be General Counsel, both of the Department of Transportation, and Nancy Victory, of Virginia, to be Assistant Secretary for Communications and Information, and Otto Wolff, of Virginia, to be an Assistant Secretary and Chief Financial Officer, both of the Department of Commerce.

Also, committee failed to report the nomination of Mary Sheila Gall, of Virginia, to be Chairman of the Consumer Product Safety Commission.

**CAFE STANDARDS**

*Committee on Commerce, Science, and Transportation/Committee on Energy and Natural Resources:* Committees concluded joint hearings to examine the National Academy of Sciences report on fuel economy, focusing on the effectiveness and impact of Corporate Average Fuel Economy Standards, after receiving testimony from David L. Greene, Corporate Research Fellow, National Transportation Research Center, Oak Ridge National Laboratory, Paul R. Portney, Resources for the Future, Washington, D.C., Adrian Lund, Insurance Institute for Highway Safety, Arlington, Virginia, Philip R. Sharp, Harvard University John F. Kennedy School of Government, Cambridge, Massachusetts, and John J. Wise, Mobil Research and Development Corporation, Princeton, New Jersey, all on behalf of the Committee on the Effectiveness and Impact of Corporate Average Fuel Economy (CAFE) Standards of the National Research Council.

**BUSINESS MEETING**

*Committee on Energy and Natural Resources:* Committee ordered favorably reported the following business items:

H.R. 146, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System;

H.R. 182, to amend the Wild and Scenic Rivers Act to designate a segment of the Eight Mile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System;

H.R. 1000, to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, and to authorize an exchange of land in connection with the historic site;

H.R. 1668, to authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy;

S. 423, to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon", with amendments;

S. 941, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, and to extend the term of the advisory commission for the recreation area, with amendments;

S. 1057, to authorize the addition of lands to Pu'uhonua o Honaunau National Historical Park in the State of Hawaii;

S. 1097, to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park;

S. 1105, to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, with amendments; and

The nomination of Theresa Alvillar-Speake, of California, to be Director of the Office of Minority Economic Impact, Department of Energy.

Also, committee continued markup of S. 597, to provide for a comprehensive and balanced national energy policy, but did not complete action thereon, and recessed subject to call.

**BUSINESS MEETING**

*Committee on Governmental Affairs:* Committee ordered favorably reported the following business items:

S. 1008, to amend the Energy Policy Act of 1992 to develop the United States Climate Change Response Strategy with the goal of stabilization of

greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, while minimizing adverse short-term and long-term economic and social impacts, aligning the Strategy with United States energy policy, and promoting a sound national environmental policy, to establish a research and development program that focuses on bold technological breakthroughs that make significant progress toward the goal of stabilization of greenhouse gas concentrations, to establish the National Office of Climate Change Response within the Executive Office of the President, with amendments;

S. 1202, to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006;

S. 1198, to reauthorize Franchise Fund Pilot Programs;

S. 1144, to amend title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.) to reauthorize the Federal Emergency Management Food and Shelter Program;

S. 271, to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers;

H.R. 93, to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers;

H.R. 1042, to prevent the elimination of certain reports;

S. 737, to designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the "Joseph E. Dini, Jr. Post Office";

S. 970, to designate the facility of the United States Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the "Horatio King Post Office Building";

S. 985, to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the "G. Elliot Hagan Post Office Building";

H.R. 1183, to designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the "G. Elliot Hagan Post Office Building";

S. 1026, to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the "Pat King Post Office Building";

S. 1181, to designate the facility of the United States Postal Service located at 2719 South Webster

Street in Kokomo, Indiana, as the "Elwood Haynes 'Bud' Hillis Post Office Building";

H.R. 2043, to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the "Elwood Haynes 'Bud' Hillis Post Office Building";

H.R. 364, to designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the "Marjory Williams Scrivens Post Office";

H.R. 821, to designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the "W. Joe Trogdon Post Office Building";

H.R. 1753, to designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the "M. Caldwell Butler Post Office Building"; and

The nominations of Lynn Leibovitz, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia, and Daniel R. Levinson, of Maryland, to be Inspector General, General Services Administration.

