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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 10, 2001.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

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

H.R. 1885. An act to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings, and for other purposes.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following title in which the concurrence of the House is requested:

S. 149. An act to provide authority to control exports, and for other purposes.

S. Con. Res. 58. Concurrent resolution expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Texas (Mr. SAM JOHNSON) for 5 minutes.

A TRIBUTE TO GENERAL MICHAEL E. RYAN

Mr. SAM JOHNSON of Texas. Mr. Speaker, this morning I would like to rise to pay tribute to a great American, General Michael E. Ryan, the chief of staff of the United States Air Force. His departure on September 6 last week from active duty signaled an evolutionary change: the first time in 63 years, if you can believe that, that a Ryan is absent from the roles of the United States Air Force. His father, General John Ryan, also served as a senior uniformed Air Force officer.

General Mike Ryan's career spanned over 3 decades during which he distinguished himself as an airman leader and trusted advisor to both the President and the United States Congress.

After graduating from the Air Force Academy in 1965, General Ryan began his illustrious career of faithful service to this Nation.

During his 36 years of service, he commanded at the squadron, wing, numbered air force and major command levels. He flew combat missions in southeast Asia, including 100 missions over north Vietnam.

He was a fighter pilot, I can tell you that. I was one, too; and he was a fighter pilot's fighter pilot.

He also served in key assignments at the major command level, headquarters of the United States Air Force and the joint staff right here in Washington, DC.

As commander of the 16th Air Force and allied forces southern Europe in Italy, he directed the NATO air combat operations in Bosnia-Herzegovina that directly contributed to the Dayton peace accords. He was the head of the Air Force at the time when we used the B–2 bomber to great effectiveness in that war.

General Ryan is a command pilot with more than 4,100 hours flying time in seven different aircraft, including 153 combat missions.

His decorations and medals include: the Defense Distinguished Service Medal with oak leaf cluster; the Distinguished Service Medal; the Legion of Merit with two oak leaf clusters; the Distinguished Flying Cross; the Meritorious Service Medal with two oak leaf clusters; the Air Medal with 11 oak leaf clusters; the Air Force Commendation Medal with two oak leaf clusters; and the Vietnam Service Medal with three service stars.

After serving as the commander of the United States Air Force in Europe and commander of the allied air forces in central Europe, General Ryan took the stick of the Air Force as its 16th chief of staff.

He has exemplified the quiet dignity and honor of that office. His leadership, integrity and foresight set the right vector for our 21st century Air Force, and his expeditionary force concept is now in being.

History has proven that a true leader sets the right vector and then clears the path to allow his commanders to truly command their units.

General Ryan personifies this type of leader, and I quote, ''I do not think leadership should be personalized. Good ideas are best when they do not have a single identity. Leadership is a team effort.''

I want to take a moment, if I can, to identify the remarkable accomplishments of General Ryan's team effort.

He and his leadership team have successfully arrested the Air Force readiness decline of the last decade. They

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have built stability into the expeditionary operations our Nation demands by reorganizing the United States Air Force.

He has led the Air Force retention and recruiting effort that ensured quality was never sacrificed for quantity in an all-volunteer force competing in a strong job market.

He led the effort to provide lifetime health care and a retirement system that properly compensates the member's service to his country. He was a people person, and he believed in the people that were in the United States Air Force.

In a period of leadership challenges, General Ryan led our Air Force through 4 tumultuous years, balancing reduction in force with increased operational tasking.

Without question, the United States Air Force is the world's premier aerospace force, and our country owes a debt of gratitude to General Mike Ryan.

One key contributor to the U.S. Air Force ''One family, one Air Force'' and a person General Ryan owes much of his success to is his wife, Jane Ryan, who was instrumental in dealing with the personnel problems of the military throughout the Air Force.

With dignity and grace, she selflessly gave her time and attention to the men and women of the Air Force family. Her sacrifice and devotion served as an example and inspiration for others.

The Air Force lost not one but two very exceptional people.

Last Thursday's review ceremony at Andrews Air Force Base was a demonstration of the total force concept that exemplified the superb ability of our airmen and officers that General Ryan has led and improved during his tenure.

Those F–4D that flew by were a symbol of his career as fighter pilot and his combat excellence. He actually flew in an F–16 the day before.

In closing, the Air Force is a better institution today than it was 4 years ago. General Ryan's distinguished and faithful service provided a significant and lasting contribution to our Air Force and our Nation's security.

He has served our Nation with honor and distinction. I know the Members of both the House and Senate join me in paying tribute to this outstanding American patriot upon his retirement from the United States Air Force.

We thank him, wish him and his family much health, happiness and God speed.

General Ryan, good flight, mission complete.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 39 minutes p.m.) the House stood in recess until 2 p.m. today.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Out of the depths, David cries to You, O Lord, in Psalm 130.

Lord, on an ordinary September Monday, caught up in routine, it may be difficult for us to be in touch with our depths.

Yet when aware of the pain in some hearts or when we truly face the complexity of issues overshadowing our responsibilities, we need Your mercy.

Help us to sense Your forgiveness behind every mistaken judgment of the past.

Guide our decisions today and throughout this week, that much may be accomplished and be recognized as Your providential care behind every event.

For it is Your justice and Your peace which holds the aspirations of the American people together.

Longing for Your presence, O Lord, make us watchful for Your movements and personal reflection and in honest discussion, so Your glory may be evident in our deeds.

By Your grace penetrate our souls, that we may live and pray from the depths now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. RODRIGUEZ 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.

U.N. CONFERENCE ON RACISM

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

Mr. COBLE. Mr. Speaker and colleagues, the most recent issue of the Weekly Standard features a Charles Krauthammer article entitled Disgrace in Durbin, referring to the recently concluded U.N. Conference on Racism.

Mr. Krauthammer suggests that their conference included Third World dictators practicing their demagoguery, hopefully to the detriment of Israel.

He further suggests that the conference had the trappings reminiscent of pre-World War II in Nazi Germany, a Nuremberg rally, if you will, and these same dictators were pointing indirectly or directly accusatory fingers at the United States because of our friendship with Israel.

This sort of activity serves no good purpose, and President Bush is to be commended for his refusal to legitimize or dignify the disgrace in Durbin.

AMERICA NEEDS IMMEDIATE CAPITAL GAINS TAX RELIEF

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

Mr. PENCE. Mr. Speaker, today the United States is burdened with one of the highest capital gains taxes of any industrial nation. The effect puts our country's companies and workers at a severe disadvantage.

On average, the capital of U.S. businesses and farmers is taxed 80 percent higher than our foreign competitors. The economy needs and those who we represent deserve immediate capital gains tax relief.

The capital gains tax is an assault on the American dream. For many low- and moderate-income workers, one of the ways of accumulating wealth is through investment in stocks and businesses.

When the government puts a high tax on capital gains, people who lose the most from the high rate are the poorest, the youngest, those in the beginning of their careers, those who are further from the sources of capital.

Policies that punish success ultimately kill the seeds that promise enterprise and jobs to the poor. Those in our communities are asking for our help, Mr. Speaker.

Their message to us, to the President, and all in this Congress could not be clearer: give us the seed capital for inner-city jobs and investments. Turn this economy around, cut capital gains and cut capital gains taxes now.

COMMUNICATION FROM THE HONORABLE TOM SAWYER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable TOM SAWYER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 6, 2001.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Court of Common Pleas of Summit County, Ohio.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

TOM SAWYER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes or postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

OIL REGION NATIONAL HERITAGE AREA ACT

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 695) to establish the Oil Region National Heritage Area, as amended.

The Clerk read as follows:

H.R. 695

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

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Oil Region National Heritage Area Act''.

(b) DEFINITIONS.—For the purposes of this Act, the following definitions shall apply:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Oil Region National Heritage Area established in section 3(a).

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the Oil Heritage Region, Inc., or its successor entity.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) The Oil Region of Northwestern Pennsylvania, with numerous sites and districts listed on the National Register of Historic Places, and designated by the Governor of Pennsylvania as one of the State Heritage Park Areas, is a region with tremendous physical and natural resources and possesses a story of State, national, and international significance.

(2) The single event of Colonel Edwin Drake's drilling of the world's first successful oil well in 1859 has affected the industrial, natural, social, and political structures of the modern world.

(3) Six national historic districts are located within the State Heritage Park boundary, in Emlenton, Franklin, Oil City, and Titusville, as well as 17 separate National Register sites.

(4) The Allegheny River, which was designated as a component of the national wild and scenic rivers system in 1992 by Public Law 102–271, traverses the Oil Region and connects several of its major sites, as do some of the river's tributaries such as Oil Creek, French Creek, and Sandy Creek.

(5) The unspoiled rural character of the Oil Region provides many natural and recreational resources, scenic vistas, and excellent water quality for people throughout the United States to enjoy.

(6) Remnants of the oil industry, visible on the landscape to this day, provide a direct link to the past for visitors, as do the historic valley settlements, riverbed settlements, plateau developments, farmlands, and industrial landscapes.

(7) The Oil Region also represents a cross section of American history associated with Native Americans, frontier settlements, the French and Indian War, African Americans and the Underground Railroad, and immigration of Swedish and Polish individuals, among others.

(8) Involvement by the Federal Government shall serve to enhance the efforts of the Commonwealth of Pennsylvania, local subdivisions of the Commonwealth of Pennsylvania, volunteer organizations, and private businesses, to promote the cultural, national, and recreational resources of the region in order to fulfill their full potential.

(b) PURPOSE.—The purpose of this Act is to enhance a cooperative management framework to assist the Commonwealth of Pennsylvania, its units of local government, and area citizens in conserving, enhancing, and interpreting the significant features of the lands, water, and structures of the Oil Region, in a manner consistent with compatible economic development for the benefit and inspiration of present and future generations in the Commonwealth of Pennsylvania and the United States.

SEC. 3. OIL REGION NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Oil Region National Heritage Area.

(b) BOUNDARIES.—The boundaries of the Heritage Area shall include all of those lands depicted on a map entitled ''Oil Region National Heritage Area'', numbered OIRE/20,000 and dated October, 2000. The map shall be on file in the appropriate offices of the National Park Service. The Secretary of the Interior shall publish in the Federal Register, as soon as practical after the date of the enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Oil Heritage Region, Inc., the locally based private, nonprofit management corporation which shall oversee the development of a management plan in accordance with section 5(b).

SEC. 4. COMPACT.

To carry out the purposes of this Act, the Secretary shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the Secretary and management entity.

SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—The management entity may use funds made available under this Act for purposes of preparing, updating, and implementing the management plan developed under subsection (b). Such purposes may include—

(1) making grants to, and entering into cooperative agreements with, States and their political subdivisions, private organizations, or any other person;

(2) hiring and compensating staff; and

(3) undertaking initiatives that advance the purposes of the Heritage Area.

(b) MANAGEMENT PLAN.—The management entity shall develop a management plan for the Heritage Area that—

(1) presents comprehensive strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) takes into consideration existing State, county, and local plans and involves residents, public agencies, and private organizations working in the Heritage Area;

(3) includes a description of actions that units of government and private organizations have agreed to take to protect the resources of the Heritage Area;

(4) specifies the existing and potential sources of funding to protect, manage, and develop the Heritage Area;

(5) includes an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;

(6) recommends policies for resource management which consider and detail application of appropriate land and water management techniques, including, but not limited to, the development of intergovernmental and interagency cooperative agreements to protect the Heritage Area's historical, cultural, recreational, and natural resources in a manner consistent with supporting appropriate and compatible economic viability;

(7) describes a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments for that implementation that have been made by the management entity and any other persons for the first 5 years of implementation;

(8) includes an analysis of ways in which local, State, and Federal programs, including the role for the National Park Service in the Heritage Area, may best be coordinated to promote the purposes of this Act;

(9) lists any revisions to the boundaries of the Heritage Area proposed by the management entity and requested by the affected local government; and

(10) includes an interpretation plan for the Heritage Area.

(c) DEADLINE; TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary within 2 years after the funds are made available for this Act.

(2) TERMINATION OF FUNDING.—If a management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal assistance under this Act.

(d) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan;

(2) assist units of government, regional planning organizations, and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;

(D) the restoration of any historic building relating to the themes of the Heritage Area;

(E) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(F) carrying out other actions that the management entity determines to be advisable to fulfill the purposes of this Act;

(3) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the management plan;

(4) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area; and

(5) for any year in which Federal funds have been provided to implement the management plan under subsection (b)—

(A) conduct public meetings at least annually regarding the implementation of the management plan;

(B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and

(C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.

(e) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

SEC. 6. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—

(A) OVERALL ASSISTANCE.—The Secretary may, upon the request of the management entity, and subject to the availability of appropriations, provide technical and financial assistance to the management entity to carry out its duties under this Act, including updating and implementing a management plan that is submitted under section 5(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives.

(B) OTHER ASSISTANCE.—If the Secretary has the resources available to provide technical assistance to the management entity to carry out its duties under this Act (including updating and implementing a management plan that is submitted under section 5(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives), upon the request of the management entity the Secretary shall provide such assistance on a reimbursable basis. This subparagraph does not preclude the Secretary from providing nonreimbursable assistance under subparagraph (A).

(2) PRIORITY.—In assisting the management entity, the Secretary shall give priority to actions that assist in the—

(A) implementation of the management plan;

(B) provision of educational assistance and advice regarding land and water management techniques to conserve the significant natural resources of the region;

(C) development and application of techniques promoting the preservation of cultural and historic properties;

(D) preservation, restoration, and reuse of publicly and privately owned historic buildings;

(E) design and fabrication of a wide range of interpretive materials based on the management plan, including guide brochures, visitor displays, audio-visual and interactive exhibits, and educational curriculum materials for public education; and

(F) implementation of initiatives prior to approval of the management plan.

(3) DOCUMENTATION OF STRUCTURES.—The Secretary, acting through the Historic American Building Survey and the Historic American Engineering Record, shall conduct studies necessary to document the industrial, engineering, building, and architectural history of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—The Secretary, in consultation with the Governor of Pennsylvania, shall approve or disapprove a management plan submitted under this Act not later than 90 days after receiving such plan. In approving the plan, the Secretary shall take into consideration the following criteria:

(1) The extent to which the management plan adequately preserves and protects the natural, cultural, and historical resources of the Heritage Area.

(2) The level of public participation in the development of the management plan.

(3) The extent to which the board of directors of the management entity is representative of the local government and a wide range of interested organizations and citizens.

(c) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(d) APPROVING CHANGES.—The Secretary shall review and approve amendments to the management plan under section 5(b) that make substantial changes. Funds appropriated under this Act may not be expended to implement such changes until the Secretary approves the amendments.

(e) EFFECT OF INACTION.—If the Secretary does not approve or disapprove a management plan, revision, or change within 90 days after it is submitted to the Secretary, then such management plan, revision, or change shall be deemed to have been approved by the Secretary.

SEC. 7. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner that the management entity determines shall not have an adverse effect on the Heritage Area.

SEC. 8. SUNSET.

The Secretary may not make any grant or provide any assistance under this Act after the expiration of the 15-year period beginning on the date of the enactment of this Act.

SEC. 9. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this Act shall preclude the management entity from using Federal funds available under Acts other than this Act for the purposes for which those funds were authorized.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) not more than $1,000,000 for any fiscal year; and

(2) not more than a total of $10,000,000.

(b) 50 PERCENT MATCH.—Financial assistance provided under this Act may not be used to pay more than 50 percent of the total cost of any activity carried out with that assistance.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I am delighted to be here today to discuss H.R. 695, The Oil Region National Heritage Area. I would first like to thank the gentleman from Utah (Mr. HANSEN) and the gentleman from Colorado (Mr. HEFLEY) and their staff for their hard work in bringing this bill to the floor today. This legislation is vital to protect and conserve natural, cultural, and historical resources of national significance, while recognizing one of the single most influential resources of the modern era.

The 1859 event of Colonel Edwin Drake's drilling of the world's first successful oil well has had a tremendous effect on the modern world. The commercial history of petroleum in the United States begins at Drake Well located along Oil Creek near Titusville, Pennsylvania, in fact, 5 miles from my home. The tools, the terminology, and the transportation and financial and extraction processes of the oil industry were developed here in the latter part of the 19th century and are still used today. Oil and petroleum products have transformed the world, including the automobile, the industrial revolution, and the creation of petroleum-based products such as plastics.

Oil has been recognized as a potentially significant substance long before Drake's Well called the attention of the world to this corner of Northwestern Pennsylvania. Many accounts of the Allegheny valleys and its tributaries tell of springs and streams whose surfaces were covered with a thick, oily substance. Because of this, the Oil Creek Valley was so named even before Drake's well. In addition, Native Americans of the Seneca tribe gathered and traded oil, giving rise to the name ''Seneca Oil.'' About 1847, a Pennsylvanian named Sam Keir devised a way to distill petroleum into lamp fuel which he called ''carbon fuel.'' The discovery of oil caused a stampede of people, with whole towns and hundreds of new oil wells quickly appearing.

Familiar words and meanings in the American language originated or were adopted for use in this territory: wildcatter, bird dog, gusher, pay dirt, shooter, and cash on the barrel head. Heroes and villains, enormous wealth, tragedies, violence, and environmental degradation are part of this story.

Forests were clear-cut to provide railroad ties and material to build oil derricks, bridges and buildings. Early black and white pictures show a deneutered landscape devoid of any trees or foliage. Part of the story that visitors learn about when they visit the current area of the Oil Heritage Park includes the degradation and restoration of the forests. Now, the visitors can see vistas of restored forests, creeks, and ecosystems. When I was a boy, you could not swim in many of these streams. Now we have some of the best trout and bass fishing in the East. I am grateful technology has improved over the years so that we can manage our natural resources in a way that is beneficial to all.

The creation of the Oil Region National Heritage Area enjoys widespread support from local citizens, governments, and businesses. Last year, the National Park Service testified about their reluctance to create this heritage area. However, at my urging, they agreed to conduct a feasibility study. The team went into this study with trepidation; however, they came away supportive and enthusiastic about the creation of the Oil Region National Heritage Area.

In February, we conducted two town hall meetings where elected officials, community leaders, businesses and concerned citizens met to discuss the merits of the national designation. No negative comments were voiced concerning the creation of the Oil Region

National Heritage Area. Sixty-eight people attended the meetings and every person who commented spoke favorably. As my colleagues can see, Mr. Speaker, this endeavor was founded with true grassroots support.

Today, Pennsylvania is no longer a major contributor in U.S. oil production; however, hundreds of active wells still dot the landscape. Oil Creek and its tributaries now run clear. Hillsides that once were oil soaked and clear-cut now exist as mature forests. All of the major oil companies have their roots here, including Sunoco, Standard Oil, Pennzoil, Quaker State, and Texaco. Oil fueled the industrial revolution and modernized America's transportation system. It is vital that we preserve and enhance the area that is called ''the valley that changed the world,'' the birthplace of commercial petroleum.

Through the establishment of the Oil Region National Heritage Area, we are allowing this great story to be told through maintenance of exhibits, restoration of buildings, and the development of educational and recreational opportunities. I would like to thank the cosponsors of H.R. 695, including my good friend, the gentleman from Pennsylvania (Mr. MURTHA), a neighbor. In fact, the majority of the Pennsylvania delegation supports the creation of the Oil Region National Heritage Area, and I would like to thank them as well. This bill is supported by the majority and minority party of the Committee on Resources as well as the administration. It is indeed now time to recognize the national significance of this great region by designating the Oil Region as a National Heritage Area. I hope my colleagues will want to recognize the important contribution that oil has made to the world as we know it by voting to pass H.R. 695, the Oil Region National Heritage Area. I urge all of my colleagues to support H.R. 695, as amended.

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

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

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

Mr. Speaker, this legislation would establish a new national heritage area in Pennsylvania. The purpose of the new designation would be to commemorate the first successful efforts to drill for oil in the mid-19th century and to preserve historical and cultural resources of the time. The area included in this new designation is already home to six national historic districts and 17 sites listed on the National Register of Historic Places.

Similar legislation in the previous Congress raised some concern because, at the time, no study of the area to be included in this new designation had been conducted. In addition, the administration raised several technical issues regarding the bill. However, since that time, a study has been completed and the area was found to be appropriate for this type of designation. Further, the sponsor of the bill has made the changes suggested by the administration and, with those changes, we join the administration in supporting H.R. 695.

□ 1415

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

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 695, as amended.

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

A motion to reconsider was laid on the table.

EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC TRAIL ACT OF 2001

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1628) to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

The Clerk read as follows:

H.R. 1628

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''El Camino Real de los Tejas National Historic Trail Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that—

(1) El Camino Real de los Tejas (the Royal Road to the Tejas), served as the primary route between the Spanish viceregal capital of Mexico City and the Spanish provincial capital of Tejas at Los Adaes (1721–1773) and San Antonio (1773–1821);

(2) the seventeenth, eighteenth, and early nineteenth century rivalries among the European colonial powers of Spain, France, and England and after their independence, Mexico and the United States, for dominion over lands fronting the Gulf of Mexico, were played out along the evolving travel routes in this immense area;

(3) the future of several American Indian nations, whose prehistoric trails were later used by the Spaniards for exploration and colonization, was tied to these larger forces and events and the nations were fully involved in and affected by the complex cultural interactions that ensued;

(4) the Old San Antonio Road was a series of routes established in the early 19th century sharing the same corridor and some routes of El Camino Real, and carried American immigrants from the east, contributing to the formation of the Republic of Texas, and its annexation to the United States;

(5) the exploration, conquest, colonization, settlement, migration, military occupation, religious conversion, and cultural exchange that occurred in a large area of the borderland was facilitated by El Camino Real de los Tejas as it carried Spanish and Mexican influences northeastward, and by its successor, the Old San Antonio Road, which carried American influence westward, during a historic period which extended from 1689 to 1850; and

(6) the portions of El Camino Real de los Tejas in what is now the United States extended from the Rio Grande near Eagle Pass and Laredo, Texas and involved routes that changed through time, that total almost 2,600 miles in combined length, generally coursing northeasterly through San Antonio, Bastrop, Nacogdoches, and San Augustine in Texas to Natchitoches, Louisiana, a general corridor distance of 550 miles.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a) is amended as follows:

(1) By designating the paragraph relating to the Ala Kahakai National Historic Trail as paragraph (21).

(2) By adding at the end the following:

''(23) EL CAMINO REAL DE LOS TEJAS.—

''(A) IN GENERAL.—El Camino Real de los Tejas (The Royal Road to the Tejas) National Historic Trail, a combination of routes totaling 2,580 miles in length from the Rio Grande near Eagle Pass and Laredo, Texas to Natchitoches, Louisiana, and including the Old San Antonio Road, as generally depicted on the maps entitled 'El Camino Real de los Tejas', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de los Tejas, Texas-Louisiana', dated July 1998. A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior.

''(B) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the Government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.''.

SEC. 4. PRIVATE PROPERTY RIGHTS PROTECTION.

Designation of El Camino Real de los Tejas under this Act does not itself confer any additional authority to apply other existing Federal laws and regulations on non-Federal lands along the trail. Laws or regulations requiring public entities and agencies to take into consideration a national historic trail shall continue to apply notwithstanding the foregoing. On non-Federal lands, the national historic trail shall be established only when landowners voluntarily request certification of their sites and segments of the trail consistent with section 3(a)(3) of the National Trails System Act. Notwithstanding section 7(g) of such Act, the United States is authorized to acquire privately-owned real property or an interest in such property for purposes of the trail only with the willing consent of the owner of such property and shall have no authority to condemn or otherwise appropriate privately-owned real property or an interest in such property for the purposes of El Camino Real de los Tejas National Historic Trail.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PETERSON) and the gentlewoman from the Virgin Islands

(Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1828 would establish the El Camino Real de los Tejas National Trail to the National Trails system. The Camino Real, also known as the royal road, is a combination of historic routes totaling 2,600 miles used by the Spanish to connect them to Spanish Capitals. The history of the trail extends from early American Indian nations to modern exploration and colonization.

Today, the trail extends from the Texas-Mexico border along the Rio Grande River to Natchitoches, Louisiana. These roads were primary transportation routes starting in the 1600s, and thus had significant influences on the culture and political identity of south central Texas and western Louisiana.

In addition to the designation as a National Historic Trail, H.R. 1628 would authorize the Secretary of the Interior to coordinate an international effort to recognize the significance of this trail, and foster education and research of its history with the country of Mexico.

Finally, H.R. 1628 specifies that the acquisition of privately-owned land or interest in land would occur only with the consent of the owner.

Mr. Speaker, H.R. 1628 is supported by the majority and the minority, as well as the administration. I urge my colleagues to support H.R. 1628.

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

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

Mr. Speaker, a study authorized by the 103rd Congress found that the El Camino Real de los Tejas was eligible for designation as a National Historic Trail under criteria established by the National Trails System Act, H.R. 1628, which will officially add this new route to our National Trails System.

The trail would be comprised of several different and overlapping routes totaling more than 2,500 miles. Beginning on the U.S.-Mexican border between the Texas cities of Eagle Pass and Laredo, the trail would run across Texas through cities including San Antonio and Austin, and end in the town of Natchitoches, Louisiana.

These routes were established around 1860 during the Spanish colonial period and remained in use through the early 1880s. During that time, these trails played a significant role in the settlement and economic development of the Texas frontier during the Spanish, Mexican, and Anglo-American periods.

This legislation makes clear that the trail may only be established with the consent of any affected private landowners, and mandates that any land acquisition for trail purposes may be from willing sellers only.

We commend our colleague, the gentleman from Texas (Mr. RODRIGUEZ), and are pleased to support him for his hard work on this legislation. I urge my colleagues to support H.R. 1628.

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

Mr. RODRIGUEZ. Mr. Speaker, today I am honored to ask the House to suspend the rules and pass the bill, H.R. 1628, the Camino Real de los Tejas Historic Trails Act of 2001. This legislation would designate a series of historic trails dating back to the 1600s as National Historic Trails. These trails, used first by the Native Americans, became the primary travel routes for exploration and then for commercial routes for the Spanish, the Mexicans, the Texans, and the Americans.

Before I go any further, Mr. Speaker, I am pleased to express my sincere thanks to the chairman and to the committee for their hard work; and to the gentleman from Utah (Mr. HANSEN) and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for their hard work in bringing the bill to the floor today.

The Subcommittee on National Parks, Recreation, and Public Lands has been very supportive. I would like to thank its chairman, the gentleman from Colorado (Mr. HEFLEY), and the ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN). I appreciate the bipartisan support that the committee has provided.

The El Camino Real de los Tejas National Historic Trails Act has received tremendous support from local governments and community organizations all across the State of Texas. More than 60 cities, counties, and local organizations from all over the border, from Mexico into Louisiana, have passed formal resolutions endorsing the passage of this legislation.

I owe a special thanks to the Alamo Area Council of Governments for its leadership in working on this with the National Park Service, with me and my office, and with local governments along the trail route for the more than 3 years they have worked on this legislation. Without their hard work, we would not be here today.

The National Park Service completed its feasibility study in July of 1998 pursuant to Public Law 103–145. The study concluded that the proposed trail met all the applicable criteria in the National Trails System Act, Public Law 90–543. In the 105th Congress, the Senate passed similar legislation, the El Camino Real de los Tejas National Historic Trail Act of 1998, Senate bill 2276, but the Congress ended before the House had the opportunity to consider the legislation.

The bill before the House today contains a number of important changes in the version passed by the Senate in the 105th Congress. In an effort to clarify the intent of the legislation and to respond to concerns raised by private property owners and advocates during the bill's consideration, H.R. 1628 contains specific provisions to ensure protection by private property rights, as our chairman has indicated.

Specifically, the bill states unambiguously that no land or interest in land can be acquired by the Federal Government without the willing consent of the owner; secondly, that the Federal Government has no authority to condemn or appropriate land for the trail; that the trail would not be established on the ground unless a private property owner voluntarily requests to participate; and that the designation of the trail does not confer any additional authority to apply other nontrail Federal laws that might be implicationable.

These provisions reflect my desire to remove any concerns that the National Historic Trail in Texas would negatively impact on private property owners. In fact, the experience of other existing national historic trails suggests just the opposite. Private property owners can and do benefit from participation in the trail program, but only if they so choose.

The trail that will be designated today is truly historic. The Camino Real, or Royal Highway, forged the way for the early development of Texas from the Spanish colony to an independent Republic as a State of the United States and as the first great highway of Texas. This Camino Real opened the door to trade and cultural exchange, which continues to impact our lives today.

The State of Texas recognized the critical importance of these royal highways in 1929 when the State legislature designated portions of the El Camino Real de los Tejas, later known as the Old San Antonio Road, as one of Texas's historic trails.

State Highway 21 marks the trail's pathway in many parts of the State, as do State historical markers. Designation as a National Historic Trail would greatly enhance the resources available for trail preservation and public education of its unique and important history.

The Camino Real de los Tejas, as defined in this legislation collectively, represents a series of roads and trails extending for over 1,000 miles from Mexico City to Los Adeas in what is today Louisiana, beginning with the Indian trails. Remember, this goes back, it is a beautiful history, to 1689 and the explorers as well as missionaries and people who colonized the area.

All told, various portions of this El Camino Real de los Tejas now extends up to 550, and some up to 2,600, miles as they paralleled each other with various roads.

The Camino Real de los Tejas linked the Spanish in Mexico to their new outposts in East Texas in the late 17th and 18th century. The mission San Antonio de Valero, later known as the Alamo, was established along the Camino Real route and later served as a

focal point for military battles for Texas independence. Critical supplies made their way to the American Colonies during the war of independence via the Camino Real de los Tejas trail system.

The El Camino Real de los Tejas road system provided many transportation routes for Mexican and Texan armies during the Texas revolution, and continued to play a major role in the military future of the area.

Recognizing the significance of El Camino Real de los Tejas and its historical importance grounds us for the future and provides us great opportunities for today. The trail's designation will help enhance tourism and economic development for many of the small cities that it goes through, and for the towns and trails that it passes through. The local museums as well as historical sites will give new opportunities for growth.

The San Antonio Missions National Historic Park and the importance of the beautification network of the mission in San Antonio will provide a base for operation of the trail. The number of public roads, State parks, and national forests can also provide public access to this important piece of our history.

As we strive to boost international trade and development of our local communities, as well as enhance educational opportunities, we only have to look to the El Camino Real de los Tejas for inspiration.

I can just add once again, I thank the gentleman very much. We always talk about the westward movement. We forget there was a northward movement also, and a southern movement.

Mrs. CHRISTENSEN. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. TURNER).

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

Mr. Speaker, I rise in support of H.R. 1628, the Camino Real de los Tejas National Historic Trail Act. I want to thank the gentleman from Texas (Mr. RODRIGUEZ) for his leadership on this legislation, as well as the gentleman from Colorado (Mr. HEFLEY), chairman of the Subcommittee on National Parks, Recreation, and Public Land, and its ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

This trail runs through my hometown of Crockett, as well as several other communities in my district, such as Nacogdoches and Augustine. It is a very historic part of our State in East Texas. I am proud to represent the congressional district once represented by Sam Houston.

This historic highway system, which has served Texas for over 150 years, was, beginning in 1689, one of the primary exploration, commerce, and immigration routes through our great State of Texas. The highway, as has been mentioned, extends from Mexico across the Rio Grande all the way up through East Texas into Louisiana. The trail covers over 2,600 miles in all.

I have received resolutions in favor of this legislation from numerous communities along the trail urging that this highway be designated as a National Historic Trail, so I am proud to join with my colleagues here on the floor today advocating that the House adopt H.R. 1628 to designate the El Camino Real as a National Historic Trail.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I want to share with the gentleman from Texas (Mr. RODRIGUEZ) that we are delighted to support his bill, and urge fellow Members to do likewise.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of H.R. 1628, the El Camino Real de los Tejas National Historic Trail Act of 2001. I want to commend my colleague, Representative CIRO RODRIGUEZ of Texas for introducing this bill.

H.R. 1628, the El Camino Real de los Tejas National Historic Trail Act of 2001, is a good bill because it provides for the protection and conservation of our cultural heritage. The enactment of H.R. 1628 will serve to continue recognizing the cultural heritage and preservation of the Southwest United States. The measure will also go a long way in strengthening the many common ties between the United States and Mexico that are symbolized by and embodied in the Camino Reales of the Southwest.

The El Camino Real de los Tejas has connected the people of Mexico and the United States in transportation and commerce. This bill would help recognize and designate this network of trade routes, post routes, cattle trails and military highways used by Native Americans, Spanish, French and English explorers. Moreover, this bill illustrates the historical importance of these corridors and will contribute to the enhancement of tourism and economic development throughout the region.

Designating El Camino Real de los Tejas as a National Historic Trail will, undoubtedly reconnect our citizens even more closely to the ties of historical and cultural heritage with Mexico and Spain. Revitalizing the Camino Real de los Tejas will also allow the larger family of Americans to participate in and benefit from that effort. It will lead to a more rounded, more holistic view of the history of our continent, one that will enable us to continue to discover and explore the commonalities that bond the U.S. with Mexico and Spain.

Last year, Representative SYLVESTRE REYES and I sponsored similar legislation that was signed by President Clinton. That measure designated El Camino Real de Tierra Adentro, which ran from El Paso, Texas to San Juan Pueblo in New Mexico as a National Historic Trail.

H.R. 1628 is equally important to the preservation of our cultural resources. Again, I commend Mr. RODRIGUEZ for introducing this legislation and urge my colleagues to support it.

I hope that together through efforts like this, we can continue to expand cultural heritage preservation and tourism initiatives throughout the Southwest. In doing so, we celebrate our rich cultural history while expanding economic opportunities.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 1628.

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

A motion to reconsider was laid on the table.

EMIGRANT WILDERNESS PRESERVATION ACT OF 2001

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 434) to direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of the 18 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 434

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Emigrant Wilderness Preservation Act of 2001''.

SEC. 2. OPERATION AND MAINTENANCE OF CERTAIN WATER IMPOUNDMENT STRUCTURES IN THE EMIGRANT WILDERNESS, STANISLAUS NATIONAL FOREST, CALIFORNIA.

(a) COOPERATIVE AGREEMENT FOR MAINTENANCE AND OPERATION.—The Secretary of Agriculture shall enter into a cooperative agreement with a non-Federal entity described in subsection (c), under which the entity will retain, maintain, and operate at private expense the water impoundment structures specified in subsection (b) that are located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California, as designated by section 2(b) of Public Law 93–632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(b) COVERED WATER IMPOUNDMENT STRUCTURES.—The cooperative agreement required by subsection (a) shall cover the water impoundment structures located at the following:

(1) Cow Meadow Lake.
(2) Y-Meadow Lake.
(3) Huckleberry Lake.
(4) Long Lake.
(5) Lower Buck Lake.
(6) Leighton Lake.
(7) High Emigrant Lake.
(8) Emigrant Meadow Lake.
(9) Middle Emigrant Lake.
(10) Emigrant Lake.
(11) Snow Lake.
(12) Bigelow Lake.