## NOMINATION

*Committee on Health, Education, Labor, and Pensions:* Committee concluded hearings on the nomination of John Lester Henshaw, of Missouri, to be Assistant Secretary of Labor for Occupational Safety and Health, after the nominee testified and answered questions in his own behalf.

## BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 356, to establish a National Commission on the Bicentennial of the Louisiana Purchase, with an amendment in the nature of a substitute;

S. 1046, to establish a Commission to commemorate the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*, with amendments;

H.R. 2133, to establish a Commission to commemorate the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*, with amendments;

S. Res. 143, 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 "National Veterans Awareness Week";

S. Res. 145, recognizing the 4,500,000 immigrants helped by the Hebrew Immigrant Aid Society;



S. Res. 138, designating the month of September as “National Prostate Cancer Awareness Month”, with amendments;

S. Res. 146, designating August 4, 2001, as “Louis Armstrong Day”; and

The nominations of William J. Riley, of Nebraska, to be United States Circuit Judge for the Eighth Circuit, and Sarah V. Hart, of Pennsylvania, to be Director of the National Institute of Justice, and Robert S. Mueller III, of California, to be Director of the Federal Bureau of Investigation, both of the Department of Justice.

### BUSINESS MEETING

*Committee on Rules and Administration:* Committee ordered favorably reported the following bills:

S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections;

S.J. Res. 19, providing for the reappointment of Anne d’Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 20, providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

### BUSINESS MEETING

*Committee on Veterans’ Affairs:* Committee ordered favorably reported the following business items:

S. 739, to amend title 38, United States Code, to improve programs for homeless veterans, with an amendment in the nature of a substitute;

S. 1088, to amend title 38, United States Code, to facilitate the use of educational assistance under the Montgomery GI Bill for education leading to employment in high technology industry, with an amendment in the nature of a substitute;

S. 1090, to increase, effective as of December 1, 2001, the rates of compensation for veterans with service-connected disabilities and the rates dependency and indemnity compensation for the survivors of certain disabled veterans;

S. 1188, to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, with an amendment in the nature of a substitute; and

The nominations of John A. Gauss, of Virginia, to be Assistant Secretary of Veterans Affairs for Information and Technology, and Claude M. Kicklighter, of Georgia, to be Assistant Secretary of Veterans Affairs for Policy and Planning.

Prior to this action, committee concluded hearings on the nominations of Messrs. Gauss and Kicklighter (listed above), after the nominees testified and answered questions in their own behalf. Mr. Kicklighter was introduced by Senators Thurmond and Akaka.

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## House of Representatives

### *Chamber Action*

**Bills Introduced:** 116 public bills, H.R. 2707, 2714–2830; 1 private bill, H.R. 2831; and 21 resolutions, H. Con. Res. 208–215, and H. Res. 218, 221–232, were introduced. (See next issue.)

**Reports Filed:** Reports were filed as follows:

H.R. 2175, to protect infants who are born alive (H. Rept. 107–186);

H.R. 2277, to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors (H. Rept. 107–187);

H.R. 2278, to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which cer-

tain intracompany transferees have to be continuously employed before applying for admission to the United States (H. Rept. 107–188);

H.R. 2048, to require a report on the operations of the State Justice Institute (H. Rept. 107–189);

H.R. 2047, to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, amended (H. Rept. 107–190);

H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011, amended (H. Rept. 107–191, Pt. 1); and

H.R. 1408, to safeguard the public from fraud in the financial services industry, to streamline and facilitate the antifraud information-sharing efforts of Federal and State regulators, amended (H. Rept. 107–192, Pt. 1). (See next issue.)

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Fossella to act as Speaker pro tempore for today. **Page H5179**

**Guest Chaplain:** The prayer was offered by the guest Chaplain, Rev. George G. McDearmon, Ballston Lake Baptist Church of Ballston Lake, New York. **Page H5179**

**Journal:** Agreed to the Speaker's approval of the Journal of August 1 by a recorded vote of 331 ayes to 76 noes with 1 voting "present," Roll No. 321. **Pages H5179, H5180**

**Motions to Adjourn:** Rejected the McNulty motions to adjourn by a recorded vote of 55 ayes to 363 noes, Roll No. 322, yea-and-nay vote of 56 yeas to 355 nays, Roll No. 323, and a recorded vote of 55 ayes to 356 noes, Roll No. 327.