(c) ELIGIBLE ENTITY.—The following non-Federal entities are eligible to enter into the cooperative agreement under subsection (a):

(1) A non-profit organization as defined in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

(2) The State of California or a political subdivision of the State.

(3) A private individual, organization, corporation, or other legal entity.

(d) RESPONSIBILITIES OF THE SECRETARY.—

(1) MAP.—The Secretary of Agriculture shall prepare a map identifying the location, size,

and type of each water impoundment structure covered by the cooperative agreement under subsection (a).

(2) TERMS AND CONDITIONS OF AGREEMENT.—The Secretary shall prescribe the terms and conditions of the cooperative agreement, which shall set forth the rights and obligations of the Secretary and the non-Federal entity. At a minimum, the cooperative agreement shall—

(A) require the non-Federal entity to operate and maintain the water impoundment structures covered by the agreement in accordance with a plan of operations approved by the Secretary;

(B) require approval by the Secretary of all operation and maintenance activities to be conducted by the non-Federal entity;

(C) require the non-Federal entity to comply with all applicable State and Federal environmental, public health, and safety requirements; and

(D) establish enforcement standards, including termination of the cooperative agreement for noncompliance by the non-Federal entity with the terms and conditions.

(3) COMPLIANCE.—The Secretary shall ensure that the non-Federal entity remains in compliance with the terms and conditions of this section and the cooperative agreement.

(e) RESPONSIBILITIES OF THE NON-FEDERAL ENTITY.—The non-Federal entity shall be responsible for—

(1) carrying out its operation and maintenance activities with respect to the water impoundment structures covered by the cooperative agreement under subsection (a) in conformance with this section and the cooperative agreement; and

(2) the costs associated with the maintenance and operation of the structures.

(f) PROHIBITION ON USE OF MECHANIZED TRANSPORT AND MOTORIZED EQUIPMENT.—The non-Federal entity may not use mechanized transport or motorized equipment—

(1) to operate or maintain the water impoundment structures covered by the cooperative agreement under subsection (a); or

(2) to otherwise conduct activities in the Emigrant Wilderness pursuant to the cooperative agreement.

(g) EXPANSION OF AGREEMENT TO COVER ADDITIONAL STRUCTURES.—In the case of the six water impoundment structures located within the boundaries of the Emigrant Wilderness, but not specified in subsection (b), the Secretary of Agriculture may expand the scope of the cooperative agreement under subsection (a), with the consent of the State of California and the other party to the agreement, to include one or more of these structures, subject to the same terms and conditions as apply to the structures specified in subsection (b).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture $20,000 to cover administrative costs incurred by the Secretary to comply with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in carrying out this section.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

□ 1430

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend and colleague, the gentleman from California (Mr. DOOLITTLE), for his work on H.R. 434, the Emigrant Wilderness Protection Act. This bill would give the Secretary of Agriculture the authority to enter into a cooperative agreement with non-Federal entities to retain, maintain and operate at private expense the 12 small check dams and weirs, located within the Emigrant Wilderness boundary. The work would be down under terms and conditions established by the Secretary and without use of mechanized transport or motorized equipment. The bill authorizes $20,000 to be appropriated to cover administrative costs incurred by the Secretary to comply with the National Environmental Policy Act.

Although not specifically indicated within the legislation, it is widely believed to have been the intent of Congress when it passed the Emigrant Wilderness Act in 1974 to preserve the 18 check dam structures. Report language for the 1974 act explained: ''Within the area recommended for wilderness designation, there are drift fences, five miles, which will be maintained, but several cabins and barns will be removed within 10 years. Two snow cabins will be retained. The weirs and small dams will likewise be retained,'' House Report No. 93–989, page 10, April 11, 1974.

This is a good, well thought-out, common-sense bill, Mr. Speaker; and I urge my colleagues to support the measure.

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

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

H.R. 434 would allow for the nonmotorized maintenance and repair of 12 concrete dams in the Emigrant Wilderness in the Stanislaus National Forest in California. The bill would allow the Forest Service to enter into cooperative agreements to delegate the maintenance work and expense to private properties. These structures were built between 1931 and 1954 and were in existence when Congress designated the Wilderness area in 1974. Several provide water during the dry seasons for trout habitat.

Although dams generally do not belong in Wilderness and the forest planning process is addressing this issue, several factors make the bill acceptable: first, litigation threatens to drag the planning process out for years. Second, these dams, some of which are eligible for listing on the National Register for Historic Places, predate the establishment of the Wilderness, have a history of nonmotorized maintenance, and are, for the most part, unobtrusive. Finally, the expense is not borne by the taxpayer.

As reported out of committee, this bill represents a reasonable compromise, reducing the number of dams maintained from 18 to 12 and mirroring the bill that passed the House last Congress. I urge my colleagues to support it.

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

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 434, as amended.

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

The title of the bill was amended so as to read: ''A bill to direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of 12 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California, and for other purposes.''.

A motion to reconsider was laid on the table.

PACIFIC NORTHWEST FEASIBILITY STUDIES ACT OF 2001

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1937) to authorize the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington, as amended.

The Clerk read as follows:

H.R. 1937

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pacific Northwest Feasibility Studies Act of 2001''.

SEC. 2. AUTHORIZATION OF FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary of the Interior may engage in the following feasibility studies:

(1) The Tulalip Tribes Water Quality Feasibility Study, to identify ways to meet future domestic and commercial water distribution needs of the Tulalip Indian Reservation on the Eastern Shore of Puget Sound, Washington.

(2) The Lower Elwha Klallam Rural Water Supply Feasibility Study, to identify additional rural water supply sources for the Lower Elwha Indian Reservation on the Olympic Peninsula, Washington.

(3) The Makah Community Water Source Project Feasibility Study, to identify ways to meet the current and future domestic and commercial water supply and distribution needs of the Makah Indian Tribe on the Olympic Peninsula, Washington.

(b) PUBLIC AVAILABILITY OF RESULTS.—The Secretary of the Interior shall make available to the public, upon request, the results of each feasibility study authorized under subsection (a), and shall promptly publish in the Federal Register a notice of the availability of those results.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1937, authored by the gentleman from Washington State (Mr. LARSEN) will authorize the Secretary of the Interior to conduct feasibility studies for three Native American tribes in the State of Washington. The purpose of the studies is to investigate the feasibility of providing potable water and wastewater distribution systems to meet the future domestic and commercial needs of the tribes.

This is a noncontroversial bill, and I urge its adoption.

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

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

I rise in strong support as well of H.R. 1937, the Pacific Northwest Feasibility Studies Act. I congratulate my colleague, the gentleman from Washington State (Mr. LARSEN), for his hard work in bringing this bill to the House floor today.

H.R. 1937 authorizes the Secretary of the Interior to engage in water supply feasibility studies to benefit several Native American communities in the State of Washington. The studies will help the communities to identify the best ways to meet their water supply and distribution needs for domestic, rural, and commercial water users.

The bill also requires the Secretary to make the results of these studies available to the public and to publish a notice of the availability of study results. The report and accompanying environmental and economic analyses will provide the Congress with recommendations on how best to proceed with cost-effective and environmentally sound solutions to the water problems facing these communities.

This legislation enjoys broad support, and I encourage my colleagues to support H.R. 1937.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. LARSEN), the sponsor of H.R. 1937.

Mr. LARSEN of Washington. Mr. Speaker, I just want to take a few minutes to speak on behalf of H.R. 1937, the Pacific Northwest Feasibility Studies Act of 2001.

I first want to thank the gentleman from California (Mr. CALVERT) and the gentleman from Utah (Mr. HANSEN) on the Republican side, and the gentleman from West Virginia (Mr. RAHALL), the gentleman from Washington (Mr. DICKS), the gentleman from Washington (Mr. SMITH), and the gentleman from Washington (Mr. INSLEE) on the Democratic side for their support in shepherding this legislation to the floor today.

I just want to point out this bill authorizes the Secretary of the Interior to conduct water feasibility studies for three Native American tribes in Washington State. I want to speak briefly about one in particular, which is in my district, the Tulalip Indian Tribe. The Tulalip reservation is located outside of Marysville and covers approximately 35 square miles. The permanent population of the reservation is under 7,000 and continues to grow significantly, but during the summer and holidays the reservation population increases by up to 40 percent.

Like many American Indian reservations, the Tulalip reservation faces groundwater access barriers due to the presence of glacial sediments, a shallow aquifer system, bordering salt water and limited drainage. Likewise, most of the current drinking water on the reservation is supplied from a patchwork of public and private wells. Continued degradation of the water resources on the reservation will limit the development of the reservation and surrounding areas.

The study that this bill authorizes is vital to ensure the long-term safety and accessibility of groundwater on the reservation. So I urge my colleagues to support this legislation, H.R. 1937.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume, in closing, to thank the ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), for her support in helping to bring these four bills to the floor today. Especially the first one, I failed to thank her on the floor for that, so I will do it now.

I want to thank her and all the Members for their support in bringing these four bills forward.

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

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume to thank my colleague for those kind words. It has been a pleasure sharing this afternoon with him and getting these bills to the floor and passed, as well as working with him on the committee these several years.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 1937, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETERSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 695, H.R. 434, H.R. 1628, and H.R. 1937, the four bills just considered.

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

There was no objection.

BROWN V. BOARD OF EDUCATION 50TH ANNIVERSARY COMMISSION

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (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.

The Clerk read as follows:

Senate amendments:

Page 3, line 8, strike out ''Chair'' and insert *''one of two Co-chairpersons''*.

Page 3, after line 8, insert:

(2) Two representatives of the Department of Justice appointed by the Attorney General, one of whom shall serve as one of two Co-chairpersons of the Commission.

Page 3, line 9, strike out ''(2)'' and insert *''(3)''*.

Page 3, strike out lines 11 to 22.

Page 3, after line 22, insert:

(A)(i) The Members of the Senate from each State described in clause (iii) shall each submit the name of 1 individual from the State to the majority leader and minority leader of the Senate.

(ii) After review of the submissions made under clause (i), the majority leader of the Senate, in consultation with the minority leader of the Senate, shall recommend to the President 5 individuals, 1 from each of the States described in clause (iii).

(iii) The States described in this clause are the States in which the lawsuits decided by the Brown decision were originally filed (Delaware, Kansas, South Carolina, and Virginia), and the State of the first legal challenge involved (Massachusetts).

(B)(i) The Members of the House of Representatives from each State described in subparagraph (A)(iii) shall each submit the name of 1 individual from the State to the Speaker of the House of Representatives and the minority leader of the House of Representatives.

(ii) After review of the submissions made under clause (i), the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives, shall recommend to the President 5 individuals, 1 from each of the States described in subparagraph (A)(iii).

Page 4, line 3, strike out ''(3)'' and insert *''(4)''*.

Page 4, line 6, strike out ''(4)'' and insert *''(5)''*.

Page 4, line 8, strike out ''(5)'' and insert *''(6)''*.

Page 4, line 10, strike out ''(6)'' and insert *''(7)''*.

Page 5, line 4, strike out ''the Chair'' and insert *''a Co-chairperson''*.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2133, the bill under consideration.

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

There was no objection.

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

It is my pleasure to rise in support of H.R. 2133 introduced by the gentleman from Kansas (Mr. RYUN), which would establish a commission to commemorate the 50th anniversary of the Brown versus Board of Education decision. This bill passed the House on June 27, 2001, under suspension of the rules by a vote of 414 to 2 and passed the Senate on August 3 with some amendments. These amendments change how the commission would be formed and who would make the recommendations for commission members.

Mr. Speaker, May 17, 2004, will mark the 50th anniversary of this landmark U.S. Supreme Court decision. This legislation would establish a Federal commission to provide for and encourage the commemoration of that anniversary. The Brown decision, as studied in law schools across the United States, is remembered for its definite interpretation of the 14th amendment to the United States Constitution. The Court stated that the discriminatory nature of racial segregation violates the 14th amendment to the U.S. Constitution, which guarantees all citizens equal protection of the laws.

On a human level, the Brown decision has had a dramatic impact on families, communities, and governments by outlawing racial segregation, meaning an end to legal discrimination on any basis. Today, we take it as a given that, as the Court opined at that time, separate educational facilities are inherently unequal.

Cheryl Brown Henderson, of the Brown Foundation, had the idea to establish a commission to prepare for the commemoration of the 50th anniversary of this decision. Seeing the educational value this commission would bring, my colleague, the gentleman from Kansas (Mr. RYUN), followed through with legislation to establish it. The commission would work in conjunction with the Department of Education to plan and coordinate public education activities and initiatives through its 10 regional offices. Activities such as public lectures, writing contests, and public awareness campaigns will be included.

The commission is to be comprised of 22 members, including representatives from the Department of Education, the Department of Justice, the NAACP, the Judicial Branch, the Brown Foundation, and the Brown v. Board National Historic Site. In addition, Members of the Senate and House of Representatives from the States in which the lawsuits were originally filed, Delaware, Kansas, South Carolina, and Virginia, and from the State of the first legal challenge, Massachusetts, and the District of Columbia would recommend individuals to the Speaker of the House and minority leader and the majority and minority leader in the Senate for the commission.

Ultimately, we hope that this commission will educate Americans about the far-reaching historical impact of this decision and what it has done for this country.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. RYUN), the sponsor of this bill, to speak on behalf of it.

Mr. RYUN of Kansas. Mr. Speaker, I want to thank those in the House and the other body for their hard work in bringing this important bill to the floor today. I especially want to thank one of my constituents, Cheryl Brown Henderson, for being the catalyst in this effort to educate America on the Brown versus Board of Education Supreme Court decision.

H.R. 2133 will establish a commission to help educate Americans on the history and ramifications of this landmark case in preparation for the 50th anniversary of the Brown decision. On May 17, 1954, the U.S. Supreme Court issued a definitive interpretation of the 14th amendment that would unequivocally change the landscape of American public education. This decision effectively ended the long-held ''separate but equal'' doctrine in U.S. education.

The commission will work in conjunction with a number of different Departments, as my colleague just mentioned, the Department of Education, Judicial Branch, NAACP Legal Defense and Education Foundation, and the Brown Foundation. It will also have individuals chosen from the various States where this originated, such as in Delaware, Kansas, South Carolina, and Massachusetts will also serve on the commission. So it will be very far-reaching, but it is a great opportunity to bring all this before the American public.

Establishing a commission will help educate the American public on this decision and will serve as a resounding reminder to all of us of the real struggle and sacrifice required to make equality a reality for all America.

□ 1445

We must not forget these sacrifices that were made in order for equality for all Americans.

Mr. Speaker, I urge my colleagues to join me in honoring this historic and far-reaching Supreme Court decision by supporting H.R. 2133.

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

Mr. Speaker, I rise in support of H.R. 2133, the legislation to establish the Brown v. Board of Education 50th Anniversary Commission.

I want to commend my friend and colleague, the gentleman from Chicago, Illinois (Mr. Davis) for his leadership in bringing this bill to the floor as the ranking member and co-sponsor of this bill.

This commission, in conjunction with the Department of Education and the Department of Justice, is charged with planning and coordinating public educational activities, initiatives, writing contests, and public awareness campaigns regarding this anniversary of Brown v. the Board of Education.

Under the bill, the commission will in cooperation with the Brown Foundation for Educational Equity, Excellence and Research, submit recommendations to the Congress to encourage, plan and develop the observances of the anniversary of Brown decision. The 50th anniversary of the Brown decision will take place on May 17, 2004. Brown v. the Board of Education is to be commemorated for what it did to address the disparities in the American educational system 47 years ago and to help remind us that there is much yet to be done to address the disparities that we struggle with even today.

Education has always been the way up and the way out for America's youth. Equal educational opportunity is America's best hope for racial, social, and economic justice. It was because of this fact that in 1951 Oliver Brown and the parents of 12 other black children filed a lawsuit against the Topeka Board of Education protesting the City's segregation of black and white students. This is why also today parents all across America, particularly parents of children of color, are demanding that elected officials improve the quality and equality of America's schools.

In 1997, we know that 93 percent of whites age 25 to 29 had attained a high school diploma or equivalency degree. In that same year, only 87 percent of African-Americans had attained their high school diploma and just 63 percent of Hispanics. Among those who achieved a high school diploma, 37 percent of whites had completed a bachelor's degree at a college or university compared with only 16 percent of African-Americans and 18 percent of Hispanics. Clearly the statistics revealed to us that we have not yet achieved the goals of Brown v. Board of Education.

Given the increasing importance of skills in our labor market, these gaps in educational attainment translate into significant differences by race and ethnicity in eventual labor market outcomes, such as wages and employment.

It is important to remember that the historic Brown v. Board of Education decision, which was announced in May of 1954 by Chief Justice Earl Warren, represented a significant change in our policy in our public schools that has meant much progress for those who were for many years segregated into substandard and unequal classrooms.

Justice Warren, in that opinion, stated that public education was a right which must be made available to all on equal terms. I trust that this commission will remember those words when planning for the observances of the 50th anniversary of the Brown decision. I hope those words will remind all of us that we have yet to achieve the goals that were set forth in that historic opinion.

Mr. Speaker, I urge all of my colleagues to join with me in supporting this very important piece of legislation.

Mr. RANGEL. Mr. Speaker, I rise before you today in support of H.R. 2133 which would establish a commission for the purpose of encouraging and providing for the commemoration of the 50th Anniversary on May 17, 2004 of the Supreme Court's unanimous and landmark 1954 decision in Brown v. the Board of Education.