**Pages H5180–81, H5184–85, H5196**

**Recess:** The House recessed at 11:17 p.m. and reconvened at 12 noon. **Page H5184**

**Bipartisan Patient Protection Act:** The House passed H.R. 2563, to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage by a yea-and-nay vote of 226 yeas to 203 nays, Roll No. 332.

**Page H5196 (continued next issue)**

Rejected the Berry motion to recommit the bill to the Committee on Ways and Means, Committee on Energy and Commerce, and the Committee on Education and the Workforce with instructions to report it back to the House forthwith with an amendment in the nature of a substitute by a recorded vote of 208 ayes to 220 noes, Roll No. 331. **(See next issue.)**

**Agreed To:**

Thomas amendment No. 1 printed in H. Rept. 107–184 that adds Association Health Plans to the Employee Retirement Income Security Act (ERISA) and removes restrictions on Medical Savings Accounts (MSAs) (agreed to by a recorded vote of 236 ayes to 194 noes, Roll No. 328); and **(See next issue.)**

Norwood amendment No. 2 printed in H. Rept. 107–184 that guarantees patients Federal remedies to hold health plans accountable for wrongful denial or delay of medical care and caps non-economic damages at \$1.5 million and punitive damages at \$1.5 million (agreed to by a recorded vote of 218 ayes to 213 noes, Roll No. 329). **(See next issue.)**

**Rejected:**

Thomas amendment No. 3 printed in H. Rept. 107–184 that sought to reform medical malpractice laws (rejected by a recorded vote of 207 ayes to 221 noes, Roll No. 330). **(See next issue.)**

The Clerk was authorized to make corrections and conforming changes in the engrossment of the bill.

**(See next issue.)**

Agreed to H. Res. 219, the rule that provided for consideration of the bill by a recorded vote of 222 ayes to 205 noes, Roll No. 326. Earlier, agreed to order the previous question by a recorded vote of 222 ayes to 205 noes, Roll No. 325. **Pages H5185–96**

**Late Report—Committee on Armed Services:** The Committee on Armed Services received permission to have until midnight on Tuesday, Sept. 4, to file a report on H.R. 2586, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002. **(See next issue.)**

**Late Report—Committee on Agriculture:** The Committee on Agriculture received permission to have until 5 p.m. on Tuesday, Sept. 4, to file a supplemental report on H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011. **(See next issue.)**

**August District Work Period:** The House agreed to H. Con. Res. 208, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

**(See next issue.)**

**Possible Pro Forma Sessions of the House During the August District Work Period:** Agreed that when the House adjourns today, it shall adjourn to meet at noon on Monday, August 6, and that when the House adjourns on Monday, August 6, it shall adjourn to meet at noon on Tuesday, August 7; and when the House adjourns on Tuesday, August 7, and on each of its successive days of meeting under this order it shall stand adjourned until noon on each third successive day until it shall convene at 2 p.m. on Wednesday, September 5, 2001; unless the House sooner receives a message from the Senate transmitting its adoption of a concurrent resolution providing for the summer district work period, in which case the House, following its adoption thereof, shall stand adjourned pursuant to that concurrent resolution. **(See next issue.)**

**Calendar Wednesday:** Agreed to dispense with the Calendar Wednesday business of Wednesday, Sept. 5, 2001. **(See next issue.)**

**Consideration of Suspensions on Wednesday, Sept. 5:** Agreed that it be in order at any time on Wednesday, Sept. 5 for the Speaker to entertain motions to suspend the rules. **(See next issue.)**

**Resignations—Appointments:** Agreed that notwithstanding any adjournment of the House until Wednesday, Sept. 5, 2001 the Speaker, Majority Leader, and Minority Leader be authorized to accept

resignations and to make appointments authorized by law or by the House. (See next issue.)

**Cleaning the Mace:** The House agreed to H. Res. 223, authorizing the cleaning and repair of the mace of the House of Representatives by the Smithsonian Institution. (See next issue.)

**Neighborhood Crime Prevention:** The House agreed to H. Res. 193, requesting that the President focus appropriate attention on the issues of neighborhood crime prevention, community policing, and reduction of school crime by delivering speeches, convening meetings, and directing his Administration to make reducing crime an important priority. (See next issue.)

**Mourning the Death of Ron Sander in Ecuador:** The House agreed to 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. (See next issue.)