While the 13th, 14th, and 15th Amendments to the Constitution outlawed slavery, guaranteed rights of citizenship to naturalized citizens and due process, equal protection and voting rights, nearly a century would pass before the last vestiges of ''legalized'' discrimination and inequality would be effectively revoked. The right of equal protection under the law for African-Americans was dealt a heavy blow with the Supreme Court's 1875 decision to uphold a lower court in Plessy v. Ferguson. The Plessy decision created the infamous ''separate but equal'' doctrine that made segregation ''constitutional'' for almost 80 years.

It was not until the 1950's, when the NAACP defense team led by the Honorable Thurgood Marshall as general counsel, launched a national campaign to challenge segregation at the elementary school level that effective and lasting change was achieved. In five individually unique cases filed in four states and the District of Columbia, the NAACP defense team not only claimed that segregated schools told Black children they were inferior to White children, but that the ''separate by equal'' ruling in Plessy violated equal protection. Although all five lost in the lower courts, the U.S. Supreme Court accepted each case in turn, hearing them collectively in what became Brown v. Board of Education.

The Brown decision brought a decisive end to segregation and discrimination in our public school systems, and gradually our national, cultural and social consciousness as well.

The first, however, did not end there. We may have overcome segregation and racism, but now the fight is economic, one in which some of our schools are inferior to others because of inadequate funding, overcrowded classrooms, dilapidated school buildings and a nationwide lack of teachers. We only have to look at the high levels of crime, drug use, juvenile delinquency, teen pregnancy and unemployment to know the value of a good education. If Brown taught us anything, it is that without the proper educational tools, young people lose hope for the future.

No one challenges the concept of investing in human capital, but it is a well-known fact that we spend ten times as much to incarcerate then we do to educate. If we can find the resources to fund a tax cut and for a U.S. prison system with nearly 2 million inmates, we can give our public schools the repairs and facilities they desperately need, we can reduce class sizes and provide adequate pay to attract the best and brightest into the teaching profession.

I urge my colleagues here in the House to join me in remembering the lessons of Brown v. Board of Education when we consider our national priorities, by committing ourselves to addressing the unfulfilled promises of equality and opportunity contained in the Brown decision.

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

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2133.

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

A motion to reconsider was laid on the table.

CONVEYANCE OF ARMY RESERVE CENTER IN KEWAUNEE, WISCONSIN TO CITY OF KEWAUNEE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 788) to provide for the conveyance of the excess Army Reserve Center in Kewaunee, Wisconsin, as amended.

The Clerk read as follows:

H.R. 788

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

SECTION 1. LAND CONVEYANCE, ARMY RESERVE CENTER, KEWAUNEE, WISCONSIN.

(a) CONVEYANCE REQUIRED.—The Administrator of General Services shall convey, without consideration, to the City of Kewaunee, Wisconsin (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of Federal real property, including improvements thereon, that is located at 401 5th Street in Kewaunee, Wisconsin, and contains an excess Army Reserve Center. After such conveyance, the property may be used and occupied only by the City, or by another local or State government entity approved by the City.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(c) REVERSIONARY INTEREST.—During the 20-year period beginning on the date the Administrator makes the conveyance under subsection (a), if the Administrator determines that the conveyed property is not being used and occupied in accordance with such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States. Upon reversion, the United States shall immediately proceed to a public sale of the property.

(d) ADDITIONAL TERMS AND CONDITIONS.—(1) The property shall not be used for commercial purposes.

(2) The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(e) TREATMENT OF AMOUNTS RECEIVED.—Any net proceeds received by the United States as payment under subsection (c) shall be deposited into the Land and Water Conservation Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 788 would require the General Services Administration to convey to the City of Kewaunee, Wisconsin at no cost a parcel of property containing an Army Reserve Center located in northwest Kewaunee. The property consists of two buildings with approximately 17,000 square feet of space constructed on 4.4 acres of land.

The property is excess to the needs of the Army and surplus to the needs of the Federal Government. It has been vacant since 1996.

Currently, the City of Kewaunee's municipal services are located at different sites around the city. Kewaunee city hall, police department, ambulance service and community center/senior center have outgrown their present facilities. They require room to expand. The City of Kewaunee intends to consolidate these services at the vacant Army Reserve center.

Mr. Speaker, I urge my colleagues to join me in supporting this legislation.

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

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

Mr. Speaker, the bill before us, as has been pointed out, directs the administrator of the General Services Administration to convey an excess Army Reserve Center to the City of Kewaunee, Wisconsin. It consists of about four-and-a-half acres of lands. It is a piece of property that the City plans to use only for governmental purposes. It is going to be a very important building to this small community of less than 3,000 people by providing a place for a city hall, a city council meeting place. It may also house police, emergency rescue personnel, and other municipal functions.

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. GREEN) for his efforts in putting this bill together as it pertains to his district. I thank the gentleman from Indiana (Mr. BURTON) and the gentleman from Virginia (Mr. TOM DAVIS) for accommodating concerns raised about the bill.

Mr. Speaker, the bill on the floor is a better bill than we started out with and protects the interests of the Federal Government by specifying that the property must be used exclusively for a government purpose for not less than 20 years or title would revert to the United States Government.

At the same time the legislation will provide the City of Kewaunee with a suitable municipal building which it otherwise would be unable to afford. It is important to note that not only does this legislation bypass normal committee procedures, it is considered ''special legislation'' because it is not being considered under the normal Federal property disposal procedures. Under normal Federal property disposal procedures, a transfer of this kind would not be currently permitted.

We are pleased to join today in accommodating the interest which has been shared with our committee by the gentleman from Wisconsin (Mr. GREEN) to enable the City of Kewaunee to have this building which is no longer needed by the Federal Government.

Mr. Speaker, I hope that even though this building does not fit within any of the traditional exceptions for transfer, that the circumstances of this case will speak for themselves and that Members of Congress on both sides of the aisle will join with us in supporting the passage of this legislation.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. GREEN), the bill sponsor, a strong fighter for the citizens of Kewaunee, Wisconsin.

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the committee staff and the staff of the gentleman from Virginia and, in particular, the minority staff. As the gentleman from Texas (Mr. TURNER) alluded to, the extra help and assistance and cooperation they gave us, we appreciate very much.

Mr. Speaker, Kewaunee is a small city of about 3,000 people located on the shores of Lake Michigan. It is filled with good people with big dreams. Kewaunee also faces, like a number of small cities, a number of financial challenges. For several years, Kewaunee has been without the financial resources to sufficiently house basic municipal services in its city hall and police station and fire station.

Mr. Speaker, when the U.S. Army abandoned its reserve center in 1996, it created the opportunity for meeting those challenges. Since 1996, the Kewaunee Reserve Center has worked through the GSA disposal process. It was declared excess in 1998; and since then, there has been no expression of interest by any Federal agency. Currently, only the City of Kewaunee has any interest in this property.

Right now the setup for municipal services in the City of Kewaunee is, to put it kindly, less than ideal. The city hall is in the old bank building with no parking or office space. The council shares office space with the business office. The police department is in the water treatment plant. The senior citizens center is on the second floor of the fire station, and the ambulance service is in the public works garage. Obviously, this is not ideal.

Mr. Speaker, people in America, especially from small towns, want government to work for them. They are looking for common sense and partnerships. This is not a big deal to the Federal Government. This building is vacant, and it will need lots of work to bring it up to suitable standards. However, it is a big deal to the City of Kewaunee. It opens new doors to the future, and allows them to reach out and capture some of those good opportunities and big dreams.

Mr. Speaker, I thank the minority staff for all of their assistance in this special situation.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I urge adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 788, as amended.

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

A motion to reconsider was laid on the table.

STAN PARRIS POST OFFICE BUILDING DESIGNATION ACT

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1766) to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the ''Stan Parris Post Office Building.''

The Clerk read as follows:

H.R. 1766

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

SECTION 1. STAN PARRIS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, shall be known and designated as the ''Stan Parris Post Office Building''.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Viginia (Mr. TOM DAVIS) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1766.

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

There was no objection.

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

Mr. Speaker, H.R. 1766 sponsored by the gentleman from Virginia (Mr. WOLF) would rename the Post Office at 4270 John Marr Drive in Annandale, Viginia, to honor Stan Parris, a distinguished and dedicated Republican representative from Northern Virginia.

Stan's career in public service began as a member of the Fairfax County Board of Supervisors representing the Mason district. He later served the people of Virginia as Secretary of the Commonwealth and Director of the Commonwealth of Virginia's Washington Liaison Office.

Stan went on to represent the Eighth Congressional District of Virginia from 1973 to 1975, and more recently from 1981 to 1991. While in Congress he was a member of the Committee on Banking, the Committee on the Interior and Insular Affairs, and the Select Committee on Narcotics Abuse and Control.

As the ranking minority member of the Subcommittee on the District of Columbia, Stan was a vocal critic of D.C. Government policies in the 1980s and recognized the early signs of the City's financial and organizational mismanagement, which eventually escalated to crisis level by the mid-1990s. Additionally, he was among the first congressional Members calling for the closure of Lorton Prison, a process that finally began as part of the National Capital Revitalization and Self-Government Improvement Act of 1977. Stan was ahead of his time.

While serving in Congress, Stan successfully pursued measures to alleviate traffic congestion in Northern Virginia. A strong advocate for the residents of Virginia's Eighth Congressional District, he worked tirelessly on behalf of Federal employees and military retirees to help them obtain better salaries and benefits.

□ 1500

After leaving Congress, Stan was appointed by the President to serve as the administrator of the Saint Lawrence Seaway Development Corporation, and since 1996 he has worked with the law firm of Dickstein, Shapiro, Moore and Oshinsky, LLP. He now resides in Hudgins, Virginia.

I urge all my colleagues to join in supporting this legislation honoring Stan Parris.

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

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

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join with my friend and colleague (Chairman DAVIS) in supporting H.R. 1766, legislation sponsored by our friend and colleague, the gentleman from Virginia (Mr. WOLF).

This legislation honors a distinguished former member of this House, Stan Parris, by naming the post office in Annandale, Virginia, after him.

Mr. Parris is a gentleman that I did not have the pleasure of knowing. He left the Congress in 1991, long before I arrived; but I understand from reading his background that he was an outstanding Member of this body, a distinguished American; and certainly I commend my friend, the gentleman from Virginia (Mr. WOLF), for seeking to honor such a distinguished man and former Member of this Congress.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), the bill's sponsor, the inspiration for this legislation and a gentleman who served with Mr. Parris in the House for many years.

Mr. WOLF. Mr. Speaker, let me just thank the gentleman from Virginia (Mr. TOM DAVIS), too, for his efforts to bring this up and the other side of the aisle for their help and the gentleman from Virginia's (Mr. TOM DAVIS) help on passing the bill.

Mr. Speaker, I appreciate my colleagues on the Committee on Government Reform in bringing this legislation to the floor to designate a U.S. postal building in Annandale, Virginia, to honor Congressman Stan Parris, who served Virginia's 8th Congressional District for six terms.

It is the privilege as the Representative of the 10th Congressional District to be a sponsor of this bill.

Born in Champaign, Illinois, September 4, 1929, Stan Parris was first elected to the House of Representatives in 1972. After serving one term and losing in that very tough 1974, what they called the ''Watergate Year,'' he returned to capture a seat in 1980.

Congressman Parris went on to win five consecutive elections, serving from 1981 to 1991.

As an aside, during that period of time we would sit back over here many times and chat and talk when issues would come up; and I would say, Stan, and we would say just back and forth, and I can almost see Stan kind of standing back there and thinking of all the conversations that we would have about issues coming up before the Congress.

Stan had a very distinguished career in serving this country, both as an elected official and as a veteran. Assisting the people he represented was the cornerstone of his service in Congress.

Congressman Parris consistently helped Federal employees and military retirees, both largely represented in Virginia's 8th district. He involved himself early and often in transportation issues, an area of considerable importance to the citizens of northern Virginia.

Congressman Parris was a vigilant defender of the taxpayer and spoke out against instances of fraud and abuse, and according to the Almanac of American Politics 1990, it said Parris was one of the earlier voices in Congress to warn of an impending crisis in the savings and loan industry, speaking out in the fall of 1985. If only the Congress had listened to Stan Parris.

He graduated from George Washington University Law School in 1958, and if my memory serves me he worked on a copy machine down in the basement of this capitol when he was working his way through law school. Winning an award for outstanding law student of the year, Congressman Parris went on to serve in the U.S. Air Force as a jet pilot during the Korean war.

He distinguished himself in combat in Korea, winning the Distinguished Flying Cross, the air medal with cluster, the Purple Heart and the U.S. and Korean Presidential Citation.

It was once told to me, if you want to understand Stan Parris, read the book ''Right Stuff'' because Parris was being considered to be an astronaut, was a jet fighter and in many respects a war hero; and if you listen to what actually happened to him, which I will not go into, I think the body would be very impressed.

After starting out in the private sector, Congressman Parris won his first elected office in 1963 as the only Republican member of the Fairfax Board of Supervisors. He then, as the gentleman from Virginia (Mr. TOM DAVIS) said, was Secretary of State of the Commonwealth of Virginia.

In 1969, Congressman Parris went on to serve as a delegate in the Virginia General Assembly for 4 years, serving as chairman for the joint House-Senate Republican caucus.

Congressman Parris went on to win the seat for northern Virginia's 8th Congressional District in 1972 in a very close election.

In 1980 Congressman Parris won a spirited and close election, regaining his seat by under 1,100 votes.

I see the gentleman from Virginia (Mr. MORAN) across the aisle, who is ready to follow and introduce a bill to name, appropriately so, a post office down in Mount Vernon for Herb Harris.

To have the Herb Harris Post Office along with Stan Parris is very fitting because they both ably were fighters for what they believed in. They were advocates for their cause and I think really served this region very, very well.

After winning five consecutive terms, Stan Parris lost his bid for reelection in 1992, but his work and public service continued. President Bush asked him to be president of the Saint Lawrence Seaway Development Corporation, where he used to come before my appropriation committee, and may have been the best head of the Saint Lawrence Seaway that we have had in the history of the country.

He was responsible for overseeing the Federal agency charged with operating, managing and promoting maritime activity for the entire Great Lakes region of the Nation.

Stan Parris has dedicated most of his life to serving his country in both a public and military capacity. His commitment and his devotion to public service is deserving of recognition and it is appropriate that the postal building of 4270 John Marr Drive in Annandale, Virginia, be renamed in his honor.

I urge our colleagues to join us in supporting this legislation to honor this former Member for his dedicated service and just want to wish Stan the very, very best and his wife, Marty, and his entire family and on behalf of the people of the Commonwealth and the entire Congress, thank Stan and thank his family, because you know how part of the whole process the family can be, for his service to the country as a war hero and as a Member of this Congress.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN), who succeeded Mr. Parris here in the House.

Mr. MORAN of Virginia. Mr. Speaker, I want to thank my good friend and colleague, the gentleman from Virginia (Mr. TOM DAVIS), in whose district the Stan Parris Post Office will be located.

This is a very nice post office, and it is appropriate that it be named after Stan Parris; and I want to commend my other good friend and colleague, the gentleman from Virginia (Mr. WOLF). It was really his idea that we name both these offices in tandem after Stan Parris and Herb Harris in true bipartisan tradition.

This one that we are speaking specifically about is that for Stan Parris, and the reason why Stan certainly deserves a post office being named after him is that he devoted his life to public service.

He was a fighter pilot during the Korean war. I am sure that that has been mentioned. He was awarded the Distinguished Flying Cross with cluster, the Air Medal with clusters, Purple Heart and the U.S. and Korean Presidential Citations. So he really was a war hero.

After the war, he continued his commitment to public service. He was on the Fairfax Board of County Supervisors. The gentleman from Virginia (Mr. TOM DAVIS) chaired that board and he knows what difficult, thankless work that can be.

He was supervisor in a particularly important transitional time in local government in Fairfax County, and he also served as a delegate in the General Assembly in Richmond for the Commonwealth of Virginia.

The reason why this Congress should recognize him is his service for 12 years in the United States House of Representatives. He was on the Committee on District of Columbia; Committee on Government Operations; the Committee on Banking, Finance and Urban Affairs Committees. He was chair of the Subcommittee on Fiscal Affairs and Health, Government Operations and Metropolitan Affairs where he promoted fiscal responsibility.

I am very pleased that the three of us can recognize him, the gentleman from

Virginia (Mr. WOLF), the gentleman from Virginia (Mr. TOM DAVIS), and I, and the gentleman from Texas (Mr. TURNER); and we speak for the entire Congress.

You have done a great job, Stan, and this is a very appropriate, fitting tribute to you to name this post office after you.

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1766.

The question was taken.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

HERB E. HARRIS POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1761) to designate the facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, as the ''Herb E. Harris Post Office Building'', as amended.

The Clerk read as follows:

H.R. 1761

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

SECTION 1. HERB HARRIS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, shall be known and designated as the ''Herb Harris Post Office Building''.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Virginia (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, it is a great honor to stand before you today to speak on behalf of H.R. 1761, designing the United States Post Office located at 8588 Richmond Highway in Alexandria, Virginia, as the Herb Harris Post Office Building.

Herb Harris, again, came from the Fairfax County Board of Supervisors where he cut his teeth politically. He had a very distinguished career there. He was elected in 1975 to the 94th Congress and two succeeding Congresses representing what was then Virginia's Eighth Congressional District. He was the first freshman Congressman in 25 years to serve as chairman of the House District of Columbia Subcommittee on the Environment Bicentennial Celebration and International Community as well.

Prior to being elected to Congress, Herb served as vice chairman of the Washington, D.C. Metropolitan Transit Authority from 1970 to 1974 as a member of the County Board of Supervisors from Fairfax at that point representing the Mount Vernon District. He had been vice chairman of the County Board of Supervisors in Fairfax County as well, was a very distinguished leader there both in Fairfax and regionally. He was the instrumental figure in securing the needed funding for construction of Metro. We think of Stark-Harris funds and the legislation that came out of that landmark legislation. The Metro system as it exists today would not be there but for Herb Harris. He was a leader in getting money for that area and allocating it, bringing the region together to address the problems with building this mighty system.

After leaving Congress in January 1981, Herb resumed the practice of law with the firm of Harris Ellsworth & Levin in Washington, D.C. He still resides in Mount Vernon, Virginia, today.

Mr. Speaker, in closing I would like to thank Herb for his service to Fairfax County, the Washington metropolitan region, and to this country. I would urge adoption of this bill.

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

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume. I thank again my friend and colleague, the gentleman from Virginia (Mr. TOM DAVIS), and my friend and colleague, the gentleman from Virginia (Mr. WOLF). This is a neat opportunity to recognize two very distinguished individuals.

This bill would name a post office after my good friend, Congressman Herb Harris. It will be at 8588 Richmond Highway, which is Route 1. It is a brand new post office in an area that desperately needs a post office and needs economic redevelopment, and this will provide it to that area. It is more than appropriate that we honor Herb Harris, who represented the Mount Vernon District on the Fairfax County Board of Supervisors, became vice chair, as the gentleman from Virginia has said, and he still lives in Mount Vernon. He is still very much involved in what goes on in that community.

□ 1515

He did more things for that community and for Fairfax County, and, in many ways, for the Nation, than we will ever know.

He began his public service in 1968. He was instrumental in getting funding for a new hospital and expanding the libraries in the Mount Vernon area and in Fairfax County. He spent a lot of time on thankless tasks, like limiting utility costs and tax rates.

He was first elected in 1975 to the Congress after serving as vice chair of the Metropolitan Washington Transit Authority, and he used that experience on the Metro board to continually push for expansion of the Metro system. He got the legislation through that approved $1.9 billion in final construction funds for the full 101-mile Metro design.

Metro is critical to the entire Metropolitan Washington area. In the early days, it was a very controversial, very political issue, to bring Metro out to the suburbs and to pay the costs. You had to have a vision, and Herb had that vision.

He also promoted the rights of Federal employees. He was fiscally responsible, and he emphasized the need for future planning in terms of transportation needs. In so many areas, we find today that he was even more correct than we understood at the time in terms of meeting those transportation needs.

It was the first time in 25 years that a freshman Member of Congress was selected to serve as chairman of a subcommittee when Herb was designated as the chair of the Subcommittee on the Environment, Bicentennial Celebration and International Community in Washington.

It is with great gratitude that I thank Herb on behalf of the Members of this body, all the Members of this body, and really of the country, for his tireless efforts to improve the lives of Virginia's and America's residents. He was a forward-looking individual that was a lot of fun to work with, and he was tireless in his devotion to public service. That is why it is most appropriate that we designate the Post Office at 8588 Richmond Highway as the Herb E. Harris Post Office Building.

We have Congressman Harris with us. Herb, thank you for all you did. You are so deserving of this honor.

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

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

Mr. Speaker, I just have a question for the gentleman from Virginia (Mr.

MORAN): Does this post office stay in the Eighth Congressional District under the new boundaries that the Virginia General Assembly has promulgated?

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Speaker, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Virginia (Mr. WOLF) would know better than I, controlling the redistricting; but, you betcha. Absolutely.

Mr. TOM DAVIS of Virginia. Mr. Speaker, reclaiming my time, that is appropriate.

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

Mr. WOLF. Mr. Speaker, I thank the gentleman from Virginia (Mr. TOM DAVIS) for this effort in helping with this legislation, and I want to commend the gentleman from Virginia (Mr. MORAN) for doing this.

Mr. Speaker, I just have a couple of comments. Herb Harris, as I said in a previous debate, was a fighter, was an advocate. I first met Herb when I was a young lawyer here in town. He was with the American Farm Bureau. Then he went on to do all the amazing things that the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Virginia (Mr. MORAN) said. So it is very fitting.

Mr. Speaker, it would really be fitting for the Post Office to have these dedications of Mr. Parris' Post Office and Mr. Harris' Post Office on the same day. I think it would be a great sign, if you will, when Stan Parris comes to Herb Harris' dedication and Herb Harris comes to Stan Parris' dedication.

With that, I say congratulations, and I wish Herb the very, very best.

Mr. MORAN of Virginia. Mr. Speaker, if the gentleman will yield further, Congressman Harris has informed me that the actual name of his law firm is Harris Ellsworth & Levin.

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

Mr. Speaker, I also note that Mr. Harris is a former president, as I understand it, of the Bren Mar Park Civic Association, which was in the Mason District which I once represented.

Again, let me say to Herb Harris, thank you for Metro, thank you for the Mount Vernon Hospital, thank you for your years of service as well. We look forward to the dedication.

Mr. Speaker, I urge adoption of this measure.

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1761, as amended.

The question was taken.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 3 o'clock and 21 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 1766, by the yeas and nays;

H.R. 1761, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

STAN PARRIS POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill H.R. 1766.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1766, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 362, nays 0, not voting 68, as follows:

[Roll No. 336]

YEAS—362

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barrett
Bartlett
Bass
Becerra
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Flake
Fletcher
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stump
Sununu
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney

Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—68

Ackerman
Barcia
Barr
Barton
Bentsen
Berman
Blagojevich
Boehner
Brady (PA)
Camp
Carson (IN)
Chambliss
Conyers
Cooksey
Crenshaw
Crowley
Davis (IL)
Deal
DeFazio
DeGette
Deutsch
Doolittle
Emerson
Engel
Evans
Ferguson
Foley
Fossella
Ganske
Grucci
Gutierrez
Istook
Kilpatrick
Knollenberg
Lantos
Largent
LaTourette
Lipinski
Meeks (NY)
Mica
Miller (FL)
Mollohan
Neal
Owens
Payne
Price (NC)
Radanovich
Rahall
Rangel
Roukema
Royce
Sanders
Schaffer
Serrano
Smith (TX)
Souder
Stark
Stearns
Stupak
Sweeney
Tauzin
Taylor (NC)
Terry
Towns
Velazquez
Waxman
Weiner
Weldon (PA)

□ 1824

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

HERB E. HARRIS POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1761, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1761, as amended, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 365, nays 0, not voting 65, as follows:

[Roll No. 337]

YEAS—365

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

NOT VOTING—65

Ackerman
Barcia
Barr
Barton
Berman
Blagojevich
Boehner
Brady (PA)
Camp
Carson (IN)
Chambliss
Conyers
Cooksey
Crenshaw
Crowley
Davis (IL)
Deal
DeFazio
Deutsch
Doolittle
Emerson
Engel
Ferguson
Foley
Fossella
Ganske
Grucci
Gutierrez
Kilpatrick
Knollenberg
Lantos
Largent
LaTourette
Lipinski
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Mollohan
Neal
Owens
Payne
Price (NC)
Radanovich
Rahall
Rangel
Roukema
Royce
Sanders
Schaffer
Serrano
Smith (TX)
Souder
Stark
Stearns
Stupak
Sweeney
Tauzin
Taylor (NC)
Terry
Towns
Velazquez
Waxman
Weiner
Weldon (PA)

□ 1836

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to designate the facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, as the 'Herb Harris Post Office Building'.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber today during rollcall vote No. 336 and 337. Had I been present, I would have voted ''yea'' on rollcall vote No. 336 and ''yea'' on rollcall vote No. 337.

PERSONAL EXPLANATION

Mr. GRUCCI. Mr. Speaker, due to my Mother's sudden heart attack, I will be unable to participate in today's recorded votes. However, if I were present, I would have voted ''yea'' on rollcall 336 and rollcall 337.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to personal business in my District, I was unable to record my vote on H.R. 1766, (rollcall No. 336) and H.R. 1761, (rollcall No. 337). Had I been present, I would have voted ''yea'' on both measures.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I was unavoidably detained because of a late flight and could not

vote. Had I been present, I would have voted ''yea'' on rollcall No. 336 and ''yea'' on rollcall No. 337.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1983

Mr. SCHROCK. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1983.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Virginia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2269

Mr. PASCRELL. Madam Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2269.

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

There was no objection.

SPECIAL ORDERS

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

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO THE REVEREND DR. JAMES FORD

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

Mr. RAMSTAD. Madam Speaker, I rise to pay tribute to a former Minnesotan who devoted his life to ministering to others and who made a huge difference in the lives of the people in this very House for over 2 decades. For 21 years, the House of Representatives was very well served by our dedicated and beloved chaplain, the Reverend Dr. James Ford. Seven days a week, year after year, Jim Ford was here for us and our families in times of deepest need. Jim was always here to encourage, console, humor, and inspire us. That is why all of us were terribly shocked and saddened to hear of his death on August 27. Our thoughts and prayers are with his family: his wife, Marcy; son, Peter; daughters, Julie, Marie, Molly and Sarah; sister, Janet; 9 grandchildren; and countless friends all over the world.

So many memories come flooding back at a time like this. Jim Ford leaves a legacy of love and service for his family, friends, and Nation which will be remembered always. His eloquent well-chosen words and ever-present wit helped keep our focus on what was truly important: working together to serve people.

□ 1845

Also Jim Ford taught us to take our job seriously, but not ourselves. Which Norwegian or Swede among us will ever forget Jim's endless litany of Ole and Sven stories.

Madam Speaker, we all remember the countless tributes that were directed at Jim Ford as he marked his well-deserved retirement 2 years ago. Jim's many distinguished years of service to the United States Military Academy, 19 to be exact, and his earlier years at Ivanhoe Lutheran Church at Ivanhoe, Minnesota, are well known and well documented.

What is not so well known are Jim Ford's very early years in Minnesota and his legendary escapades as a young ski jumper at Theodore Wirth Park in Minneapolis. Let the record reflect that our former beloved Chaplain, Dr. Jim Ford, still holds the record jump at the famous Theodore Wirth Ski jump, backward.

That is right, when he was a young student at Edison High School in northeast Minneapolis, Jim Ford defied the laws of gravity and common sense and survived a backward jump on this notoriously steep ski slope and lived to tell about it.

We now know backward ski jumping was just the beginning of Jim Ford's high-risk hobbies. From his beloved Harley to his ultralight aircraft, Jim lived life with a special zeal. Whether it was his frequent racquetball games in the House gym or a cross-country ride on his Harley, Jim Ford went for all the gusto.

Madam Speaker, they still talk proudly about their prominent alumnus, Jim Ford, at Edison High School in northeast Minneapolis and Gustavus Adolphus College in St. Peter, Minnesota, where Jim starred in the classroom and also on the athletic field.

''You can take Jim Ford from Minnesota, but you cannot take Minnesota from Jim Ford,'' was how his Gustavus classmate, the Reverend Bill Albertson, put it. Some of us remember my good friend and former minister, Bill Albertson, served as our guest chaplain here several years ago. Jim and Bill had a great time reminiscing that day. I will never forget our time together.

On behalf of all Minnesotans, Madam Speaker, we salute the memory of the Reverend Dr. Jim Ford and his many accomplishments. He was always there for us in good times, in hard times, in times of joy, in times of sorrow. We thank the Lord for his prayers, his counsel, great wit, compassion, and service.

We also thank God for the way Reverend Ford cared so deeply about our families, our friends, our constituents, our House of Representatives, and our beloved country. Madam Speaker, we will always be grateful for Reverend Jim Ford's work and for the way he brought Democrats, Republicans, and Independents together for the good of our great Nation.

Jim Ford, I know you are in heaven right now, probably telling Ole and Sven jokes. May God bless you always, just as your work here in the House of Representatives blessed all of us. May your great legacy of service continue to inspire all of us who are lucky enough to be your friends.

Chaplain Jim Ford might be gone, but his spirit will live forever.

A SUSPENSION VOTE TOMORROW ON THE 245(i) AMNESTY PROGRAM

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

Mr. ROHRABACHER. Madam Speaker, tomorrow the House will vote on H.R. 1885, which extends the 245 amnesty program. I am surprised that this vote is actually coming up under suspension. I would like to draw the attention of my colleagues to this legislation and to this vote.

What we are voting on tomorrow extends the date for illegal aliens to qualify for a 245(i) amnesty to August 15, 2001, and it extends the date for illegal aliens to apply for that 245(i) amnesty program for a full year, until April 30, 2002.

For those who have a little trouble understanding what that all means, let me explain it this way, that what we have are hundreds of thousands, if not millions, of illegal aliens who are in this country; and we are now step by step trying to find ways in which we can make them legal, as the President has suggested. Perhaps the word is ''regularize,'' or whatever word one wants to use.

But what we are really talking about when we offer a step-by-step process of whittling away this number of illegal immigrants, what we are talking about is an amnesty program, a step-by-step amnesty program, rather than just one large amnesty.

The American people understand what amnesty is all about, and they will be watching and they will be looking at the record when they find out what Congress has been moving. Rather than being forthright in dealing with the amnesty issue, instead, it has tried to exercise its authority in a way that was a little less discernible to the public by granting amnesty to various groups within society.

In this case, we would be granting amnesty in an interesting way, that is, anyone who is in this country illegally who applies, and now we are giving them until April 2002 to apply, can try to regularize their status in the United States. We have several categories of people who are here illegally to be able to do that.

Guess what, that is an amnesty program. We are giving amnesty to several

hundred thousand people who are in this country illegally.

Yes, there are some heart-tearing cases here. Yes, some people who are in this country end up marrying American citizens, and the American citizens find that their loved one is going to have to go back to their home country in order to be here legally, because they have married an illegal alien. I am sorry, if someone is here illegally and they are going to have to go back, then they should go back to their home country to regularize their status.

Tomorrow, on H.R. 1885, we are, for hundreds of thousands of people, going to be basically granting them the right to amnesty without going to their home country to legalize their status. This does nothing but encourage the millions, and we are talking about tens of millions, of people who are standing in line throughout the world waiting to come into this country legally so they can become citizens; but we have done nothing but encourage them to come here illegally, to reward the law-breakers, and to punish those people who are following the law.

This is ridiculous. Our colleagues should consider this and vote against the suspension tomorrow on the bill, H.R. 1885.

By the way, let me note that there has been a recent poll by Mr. Zogby, who is one of America's most respected pollsters, which has found out some interesting things about America's attitude toward amnesty.

Most Americans think amnesty is a terrible idea. In fact, 55 percent of all Democrats think it is a bad idea; 56 percent of Republicans; 60 percent of union households; 45 percent of people who call themselves liberals; 59 percent of people who call themselves moderates; 61 percent of people who call themselves conservatives. And here is the real hook, here is the real bell-ringer: 51 percent of all Hispanics in the United States believe that amnesty for illegal immigrants is a bad idea.

We have been lied to over and over again, and so much so that the Republican party has not had the courage to stand up and oppose illegal immigration, as we should have.

The Democratic Party has made its deal with the illegal immigrants at the expense of the standard of living of our poorest citizens and at the expense of the wages that have been kept just level because we have had a massive flow of illegal immigrants into this country. The Democratic Party has made its deal for political power's sake.

The Republicans, on the other hand, will not touch the illegal immigration issue because they are afraid to be called racist. They have been told over and over again that Mexican-Americans, Hispanic Americans, are in favor of illegal immigrants, for some reason. That is absolutely not true. We have finally got a pollster who has done a legitimate poll to show that Hispanic Americans, just like all other Americans, oppose illegal immigration. That is understandable.

Tomorrow we will have our chance to vote against an amnesty program for illegal immigrants by voting against H.R. 1885, which will be coming on the floor.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2001 AND THE 5-YEAR PERIOD FY 2002 THROUGH FY 2006

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

Mr. NUSSLE. Mr. Speaker, to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 201 of the conference report accompanying H. Con. Res. 83, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2002 and for the five-year period of fiscal years 2002 through 2006. This status report is current through September 5, 2001.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 83. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2002 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the ''section 302(a)'' allocations made under H. Con. Res. 83 for fiscal year 2002 and fiscal years 2002 through 2006. ''Discretionary action'' refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2002 with the ''section 302(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2003 of accounts identified for advance appropriations in the statement of managers accompanying H. Con. Res. 83. This list is needed to enforce section 201 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

The fifth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. If at the end of a session discretionary spending in any category exceeds the limits set forth in section 251(c) (as adjusted pursuant to section 251(b)), a sequestration of amounts within that category is automatically triggered to bring spending within the establish limits. As the determination of the need for a sequestration is based on the report of the President required by section 254, this table is provided for informational purposes only. The sixth and final table gives this same comparison relative to the revised section 251(c) limits envisioned by the budget resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET: STATUS OF THE FISCAL YEAR 2002 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 83, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 5, 2001

[On-budget amounts, in millions of dollars]

	Fiscal year 2002	Fiscal years 2002–2006
Appropriate Level:		
Budget Authority	1,627,934	n.a.
Outlays	1,590,617	n.a.
Revenues	1,638,202	8,878,506
Current Level:		
Budget Authority	977,964	n.a.
Outlays	1,198,811	n.a.
Revenues	1,672,152	8,897,349
Current Level over (+)/under (−) Appropriate Level:		
Budgete Authority	−649,970	n.a.
Outlays	−391,806	n.a.
Revenues	33,950	18,843

n.a.=Not applicable because annual appropriations Acts for fiscal years 2003 through 2006 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2002 in excess of $649,970,000,000 (if not already included in the current level estimate) would cause FY 2002 budget authority to exceed the appropriate level set by H. Con. Res. 83.