**Appalachian Regional Development Reauthorization:** The House passed H.R. 2501, amended, to reauthorize the Appalachian Regional Development Act of 1965. (See next issue.)

**Thurgood Marshall United States Courthouse, New York City:** The House passed H.R. 988, to designate the United States courthouse located at 40 Centre Street in New York, New York, as the "Thurgood Marshall United States Courthouse." (See next issue.)

**National Health Center Week:** The House agreed to H. Con. Res. 179, expressing the sense of Congress regarding the establishment of a National Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers. (See next issue.)

**10th Anniversary of the Re-establishment of Ukraine Independence:** The House agreed to H. Res. 222, congratulating Ukraine on the tenth anniversary of re-establishment of its independence. (See next issue.)

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Wolf or, if he is not available, Representative Gilchrest to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 5. (See next issue.)

**Senate Messages:** Message received from the Senate today appears on page H5179.

**Referral:** S. 494 was referred to the Committees on Financial Services and International Relations.

(See next issue.)

**Quorum Calls—Votes:** One quorum call (418 present, Roll No. 324), three yea-and-nay votes, and eight recorded votes developed during the proceedings of the House today and appear on pages H5180, H5180–81, H5184–85, H5194, H5194–95, H5195–96 (continued next issue).

**Adjournment:** The House met at 10 a.m. and, at midnight, pursuant to the previous order of the House of Thursday, August 2, the House stands adjourned until noon on Monday, August 6, 2001, unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 208, in which case the House shall stand adjourned pursuant to that concurrent resolution for the August District Work Period and will reconvene on Wednesday, September 5 at 2 p.m.

## Committee Meetings

### AIRLINE DELAYS AND AVIATION SYSTEM CAPACITY

*Committee on Appropriations:* Subcommittee on Transportation on Airline Delays and Aviation System Capacity. Testimony was heard from the following officials of the Department of Transportation: Jane F. Garvey, Administrator, FAA; and Kenneth M. Mead, Inspector General; and public witnesses.

### BUDGET RESPONSIBILITY AND EFFICIENCY ACT

*Committee on the Budget:* Ordered reported, as amended, H.R. 981, Budget Responsibility and Efficiency Act of 2001.

### RETIREMENT SECURITY ADVICE ACT

*Committee on Education and the Workforce:* Subcommittee on Employer-Employee Relations approved for full Committee action H.R. 2269, Retirement Security Advice Act of 2001.

### CHILD ABUSE AND NEGLECT PREVENTION

*Committee on Education and the Workforce:* Subcommittee on Select Education held a hearing on "CAPTA: Successes and Failures at Preventing Child Abuse and Neglect." Testimony was heard from Wade Horn, Assistant Secretary, Children and Families, Department of Health and Human Services; and public witnesses.

### SEC'S BROKER-DEALER RULES

*Committee on Financial Services:* Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises and the Subcommittee on Financial Institutions and Consumer Credit held a joint hearing

entitled "Pushing Back the Pushouts: the Securities and Exchange Commission's Broker-Dealer Rules." Testimony was heard from Laura S. Under, Acting Chairwoman, SEC; Laurence H. Meyer, member, Board of Governors, Federal Reserve System; William F. Kroener, General Counsel, FDIC; Ellen Broadman, Director, Securities and Corporate Practices, Office of the Comptroller of the Currency, Department of the Treasury; and public witnesses.

#### **REGULATORS IN DEREGULATED ELECTRICITY MARKETS**

*Committee on Government Reform:* Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing on FERC: Regulators in Deregulated Electricity Markets. Testimony was heard from the following officials of the Federal Energy Regulatory Commission, Department of Energy: Kevin Madden, General Counsel; and Shelton Cannon, Deputy Director, Office of Markets, Tariffs and Rates; James E. Wells, Jr., Director, Natural Resources and Environment, GAO; and public witnesses.

#### **F-22 COST CONTROLS**

*Committee on Government Reform:* Subcommittee on National Security, Veterans' Affairs, and International Relations held a hearing on F-22 Cost Controls: How Realistic are Production Cost Reduction Plan Estimates? Testimony was heard from the following officials of the National Security and International Affairs Division, GAO: Allen Li, Associate Director; and Donald Springman, Senior Analyst; and the following officials of the Department of Defense: Darleen A. Druyun, Principal Deputy Assistant Secretary, Air Force, Acquisition and Management, and George Schneider, Director, Strategic and Tactical Systems, both with the Department of the Air Force; and Francis P. Summers, Regional Director, Defense Contract Audit Agency.