OUTLAYS

Enactment of measures providing new outlays for FY 2002 in excess of $391,806,000,000 (if not already included in the current level estimate) would cause FY 2002 outlays to exceed the appropriate level set by H. Con. Res. 83.

REVENUES

Enactment of measures that would result in revenue loss for FY 2002 in excess of $33,950,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 83.

Enactment of measures resulting in revenue loss for the period FY 2002 through 2006 in excess of $18,843,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 83.

DIRECT SPENDING LEGISLATION: COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 5, 2001

[Fiscal years, in millions of dollars]

House Committee	2002		2002–2006 total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	7,350	7,350	7,350	7,350
Current Level	0	2	0	0

DIRECT SPENDING LEGISLATION: COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 5, 2001—Continued

[Fiscal years, in millions of dollars]

House Committee	2002		2002–2006 total	
	BA	Outlays	BA	Outlays
Difference	−7,350	−7,348	−7,350	−7,350
Armed Services:				
Allocation	146	146	398	398
Current Level	0	0	0	0
Difference	−146	−146	−398	−398
Banking and Financial Services:				
Allocation	0	0	0	0
Current Level	8	9	46	47
Difference	8	9	46	47
Education and the Workforce:				
Allocation	5	5	32	32
Current Level	0	0	0	0
Difference	−5	−5	−32	−32
Commerce:				
Allocation	2,687	2,687	−6,537	−6,537
Current Level	0	0	0	0
Difference	−2,687	−2,687	6,537	6,537
International Relations:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Government Reform:				
Allocation	0	0	−1,995	−1,995
Current Level	0	0	0	0
Difference	0	0	1,995	1,995
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Resources:				
Allocation	0	−3	365	88
Current Level	0	−3	0	−3
Difference	0	0	−365	−91
Judiciary:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Veterans' Affairs:				
Allocation	264	264	3,205	3,205
Current Level	0	0	0	0
Difference	−264	−264	−3,205	−3,205
Ways and Means:				
Allocation	1,360	900	15,409	15,069
Current Level	6,425	6,425	36,708	36,708
Difference	5,065	5,525	21,299	21,639

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2002: COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS SUBCOMMITTEE 302(B) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	Revised 302(b) suballocations as of July 26, 2001 (H. Rept. 107–165)		Current level reflecting action completed as of September 5, 2001		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	15,668	16,044	13	4,257	−15,655	−11,787
Commerce, Justice, State	38,541	38,905	41	12,755	−38,500	−26,150
National Defense	300,209	293,697	0	96,349	−300,209	−197,348
District of Columbia	382	401	0	48	−382	−353
Energy & Water Development	23,705	24,218	1	8,798	−23,704	−15,420
Foreign Operations	15,168	15,087	0	9,569	−15,168	−5,518
Interior	18,941	17,800	36	6,145	−18,905	−11,655
Labor, HHS & Education	119,725	106,224	18,824	69,596	−100,901	−36,628
Legislative Branch	2,892	2,918	0	432	−2,892	−2,486
Military Construction	10,152	9,447	0	6,512	−10,152	−2,935
Transportation [1]	14,893	53,817	20	32,669	−14,873	−21,148
Treasury-Postal Service	17,021	16,292	340	3,727	−16,681	−12,565
VA-HUD-Independence Agencies	85,434	88,069	3,509	49,803	−81,925	−38,266
Unassigned	15	0	0	0	−15	0
Grand total	662,746	682,919	22,784	300.660	−639,962	−382,259

[1] Does not include mass transit BA.

STATEMENT OF FY2003 ADVANCE APPROPRIATIONS UNDER SECTION 201 OF H. CON. RES. 83, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 5, 2001

[In millions of dollars]

	Budget authority
Appropriate Level	23,159
Current Level:	
Commerce, Justice, State Subcommittee:	
Patent and Trademark Office	0
Legal Activities and U.S. Marshals, Antitrust Division	0
U.S. Trustee System	0
Federal Trade Commission	0
Interior Subcommittee: Elk Hills	0
Labor, Health and Human Services, Education Subcommittee:	
Employment and Training Administration	0
Health Resources	0
Low Income Home Energy Assistance Program	0
Child Care Development Block Grant	0
Elementary and Secondary Education (reading excellence)	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (head start)	0
Special Education	0
Vocational and Adult Education.	
Treasury, General Government Subcommittee:	0
Payment to Postal Service	0
Federal Building Fund.	
Veterans, Housing and Urban Development Subcommittee:	
Section 8 Renewals	0
Total	0
Current Level Over (+) / under (−) Appropriate Level	−23,159

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS SET FORTH IN SECTION 251(c) OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 5, 2001

[In millions of dollars]

		Statutory cap [1]	Current level	Current level over (+)/under (−) statutory cap
General Purpose	BA	546,945	22,784	−524,161
	OT	537,383	274,511	−262,872
Defense [2]	BA	n.a.	3	n.a.
	OT	n.a.	107,951	n.a.
Nondefense [2]	BA	n.a.	22,781	n.a.
	OT	n.a.	166,560	n.a.
Highway Category	BA	n.a.	n.a.	n.a.
	OT	28,489	20,432	−8,057
Mass Transit Category	BA	n.a.	n.a.	n.a.
	OT	5,275	5,093	−182
Conservation Category	BA	1,760	0	−1,760
	OT	1,232	624	−608

n.a.=Not applicable.
[1] Established by OMB Sequestration Update Report for Fiscal Year 2002.
[2] Defense and nondefense categories are advisory rather than statutory.

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS RECOMMENDED BY H. CON. RES. 83, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 5, 2001

[In millions of dollars]

		Proposed statutory cap [1]	Current level	Current level over (+)/under (−) proposed statutory cap
General Purpose	BA	660,986	22,784	−638,202
	OT	647,923	274,511	−373,412

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS RECOMMENDED BY H. CON. RES. 83, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 5, 2001—Continued

[In millions of dollars]

		Proposed statutory cap [1]	Current level	Current level over (+)/under (−) proposed statutory cap
Defense [1]	BA	n.a.	3	n.a.
	OT	n.a.	107,951	n.a.
Nondefense [1]	BA	n.a.	22,781	n.a.
	OT	n.a.	166,560	n.a.
Highway Category	BA	n.a.	n.a.	n.a.
	OT	28,489	20,432	−8,057
Mass Transit Category	BA	n.a.	n.a.	n.a.
	OT	5,275	5,093	−182
Conservation Category	BA	1,760	0	−1,760
	OT	1,232	624	−608

n.a.=Not applicable.
[1] Defense and nondefense categories are advisory rather than statutory.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 6, 2001.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2002 budget and is current through September 5, 2001. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H.

Con. Res. 83, the Concurrent Resolution on the Budget for Fiscal Year 2002. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for emergency requirements. These revisions are required by section 314 of the Congressional Budget Act, as amended.

Since my last letter dated July 12, 2001, the Congress has cleared and the President has signed the Supplemental Appropriations Act, 2001 (P.L. 107–20), which changed budget authority and outlays for 2002. The effects of this new law are identified in the enclosed table.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

FISCAL YEAR 2002 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 5, 2001

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	0	0	1,703,488
Permanents and other spending legislation	984,540	934,501	0
Appropriation legislation	0	280,919	0
Offsetting receipts	−321,790	−321,790	0
Total, previously enacted	662,750	893,630	1,703,488
Enacted this session:			
An act to provide reimbursement authority to the Secretaries of Agriculture and the Interior from wildland fire management funds (P.L. 107–13)	0	−3	0
Fallen Hero Survivor Benefit Fairness Act of 2001 (P.L. 107–15)	0	0	−7
Economic Growth and Tax Relief Reconciliation Act of 2001 (P.L. 107–16)	6,425	6,425	−31,337
An act to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees (P.L. 107–18)	8	9	8
An act to authorize funding for the National 4–H Program Centennial Initiative (P.L. 107–19)	0	2	0
Supplemental Appropriations Act, 2001 (P.L. 107–20)	65	4,576	0
Total, enacted this session	6,498	11,009	−31,336
Entitlements and Mandatories: Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	308,716	294,172	0
Total Current Level	977,964	1,198,811	1,672,152
Total Budget Resolution	1,627,934	1,590,617	1,638,202
Current Level Over Budget Resolution	0	0	33,950
Current Level Under Budget Resolution	−649,970	−391,806	0
Memorandum:			
Revenues, 2002–2006:			
House Current Level	0	0	8,897,349
House Budget Resolution	0	0	8,878,506
Current Level Over Budget Resolution	0	0	18,843

Source: Congressional Budget Office.
Notes: P.L.=Public Law.
Section 314 of the Congressional Budget Act, as amended, requires that the House Budget Committee revise the budget resolution to reflect funding provided in bills reported by the House for emergency requirements, disability reviews, an Earned Income Tax Credit compliance initiative, and adoption assistance. To date, the Budget Committee has increased the budget authority allocation in the budget resolution by $1,446 million, and the outlay allocation by $143 million for these purposes. Those amounts are not included in the current level because the funding has not yet been enacted.

UNIQUE LEGISLATIVE ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, before I begin my Special Order this evening that will address unique legislative issues, I would like to join my colleague who spoke just a few moments ago to acknowledge the great loss of Chaplain Jim Ford, a very special friend to us all.

I am particularly privileged because Chaplain Ford visited my home district in Houston, the 18th Congressional District, and spoke at the pulpit of the church pastored by Reverend Willy Jones. That church is still riveted by the friendship shown by Chaplain Ford, the good humor, and the ability to interact with different faiths.

We know that he is among the angels, and we offer to him and his family our deepest sympathy and our deepest love.

Madam Speaker I wanted to address tonight several issues. First of all, let me do one that is particularly joyous for me in this time of technology and web pages and communications by e-mail.

Let me congratulate First Lady Laura Bush for an exciting weekend, which I am sorry that I missed; but I hope it will be captured around the Nation. That is the National Book Festival; 25,000 persons enjoyed literary art, enjoyed the reading of famous authors actually reading from books. I hope this will take off around the Nation so that this Nation never lacks its appreciation for the written word, for wonderful books written by our national authors. Let us do this around our Nation. I thank Laura Bush, the first lady, for an outstanding job.

Now, I hope that this viewpoint is one that will be based upon the concern for saving lives. In February of this year, 2001, I came to the floor of the House and acknowledged that I believe that the policy toward the Middle East by this administration is wrongheaded and misdirected. I said that because many times engagement in diplomacy is painful. Many times it results in failure. But it is often utilized as the only vehicle and only tool to save lives.

Much laughter and criticism was given to President Clinton in the last days of his administration as he engaged in shuttle diplomacy between Camp David and Washington, D.C. and the country of Israel. I did not find it humorous because it was an attempt to save lives.

Since we have disengaged with the Mideast, all that has resulted is the loss of lives, bloodshed for women, children, and men, both in the Palestinian people and in the Israeli people.

Can anyone believe that our disengagement has been victorious? Does anyone believe in reality that one can stand off to the corner and point fingers and tell ''those guys'' to get to the table of empowerment and peace? No. It is well known that the United States carries a heavy stick with respect to these particular countries, and it also is well known that the United States' good will is very important in bringing these two disparate worlds together.

Day after day after day, Arab militants and then Israelis on the other side are engaging in a bloody battle. This is a war. This has accelerated to more than a conflict. I believe our foreign policy on this issue is wrong.

It pains me, as we move to some of the humblest and most sacred times in the Jewish community here in the United States and across the world, two of their most important holidays over the next 2 to 3 weeks in the United States will be honored, and of course in Israel and around the world. Would it not be a wonderful tribute then to say that we are reengaged, that we want to save lives, that we want them to come to the peace table, and we say, ''Stop the accusations, Arafat come to the table, Sharon come to the table, release yourselves from the strictures of hatred, and begin to talk about real issues of saving lives and living harmoniously together''?

I believe this is an enormously important issue and would ask the President and the administration and his advisers to wake up and understand the importance of U.S. involvement.

Let me conclude by answering my colleague's comments on 245(i). As the ranking member on the Subcommittee on Immigration and Claims, it is wrong headed to interpret this particular legislative initiative as a general amnesty. All it is is because the Immigration and Naturalization Service made a mistake. They made a mistake with a date, they made a mistake administratively.

This is simply to allow those who are in the process of filing for legalization 10, 15 years ago, to reactivate their applications.

□ 1900

Many of these people are family members who need to be reunited. Many of these people come from many

parts of the world. It is not isolated to people from Mexico. It is not isolated to people from South America. It includes people from Poland, from France, from India, from all continents around the world. It is simply an administrative snafu which is allowing people who legally apply to reapply and to follow the legal process. It is not an affirmation. It means the INS has to make a decision one way or the other.

THE BUDGET AND THE ECONOMY; MISSILE DEFENSE, AND SEX AND INTERNS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Madam Speaker, this evening I want to talk about a number of different issues with my colleagues.

As my colleagues know, we have just come back from our August recess and there are some issues that have come up. First of all, I hope later in the week to talk a little more about natural resources and talk about our public lands. I was up in Alaska and had the privilege to enjoy Mt. McKinley and Denali National Park. Beautiful. Alaska, as we all know, is a great, great State and I learned a lot on my trip up there.

I also spent a good deal of time back in my district, the Third Congressional District of Colorado, which many of my colleagues know includes almost all of the mountains of Colorado. In fact, the Third Congressional District of Colorado geographically is larger than the State of Florida. And of the 67 or so mountains above 14,000 feet in the United States, 53 of them are located in my district. It is the highest district in the Nation. As a result, there are a lot of things that are particular to the Third Congressional District not found in many other districts in the country.

Seventy-five percent of the land in this Nation, including Alaska, 75 percent of the land above 10,000 feet is in the Third Congressional District of Colorado. The Third Congressional District contains the majority or the largest amount of ski resorts of any congressional district in the United States, world-renowned resorts in Aspen, Colorado; Vail, Telluride, Durango, Steamboat, et cetera, et cetera, et cetera. So I hope later this week to get an opportunity to address my colleagues on some of the issues like public lands, like water, like wilderness areas, national parks, and national monuments because these issues are very important.

But tonight I want to talk about a couple of other subjects. I would like to visit for a few minutes about the President and the budget and the economic situation that we are in. As many of my colleagues know, I serve on the Committee on Ways and Means, and that committee is working very hard on both sides of the aisle to try to figure out some answers to what would be the appropriate government interaction in regards to the economy.

I would also like to talk about missile defense and the importance of missile defense. And the third thing I would like to talk about, and which I will start out at the very beginning with, is sex and interns.

I have come under a great deal of criticism in the last month when I have addressed the issues of inappropriate relationships between a United States Congressman, and I am speaking generically here, no specific Congressman, but speaking generically of the United States Congress and exactly what its ethics rules are in regards to inappropriate relationships with interns. That, I have received criticism for.

I have had people across the Nation, editorials across the Nation asking why would I think we need an ethical rule in the United States Congress to say that a sexual relationship with an intern is inappropriate? Well, we need that rule in the United States Congress for the same reason that we find that very rule, that very specific content in rules in every educational institution in the United States.

I defy any of my colleagues and I defy any of those editorial boards to pinpoint for me one high school in this Nation, to show me one college in this Nation that allows a teacher or a professor to have a sexual relationship or an inappropriate relationship with a student. They do not allow it. A teacher, a professor who engages in a sexual relationship with a student, they are gone. They are fired.

It was this body not very many years ago, as a result of Tailhook in the United States Navy, that addressed this with the Department of Defense and the executive agencies. They have very specific rules in our military. A commanding officer engaging in a sexual relationship with a consenting adult, an adult who is consenting but falls below them in the hierarchy of command, is gone. That fast. It does not matter. Why? Because they have a position of authority over the person they are having that sexual relationship with.

That is exactly what we have in the United States Congress. We have a position of authority over these interns. But in a lot of these cases these interns, in almost all these cases these interns are students. Now, sure, by the technical definition, these students are adults. I do not know what it is in D.C., maybe 15 or 16. So, theoretically, if they are above statutory rape age, 15 or 16 years old, they are an adult.

So some of these editorials and even some of my colleagues have said to me, hey, they are grown up. Give me a break. Why does the field of medicine, doctors, prohibit themselves from having sex with patients? It is considered an inappropriate relationship and it is in their ethics. They can lose their medical license for an inappropriate relationship. Why does the clergy prohibit it? Because a clergy person, a priest or a minister, is not supposed to have an inappropriate relationship with a parishioner. It is against their ethical rules, their in-house rules. Why does the legal profession, lawyers, prohibit by the ethics of their bars their members from having an inappropriate relationship with their clients? It is because they exercise a great deal of influence over people.

Now, what I have proposed, contrary to some of the news reports across the Nation, is not precedent setting. It is not some novel idea that I came up with. It is simply taking the language that applies in the military, that applies in the clergy, that applies in the teaching profession, that applies in the medical profession, that applies in the legal profession and apply it to the one institution in this country that has no ethical rule about it, to the best of my knowledge, and that is the United States Congress.

I am not saying going out there and trying to legislate morality. My proposal is not a piece of legislation. I have not introduced a bill. What I have asked is the Committee on Standards of Official Conduct to give me an opinion as to whether or not under current ethics regulations, and it is clearly not clear, but under current ethics regulations if this type of relationship is prohibited. And if it is not prohibited, I have asked for an in-house rule, not legislation. We are not trying to draft a bill. I am not trying to legislate morality, I am just trying to say the same rules that prohibit us from misuse of government credit cards, for example, or things like that, that we put this in there as well. Just like every other major institution.

Now, remember, these interns are in the United States Congress. First of all, the internship program is what I care the most about, and I want to see that program preserved. It makes me sick that the late night talk shows spend a good deal of their jokes about interns in Washington, D.C. I have seen editorial cartoons across the Nation, and one in particular where they show an intern in a life raft, and I saw this the other day, an intern in a life raft, and her legs are hanging over the side. Underneath the life raft are a bunch of sharks and they have Congressmen as the names for the sharks.

I can say to the parents who have interns back here, that this is an exception, this type of inappropriate conduct with an intern. This is a program that has made many changes in young people's lives, and these are young people. These students and interns are not hard to determine who they are. Back here in the United States Congress, interns have separate IDs. Interns have a separate pay classification. They are back here as students of government. The interns are students of government and we are the teachers. We as the Congressmen exercise a disproportionate

amount of influence, a disproportionate amount of authority over these young students, and we ought to have certain responses that we follow.

I saw last week where somebody asked, why do we need a rule; our own moral beliefs ought to tell us we should not have an inappropriate relationship. Well, why do schools need rules; why do high schools or colleges need them? Why does the clergy, the medical or legal profession need them? Because of the fact there are some people who pay attention to those rules. In my opinion, every Congressman that is now serving today, all 435 of us, reads the rules. And I would venture to say that all of us, or almost all of us, when we read the rules, we will modify our behavior so that we fall in compliance with those rules. If the rules say that we cannot send out constituent mail, say, with political advertising in it, I would venture to say that most Congressmen do not send out congressional mail with political advertising because the rules prohibit it. They follow the rules.

So what I have suggested here is not something that should be deserving of ridicule in editorials or under-the-breath talk by some of my colleagues, because what we are trying to do is preserve the internship program. A poll was just recently conducted, and parents were asked if they would trust the Congressmen to send their children back to, their students, their young people, back to be interns. Of course, as you might guess, the answer was overwhelmingly no.

This is a program that a lot of my colleagues came through themselves. This is a program that has exposed the young people to the American government and its workings. Every intern in my office, I believe, will remember their internship in Washington, D.C. in a very positive fashion, and it has made a significant change in their life. So I think it is important to preserve this program.

Now, I have three children, two daughters that are internship age. One is 22 and the other one is 19. Both of them have been back here in Washington, D.C. And as a parent I want to know, as every parent wants to know with their young son or daughter, that when they are back there they are in a professional relationship. They are back there in a relationship that has a fiduciary responsibility so that they do not have to worry about the Congressman exerting influence over their child. And they are still students. I do not care whether they are technically adults. The fact is they are students of government.

Do not forget, in college, or in the military, if a professor in his or her class has a student that, say, is 25 years old, the age does not matter. It is the fact they are a student and it is the fact that there is a position of authority over the student and that is why these educational institutions across the Nation prohibit inappropriate relationships.

Now, some people have suggested I not take the floor to discuss this. I feel it is important, because I think it is getting a little out of hand. Not the inappropriate relationships, because contrary to popular belief, in my opinion, most of the Congressmen in these chambers, if not all, and I am not aware of others, all of the Congressmen I know maintain themselves in a professional mode. They are highly ethical when it comes to the treatment of interns and there is not widespread abuse in the internship program. But the perception that has gone out there is in part caused by the fact that our own ethics do not prohibit it, or apparently there is some confusion as to whether our ethics prohibit those types of relationships.

So we owe it to the internship program, we owe it to the program to put forth a proper in-house rule. Not legislation. We are not legislating morality, we are putting in our own in-house rule, the kind of prohibition that, as I have said three or four times in these comments, the same kind of prohibition that exists in our churches, exists in our schools, exists in our hospitals, and exists in our courts.

□ 1915

Mr. Speaker, I would venture to say I would be interested to look at some of the major news networks who waste editorial space on me, I would venture to say most of them probably have prohibitions against inappropriate relationships with their student interns that are in there to learn how to be journalists. I would ask my colleagues to support me and publicly acknowledge that it is appropriate for us to have in our House rules a rule which prohibits inappropriate relationships with interns.

I will wrap it up with this: Let me say that we are talking specifically about interns. I am not talking about a congressman who may choose to go outside of his or her marriage and have a relationship with someone who does not work as a student intern or one staff member dating another staff member. I am not talking about those kinds of relationships.

What I am talking about, very, very specifically what I am talking about is a congressman and a student intern. I cannot stress enough that these interns are students. They are students of the government. We do not have to use interns, by the way. As a congressman, we are not required to hire interns. But if we do, we ought to assume some professional responsibility. As I have mentioned several times before, all of my colleagues that I know do assume that professional responsibility, contrary to popular perception. Whether Democrat or Republican, they handle their interns on a professional basis when I have seen them. But I think the internship program, and certainly the reputation, is in danger because of the fact of some of the things that have gone on.

Mr. Speaker, I think one way to help rebuild the reputation is to at least put in place a rule; and then if somebody breaks that rule, let them suffer the consequences. We have a process for that. We have checks and balances in that process. There is absolutely no reason that the United States Congress should not have a House rule prohibiting inappropriate relationships between a congressman and a student intern.

Let me move on briefly to cover a couple of points. During the break, the liberal side of the Democratic Party has been lambasting President Bush on this tax cut. What the liberal side of the Democratic Party seems to be forgetting is that my good colleague on the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL), introduced an amendment on this House floor, and that amendment was a tax cut. That amendment called for a tax rebate. It was very similar, not exact, but very similar. Certainly pretty close to exact in concept, but it was very similar to what the President put into place.

The debate here on the floor was not the amount of money of the tax cut, the debate was between the Democrats and the Republicans, and really between the liberal side of the Democratic Party because several of the conservative Democrats supported President Bush's program for tax cuts, so it was not a clear Democratic/Republican bill, but the Democrats that opposed it, their primary argument after listening to hours and hours of debate, was not about the amount of money, but it was focused on who should get the rebate.

Those Democrats said that the tax rebate should go to people who paid payroll taxes but paid no income taxes. The Republicans and the Democrats who supported the Bush program countered that argument by saying the people who ought to get the tax rebate back are people who paid taxes in. You should not give a tax rebate to people who had no tax liability. That is where the intensity of the debate focused.

Now because our economy continues to go south, which everyone acknowledges, it really started to do that about 6 months before President Clinton left office, but now that the economy continues to go south, instead of joining together as a team, which is what the American people are demanding, we are seeing the Democrats starting to pile on President Bush, and I heard over the weekend one of the leaders said Bush is the architect of this bad economy.

What does he mean? Does my colleague think Bush went out and designed a bad economy? Does my colleague think any of us are comfortable that our economy is going back and continues to worsen? No. But there are some people who are going to use this bad economy, and some people in leadership positions throughout this country, that want to use this bad economy for their own political advantage. They are not worrying about what do we do for the American people to improve

this economy, but instead trying to figure out how can we win the elections next year by monopolizing on how terrible this economy is and doing the blame game.

The time has come. We cannot allow this economy to continue to go in its downward direction and perhaps get into an uncontrollable spiral just because you want political advantage next year in the elections. Every one of us, the Democrats, the Republicans, have an obligation to come together as a team. Sure we will have some debates, but our primary focus ought to be what can we do in working with the President of the United States to try and get this economy to at least level out or hopefully begin a recovery. There are a lot of unique situations about the economy that we face today. One of those is that the entire world is in an economic recession. Many of the countries, a lot of the countries in the world are in an economic recession. The world is in an economic slowdown. The United States is swaying back and forth as to whether or not we go into that economic recession.

Mr. Speaker, so in a time like this, there is a demand for us to work together as a team for the benefit of the American people so that they have a healthy economy. I would advise my colleagues, take a look at the Sunday talk shows, and take a look at which one of our colleagues really want to work as a team to improve this economy or really want to take advantage of the sour economy for political purposes for next year's elections. If you know some of them, obviously you know who the ones are that want to take political advantage, you ought to say, I understand that we want political advantage, but maybe we better pay attention to what is happening. While we are preparing for next year's elections, the ship has a big hole in its side. We are taking on a lot of water. We may be so worried about next year's elections, by the time we get that secured and take a look at the boat, we may have too much water to save the boat. I expect now that we are back in session that we are going to see people popping up here and there trying to take political advantage of this economy.

On the other hand, if my colleagues want to see examples of leadership, take a look at which Members of those parties stand up and are willing to walk back and forth across this aisle and say, Hey, as team, what are we going to do on this economy? How are we going to control spending? Are we going to need further tax cuts?

The Democrats over the weekend on national television on the Sunday shows acknowledged that additional tax cuts may be necessary. Why are they necessary? We need to get more money into the economy. That is why the interest rates have been lowered. That is why Greenspan lowered the interest rate. That is why President Bush put into effect his tax cut. That is why we are talking about additional tax cuts, and we need to figure out in what areas of the country government spending makes some sense, and what do we need to do about deficit spending. Will deficit spending become a necessity to prevent the country from going into a recession?

Mr. Speaker, I have some ideas to those questions, and I take it upon myself to have the responsibility, and I think most of my colleagues do, and I hope all of them do, to assume that responsibility to come across that aisle and talk.

I invite the liberal Democrats, put down your arms and come across and help us come up with a solution because in the end, maybe next year's elections you will have an advantage, but in the meantime, you may very well be a participant in driving this ship to the bottom of sea, and now is our time to avoid it.

I hope to see some effort of cooperation from the Democratic side and from the Republican side in an effort to improve our economy, or at least get this country going in a positive recovery from where we are right now.

Mr. Speaker, for the balance of my time I would like to talk about missile defense. I think missile defense has been mischaracterized in the last month. There are a number of issues of missile defense that I want to discuss.

First of all, we will talk about the anti-ballistic missile treaty. I want to talk about the capabilities that this country is going to need for the future, about the weaknesses that we have, about the responsibilities and the obligations we have to the next generation in regards to the defense of this country.

This country is not the most popular country in the world. It certainly is the strongest country in the world, the strongest country in the history of the world. This country has done more than any other country in the history of the world. This country has some of the best of everything. But it is all at risk if we do not continue to defend ourselves. We have to be on constant alert that somebody else wants something we have or somebody else wants to do harm to us.

I had a group of high school students in my office, and we began to talk and we talked about defense. I can tell Members, the students today are smart young men and women. They are very thoughtful, and they look into the future. We talked about defense.

I asked them, I said what student do you think in your school gets in the least amount of fights. One said the person who is in the best shape, the person that is the strongest, the toughest. Not the person that picks the fights, but the person that avoids people picking a fight with them. That is right.

If you have in your class or group of friends, if you have somebody who is a black belt in karate, and everybody knows that and everybody knows if they decide to take them on they are probably going to get their nose busted, how many people are going to fight with the person that is a black belt in karate? But the moment they notice the person with the black belt in karate is no longer staying in shape, when they notice that person is not practicing, getting overweight, his or her moves are not what they used to be and really kind of just becoming lazy, what happens? Somebody then begins to take a look, and then the temptation starts.

Maybe now when they are not properly defending themselves and not staying in shape, maybe now is the time to take that person on; and it is the same thing with the United States of America. We are in pretty good shape right now, but we cannot bank on the good shape we have been in in the past. We have to bank on how well we keep ourselves in shape for the future. What do we have in regards to military apparatus and defense.

I know there are a number of people out there that say and kind of go on the theory we should stop military spending and we should limit defense spending, and do it in peaceful discussion. We should settle things in peaceful ways. And I have interest, in the last year there seem to be a lot more people saying violence has no place in our society.

Well, I am here to tell Members violence does have a place in society. That is exactly how we took care of Hitler, and that is exactly what our police officers do. But these people are correct that while violence is sometimes necessary, it ought to be the last remedy that we use.

Obviously we need to have the ability to communicate, and communication is a very important part of a Nation's defense. That is why our Secretary of State, and fortunately we have an excellent Secretary of State in Colin Powell, that is why the position is so critical. That is why we have ambassadorships.

One of the best elements of our defense is communication with other countries. Talk to people. Have the ability to negotiate. Have the ability to try and understand where they are coming from; but sometimes that fails. We saw it in the Persian Gulf.

□ 1930

Despite repeated warnings by the President, that country failed to communicate; and we gave them every chance, and finally we had to resort to violence; but as I said, it should be the last remedy.

When we talk about our country, we need to talk about something. Let us look back, for example, in history, in the sixties and the seventies, about 30 years ago. At that time, as you know, the Russian empire was in existence, U.S.S.R., Soviet Union, Communist, threatening to take over the world, Krushchev and people like that had been their previous leaders, talked very

strongly about the United States was the number one enemy.

The United States knew that it had to build up and they did so, and even in the Kennedy years and so on; and we had the Cuban missile crisis and so on, we began to build up.

Somebody came up with an idea that said, you know, Russia has got a lot of nuclear missiles and the United States has a lot of nuclear missiles; maybe what we ought to do is sign a treaty between the two, communicate between the two and a treaty should be what we call the Anti-ballistic Missile Treaty, and this is very, very important.

The Anti-ballistic Missile Treaty as its concept, as its original thought of the basis of this treaty says that one country cannot defend itself against the other countries.

Now, remember, that the Anti-ballistic Missile Treaty, often called obviously ABM, the Anti-ballistic Missile Treaty. The Anti-ballistic Missile Treaty which was executed, signed, only had two parties to it. There are only two parties that are subject to the Anti-ballistic Missile Treaty.

Why only two parties in the 1970s? Because there were only two parties that were capable of delivering a nuclear missile upon the land of another country, and they were the United States and the U.S.S.R. That is why you had two parties.

Well now, today, how many parties to the Anti-ballistic Missile Treaty? Well, theoretically only one because the U.S.S.R. does not exist anymore. The Communist regime fell. But realistically let us say two, still two. Now remember, back in 1970 there were only two countries capable of delivering one missile into another country, only two. That was in the 1970s.

What is it today? I do not know: 12, 14. There are lots of countries today. You can start off with China. You can move to India. You can move to Pakistan. You can talk about Israel. You can talk about Iran. You can talk about North Korea. You can talk about South Korea. There are a lot of countries today who are not subject to this Anti-ballistic Missile Treaty. So based on that alone, the treaty needs to be modified or eliminated.

Let me tell you that when this treaty was drafted, the thought of it was one country would not build a defense. They would agree not to defend themselves against missiles. So the United States agreed not to build a missile defense system. Russia, at the same time, the U.S.S.R., the Communist regime, agreed they would not build a missile defensive system. The theory being that the United States would not fire upon Russia because they knew Russia would retaliate and we would have no defense because we do not have a missile defensive system; and obviously it works the same thing with Russia.

Well, the people that drafted this, while I disagree with that concept, that is clearly the basis upon which the treaty was drafted; and while I do disagree with that, I can tell you that the drafters of that document had a lot of foresight in that they knew that as time moved on there may be other circumstances that were unforeseen that entered the picture.

Therefore, they put within the four corners of this agreement a clause. They put a clause in there that said that this agreement, they could end the treaty, that the treaty could be abrogated and they called for that. That is a right of the treaty. It is a basic right in the treaty.

Now, President Bush has said and the administration has said that the United States could very well terminate that treaty because of our best interests and the risks we have against the best interests of the American people. I have noticed that, frankly, some of the more liberal journalists in the country have said what do you mean you are going to abrogate that treaty? What do you mean you are going to walk away from the ABM treaty? You cannot do that.

Read the treaty. Read the treaty. Of course you can do that. It is a fundamental right. It is in the language of the treaty. Of course you can do that, because the people who drafted that 32 years ago knew that in 32 years things might change; and boy, have they changed.

Who would have ever imagined 32 years ago that North Korea could deliver a nuclear missile? Who could have ever imagined the fire power of China or India or Pakistan or Israel or other countries in the Middle East or Iran? And not just with nuclear warheads, but with biological warheads as well.

Look, we are kidding ourselves, and I can tell you that as Congressmen we have an absolutely inherent obligation, a fiduciary obligation to the American people to provide the American people a defense, a military defense against the aggressiveness of another country. We are fools, we are kidding ourselves, if we continue to think that we should not build a missile defense for this country.

In Colorado Springs, Colorado, there is a mountain. It is called Cheyenne Mountain. Cheyenne Mountain is a granite monument, a beautiful mountain. Years ago on the inside of that mountain, they went out and they bored out the center of that mountain. They took the granite out of the center of the mountain, or a portion of it out of the mountain, and they put in there the NORAD defense detection. Inside that mountain, we have the capabilities of detecting within seconds, anywhere in the world, a missile launch. We can within seconds tell you where that launch took place, where the trajectory is of that particular missile, what type of missile we think it is, what kind of warheads we think it has on it. We can tell you where its target is. We can give you the estimated time of arrival.

So let us say that North Korea launches a missile, or let us say China launches a missile. Let us say that the target is Oklahoma City, the military base in Oklahoma City. We have the capability, we have it today, we have the most advanced technology in the history of the world. We can immediately know within a couple of seconds we have got a missile launch, it is coming out of China, it is headed for Oklahoma and it is going to hit in 15 minutes. Then what can we do?

All we can do is call Oklahoma. Governor, you have got an incoming missile. Sorry, Governor, we decided not to provide a missile defense for this country. Sorry, Governor. We had a lot of people that said we should live by the laws of 30 years ago. Sorry, Governor, we pretended that that threat out there did not exist, even though in fact, Governor, we knew it existed. And sorry, Governor, there is nothing we can do. You are going to have a missile hit in about 13 minutes. God bless you. We will think of you in the future.