#### **MISCELLANEOUS MEASURES**

*Committee on International Relations:* Subcommittee on Europe approved for full Committee action the following measures: H. Res. 200, amended, relating to the transfer of Slobodan Milosevic, and other alleged war criminals, to the International Criminal Tribunal for Yugoslavia; H. Con. Res. 131, congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence; and H. Con. Res. 58, amended, urging the President of Ukraine to support democratic ideals, the rights of free speech, and free assembly for Ukrainian citizens.

#### **INTERNET TAX NONDISCRIMINATION ACT**

*Committee on the Judiciary:* Subcommittee on Commercial and Administrative Law approved for full Committee action H.R. 1552, Internet Tax Non-discrimination Act.

#### **TWO STRIKES AND YOU'RE OUT CHILD PROTECTION ACT; LAW ENFORCEMENT TRIBUTE ACT**

*Committee on the Judiciary:* Subcommittee on Crime approved for full Committee action the following bills: H.R. 2146, amended, Two Strikes and You're Out Child Protection Act; and H.R. 2624, Law Enforcement Tribute Act.

#### **OVERSIGHT—U.S. POPULATION AND IMMIGRATION**

*Committee on the Judiciary:* Subcommittee on Immigration and Claims held an oversight hearing on the U.S. Population and Immigration. Testimony was heard from John F. Long, Chief, Population Division, Bureau of the Census, Department of Commerce; and public witnesses.

#### **FISHERIES CONSERVATION ACT; ATLANTIC HIGHLY MIGRATORY SPECIES CONSERVATION ACT**

*Committee on Resources:* Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action, as amended, H.R. 1989, Fisheries Conservation Act of 2001.

The Subcommittee also held a hearing on H.R. 1367, Atlantic Highly Migratory Species Conservation Act of 2001. Testimony was heard from the following officials of the National Marine Fisheries Service, NOAA, Department of Commerce: William T. Hogarth, Acting Assistant Administrator, Fisheries; and Gerry Scott, Director, Sustainable Fisheries Division; and public witnesses.

#### **BRIEFING—THE TERRORIST THREAT**

*Permanent Select Committee on Intelligence:* Working Group on Terrorism and Homeland Security met in executive session to receive a briefing on "CBRN 101," The Terrorist Threat. The Committee was briefed by departmental witnesses.

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#### **COMMITTEE MEETINGS FOR FRIDAY, AUGUST 3, 2001**

*(Committee meetings are open unless otherwise indicated)*

##### **Senate**

*Committee on Finance:* Subcommittee on International Trade, to hold hearings on the Andean Trade Preferences Act, 10 a.m., SD-215.

*Committee on Foreign Relations:* to hold hearings on the nomination of J. Richard Blankenship, of Florida, to be Ambassador to the Commonwealth of The Bahamas; the nomination of Hans H. Hertell, of Puerto Rico, to be Ambassador to the Dominican Republic; and the nomination of Martin J. Silverstein, of Pennsylvania, to be Ambassador to the Oriental Republic of Uruguay, 9:45 a.m., SD-419.

### House

*Committee on Energy and Commerce,* Subcommittee on Energy and Air Quality, hearing on the reauthorization of the Price-Anderson Act, 9:30 a.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing on “How Secure is Sensitive Commerce Department Data and Operations? A Review of the Department’s Computer Security Policies and Practices,” 9:30 a.m., 2123 Rayburn.

### Joint Meetings

*Joint Economic Committee:* to hold hearings to examine the employment situation for July, 2001, 9:30 a.m., 1334 Longworth Building.

*Next Meeting of the SENATE*

9:30 a.m., Friday, August 3

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12 noon, Monday, August 6

## Senate Chamber

**Program for Friday:** Senate will resume consideration of S. 1246, Emergency Agriculture Assistance Act, with a vote on the motion to close further debate on the bill.

## House Chamber

**Program for Monday:** Pro forma session.

## Extensions of Remarks, as inserted in this issue

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