That is all we can do today. President Bush has had enough guts to stand up and several Members of Congress on both sides of the aisle, Democrats and Republicans, have had enough guts to stand up and say, uh-oh, we better stop, enough time has gone by, we better pay attention to our responsibilities to the American people. We need to put in place a missile defense system.

Missile defense is very complicated. Obviously, we are going to have to research it. Take a look at how much research it took to fly an airplane. Take a look at the money we spent on the space program. Take a look at how much research there was to figure out a TV. You do not just go out there and wave the magic wand and have a perfect missile defense system.

Some of my colleagues are saying, Oh, my gosh, we don't have one ready today to go, so we shouldn't build one. Is that ludicrous? Is that crazy? We do not have the technology today, although we do have the technology today, but we do not have one in place, so let us not build one because we have to spend too much time on research.

Give me a break. Of course we have got to spend time on research. We need to get a system that is perfected. And it is going to take some time. But we have no time to spare. If we start today, if we give the President the money that the President has requested to put a missile defense system in place, it will still be several years down the road before we can deploy that missile defense system. In the meantime, China has built up more, Iran has built up more, Iraq has built up more, North Korea; and I can go right down through the list. Times have changed.

What do we have to do with a missile defense system? You, in effect, have two missiles, two bullets speeding through the sky. You have got to be able to connect your missile defense, it may be a land-based missile, has got to be able to hit this incoming missile. It

is like hitting a bullet with a bullet. They are both traveling at very, very fast speeds. You have got to be able to connect them. You cannot just do it with a land-based missile.

The best place to stop an enemy missile is where? Where is the best place to stop an enemy missile? On their launching pad. Not while it is over New York City or over the continental United States, but stop that missile when they are getting ready to launch it. How do you do that? You cannot do it with a land-based missile in the United States. You have got to do it with some kind of space technology. You have got to be able to do it with laser.

Every peace-loving person in America who is against war, and I guess we are all against war, but who is anti-military or is against violence, you ought to be the strongest proponents there are for missile defense. Because what happens if that missile leaves the launching pad? Think. For example, a big danger today is not necessarily an intentional launch of a missile. A big danger today is somebody pushes a button by accident.

What if we had an accidental launch of a missile incoming to the United States? I mean, if we had the capability to stop that and we confirmed that it was an accident, we may have just stopped the next war. We may have stopped nuclear oblivion because of the fact we were able to stop it before it did harm and determined that it was an accidental launch.

Today as somebody launches a missile, let us say that Russia, by accident, launches a nuclear missile or launches a nuclear missile with multiple warheads on it so that the missile comes into the United States and fires multiple warheads and hits several different targets. How convinced do you think the United States is going to be that that was an accident? What do you think our response would be? We could very easily end up with a nuclear war on our hands. So even those of you who are big proponents of no violence, and I hope you are successful in your efforts, by the way, but realistically I do not think you will be, but let us say those of you who are absolutely opposed to violence, you ought to be the strongest proponents there are of a missile defense system, because the best way to avoid that violence is to take away the tool of violence that they have, and that is a missile that they could deliver to the United States.

So you have several different stages that you want to develop so that you can take out an incoming enemy missile or a missile launched by mistake. One, you want to be able to get it on the launching pad. Ideally, that is the best place to do it. If it gets off the launching pad, you want to be able to, at any different time, have satellite laser beam technology that hopefully can destroy that over the ocean. Then, finally, if it gets into the United States, over into our airspace, you want to have the capability of not only satellite laser beam but you also want to have the capability of ground-based or some other ship-based type of missile that could go up and collide with that missile and take that missile out.

About 2 months ago, we had a successful test. They fired a missile and they fired an intercept missile and we hit them. That is pretty good. Think about it. You cannot miss by this far. You have got to hit. That missile is not that big around. When you take a look at the warhead on top of a missile, it is maybe the width of a car, so you have got to bring those two cars together out there going at the kinds of speeds that they are going at, and they have got to be able to hit. The test the other day was a successful test. We were able to calculate it. So it is a good step.

But I am amazed at the people who, number one, criticize the President. He, by the way, is the one whom we charge with the leadership of this country. We say to President Bush, President Bush, you better take a look at this treaty. Are you protecting this country? You are in charge of it. You are the President. You are the guy that we are holding responsible to make sure that we can go to work every day without being concerned about being dragged into some kind of war or having a missile attack against us.

□ 1945

Yet we tell them on this end, on this hand we say you are spending too much money, you are dreaming about missile technology that may or may not exist.

The fact is, Mr. President, I am proud of you. We need a missile defense system in this country, and we need it, and we have needed it for some period of time; a leader of this country, to finally stand up and say to Russia, look, Russia, we will even share with you our capability to defend ourselves, but you better acknowledge, Russia, that there are no longer two countries in this world capable of firing missiles at each other. That number is in the tens and twenties, maybe even the high twenties, of countries capable; and every month, every year that goes by, some other nation out there is developing the capability to deliver a missile into another country.

We have got finally a President who has got enough guts to stand up and say, all right, it is time to get back in shape. It is time to build a military missile defense system for the protection of this country and its allies.

Of interesting note, the Europeans, as you know, probably the Brits, some of the strongest allies we have ever had, good allies out there, they are standing up for us. They want a missile defense system. Take a look at the Italians. The Italians, their Prime Minister, they support this.

So do not be misled by the national media that may say the Europeans say that this could throw off the balance of power, and that the United States is a warmonger because they are trying to deploy a missile defense system. You watch what happens in Europe. You watch what the French do and some of the other people do over in those European countries once we perfect that technology. They are going to be at our front door. They are going to be at our front door with their Xerox machines, saying, look, can we get a copy of what you have got, because we too have an obligation to defend the people of our country.

As far as I am concerned, I would like to see every nation in the world have a defense apparatus so that they could stop incoming missiles, because I really, really am concerned, really concerned, about an accidental missile launch.

Now, some people who are, I guess, theoretical in the concept of peace, say, well, everybody should agree not to fire a missile. Everybody should lay down their arms. All we have to do is look at the Middle East. I mean, look, there are inherent things of human nature, and we better accept them, and most of us have accepted the fact that there will always be somebody who is not willing to lay down their arms, and as long as one people has their arms, you better be willing to defend against it. The United States, because of our prominence in the world, because we are such a strong power, will always have somebody who wants to take us on, who wants to launch a missile against the best interests of the citizens of the United States.

Now, we have some appropriation battles coming up here pretty soon. We know the basis of our economy. It is requiring that we tighten our belt, like every other American citizen, that we manage the Federal budget just like the American families have to manage their own home budget, and we have to take a look at what programs are priority programs.

The President has made it very clear that there are a couple of priorities for him, and when he says ''for him,'' he speaks of his concept for the country. In other words, there are a couple of programs that are of priority for the Nation.

The first one, education. The President has asked for a considerable increase in appropriations and in reform, regulation, regarding education; testing, accountability, and more money for education.

That is pretty hard to argue, although, as you might guess, on our floor we manage to find argument about it. But education is one of the priorities of this President.

The other appropriation he is talking about is the military. Now, remember, when we talk about military, in excess of 70 percent of our military budget goes for salaries and wages. We have got to pay these men and women that are serving this country something above the poverty level. We have to be able to provide for them. So we have to be able to take that into consideration.

But one of his priorities contained within that military priority is military defense. I am suggesting to my colleagues, no, I am not suggesting to my colleagues, I am telling you, the time has come. We have got to work with the President on a military missile defense system. We cannot continue to waste any more time. We have an obligation to the next generation, to my kids, to your kids, to your grandkids, to my grandkids, we have an obligation to provide a defense apparatus in this Nation so that they do not live under the threat of an accidental missile launch or an intentional missile launch against the United States of America.

We are the ones today that make those decisions for tomorrow. That is why we were elected. We were not elected to sit here and not think about tomorrow. The President has said to the United States Congress, think about education tomorrow. What are the results tomorrow? And it is the same thing with our military defense. Think about tomorrow, because, before you know it, tomorrow is here, and we have added many, many more countries in the world that have that capability to launch missiles.

Mr. Speaker, let me show this poster. Take a look at today. I am talking about nuclear warheads. But do not forget that on a missile you can also deliver biological or chemical warheads. Take a look. Every spot on this map is a country that is capable of delivering known or probable biological and chemical programs, and they can deliver those chemicals with a missile.

Now, remember, in 1970 when that treaty, the antiballistic missile treaty was drafted, there were two countries, the United States and the USSR, there were only two countries in the world that had to be concerned about that. But, because of this expansion, things have changed.

I want to stress to my colleagues, because this argument continues to come up again and again and again, and in my opinion it has no validity, and that argument is the proposition that we cannot build a missile defense system without violation of the Antiballistic Missile Treaty, which we have no right to exit from.

What I am saying here tonight is that Antiballistic Missile Treaty, fortunately, the people who drafted it, as I mentioned earlier, I disagree with the concept that the treaty was drafted 30 years ago, but fortunately the people who drafted that treaty had the foresight to say, gosh, over a period of time the consequences may change to the extent that the United States and the USSR ought to be able to walk away from this treaty; that the consequences are of such importance that it justifies withdrawal from the ABM Treaty.

I think the President is justified in taking the position that with all of the countries today that can accidentally or intentionally launch a missile into the United States, that the circumstances have changed dramatically enough that the United States has to take a new approach; that the United States can no longer afford, can no longer afford to sit by and pretend that in our future there will be no missile attack against the United States.

In fact, it is just the opposite. The United States must prepare today for tomorrow and for the future generations, prepare for the expectation that in fact a missile at some point or another will be launched against the United States of America, either intentionally or accidentally.

But once that missile is airborne, it does not much matter as far as the consequences of the missile hit. But it does matter if we are able to stop that missile, let us say, on its launching pad; and let us say we are able to determine it was an accidental launch, that somebody made a mistake, that some mechanism, a malfunction, and we were able to stop a war or we were able to stop American retribution, which you know because of our capabilities would be severe, harsh, and instantaneous; that we were able to avoid that because we had in place a system that was capable of stopping an attack against the United States.

So I urge every one of my colleagues, instead of playing the political rhetoric game, which I am beginning to see emerge up here, against the missile defense system, put that political rhetoric aside for the benefit of the future generations of the United States of America. Try and put in place a vision for the future, a future that allows the people and the population of the United States, and the friends of the United States of America, the capability of making a missile attack a nonissue, because we have the capability to stop it.

For those of you who want to end violence or at least do what you can to minimize violence, you, as I said earlier, should be the strongest proponents we have for a missile defense system. So I congratulate the President, I congratulate the administration, and, frankly, I commend both Democrats and Republicans on the House floor that are coming across this aisle to stand in unison in favor of a missile defense system for this country.

Let me just reiterate a couple points I made earlier. It is appropriate and it is timely for the United States Congress to put in our rules a rule which prohibits inappropriate conduct between a Congressman and an intern.

I spent a good deal of time at the beginning of my remarks explaining why I have pursued this issue. I spent a good deal of time pointing out that we are the only major institution, the U.S. Congress is the only major institution in United States that does not have a prohibition against inappropriate relationships between a Congressman and an intern. For example, the teaching profession, every school in the Nation prohibits it; the medical profession prohibits it; the military prohibits it; the clergy prohibits it; the legal profession prohibits it; most major corporations prohibit it. The United States Congress ought to follow good example. It is not precedent breaking. We should set a good example, follow a good example, and put in place a rule that prohibits that type of inappropriate conduct.

Finally, as my final remarks, I urge all of us to stand as a team to address this economy. This is not a laughing matter. This is a very serious situation. We are in a tunnel, we are not out the other side of it, and there is a train coming in. We need to stand in unison to figure out how to get out of that tunnel. And there is light. We can get out of the tunnel, but the more bickering and partisanship that we see on this House floor, the less likely that we can fulfill our leadership responsibilities and obligations and lead our country into some type of economic recovery.

NEGATIVE IMPACT OF PRESIDENT'S TAX CUT

The SPEAKER pro tempore (Mr. AKIN). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I want to respond, if I can, briefly, to some of the comments that my colleague from Colorado made with regard to the economy.

Mr. Speaker, I do realize that we in Congress all have an obligation, certainly, to work for economic recovery, and there is, of course, a great deal of concern about the economy right now because of some of the indications we have had over the last week with regard to the stock market, with regard to some of the unemployment figures that have come through.

But, Mr. Speaker, I would be remiss if I did not point out, and this is really the gist of my comments this evening, I do not intend to use the full hour, but I need to spend a little time reiterating once again the negative impact of President Bush's tax cut, the tax cut that was supported by the majority of the Republicans, who are the majority here in the House of Representatives, and which I think has had a very negative impact and certainly over the long term will have a very negative impact on the economy. And my fear that it is going to lead to President Bush suggesting and the Republican majority suggesting at some point, if it has not happened already, that we dip into the Medicare and the Social Security Trust Funds in order to pay for ongoing expenses with the Congressional budget, with the Federal budget.

Mr. Speaker, before we had the 4 weeks when we as Members of Congress were back in our districts during August, during the summer, we had been told over and over again by the President and the Republican leadership

that there was no need to worry about this tax cut, this huge massive tax cut that primarily benefited wealthy Americans, because we could have the tax cut and we would also be able to make sure that, even with the tax cut, that we would have enough money left over to pay for the national priorities that President Bush outlined, an education bill, a new defense initiative to make sure that the military was ready in the event of war, and also a Medicare prescription drug benefit. We could have the tax cut and we would also be able to have money left over for those national priorities.

We were also assured by the President and the Republican leadership that even with this massive tax cut that primarily favored the well-to-do, that we would have enough money for Social Security, that we would not dip into the Social Security and Medicare Trust Funds.

□ 2000

Well, Democrats have been saying for over a year that none of those things were true; that the nature of the tax cut, the fact that it was so big, that what the President and the Republicans were proposing was so big, that it would basically make it impossible to not dip into the Medicare and Social Security trust funds and that there would not be any money left for any of those other priorities.

Well, we are there today. We went home at the end of July, early August, we came back, and lo and behold, the numbers have come back about the budget and what money is available; and the Congressional Budget Office, among other agencies, have told us that none of those things are true, that we probably have already dipped into the Social Security and Medicare trust funds because of this massive tax cut that the President insisted on as the sort of milestone and the main thing that we wanted to accomplish in the first year of his Presidency.

Just as some information, Mr. Speaker, the Congressional Budget Office, this is from about a week or so ago, maybe it is 2 weeks now, the Congressional Budget Office confirmed what the Democrats have been saying for over a year, that the Bush tax cut is so big it forces the government to invade Social Security and Medicare trust funds. According to CBO, the government will be taking $30 billion from the Social Security Trust Fund and $170 billion from the Medicare trust fund over the next 5 years. The President talked about how in 2001, this fiscal year, we were going to have the second biggest surplus in history. But this year alone, the government is actually in deficit and must tap Medicare and Social Security to fund just routine government operations.

If we listen to what President Bush is saying, he pretty much has said, well, we may have to tap into the Social Security trust fund. He has talked about, well, maybe if the economy continues to deteriorate, that will be necessary. So I do not think there is any question, Mr. Speaker, that we are headed down that road.

It is a scary road because, first of all, I should point out before I talk about the negative consequences of this, the fact of the matter is, it could be a lot worse than even what the CBO is estimating now, because we have to remember that the Congressional Budget Office, in their making these projections that I talked about, these are baseline estimates, which basically assumes that there are no changes in spending. In other words, the CBO numbers do not assume that any of the other things that President Bush has talked about spending in this budget are going to happen, and it also assumes that the economy will pretty much stay the way it is rather than get any worse. If the economy worsens or if we tried to implement some of the things that the President has talked about, we could dip even further into the Social Security and Medicare trust funds.

I know that the gentleman from Colorado (Mr. MCINNIS), the gentleman who just spoke, said he does not really want to hear about this because after all, we are supposed to be united and we are not supposed to be bickering over who caused this problem. Well, it is not a coincidence. The Bush tax cut is the reason. In only 8 months, the President, President Bush has taken us from a situation where we had a healthy surplus that was basically built up under the 8 years of President Clinton's administration and was a major contributing factor to the fact that the economy was booming, and in just 8 months, this fiscal situation has dramatically reversed itself because of the policies of President Bush.

Now, I am not saying that I do not want to help solve the problem, but I have to lay the blame where the blame deserves to be placed. Things were good. The Federal Government was, for the first time, in surplus in the last 6 years of the Clinton administration. Now, in 8 months of the Bush administration, we are in a deficit once again.

Now, let me talk a little bit if I can, Mr. Speaker, about the consequences of this, because there are a lot of different consequences. There are various aspects as to what we are faced with here in terms of Federal policy and the negative consequences. I only mention it, not because I want to dwell on the negative, but because I want us to understand where we are so that we can do something about it in the future.

First of all, let me say I do not care what the other side says about this, the fact of the matter is that because we are now in this deficit situation, because of the Bush tax cut, we have destroyed any opportunity to spend any money on the national priorities that the President and others have talked about.

If we listen to President Bush, he still talks about his education initiative and how there is going to be money now that is going to go back to the States and local school boards and to the schools throughout the country that are going to beef up education. Let me assure my colleagues that the money is not there to pay for it. It is not going to happen. It is not going to happen unless we take the money from the Social Security trust fund. So I do not think it is going to happen.

Number two, the President keeps talking about his defense priorities. The gentleman from Colorado (Mr. MCINNIS) just mentioned a missile defense system. Well, I do not particularly like what the President is talking about in terms of a missile defense program; but whatever he is talking about: he talks about more money for the soldiers, he talks about more money for weapons, he talks about all of these billions of dollars that are going to be necessary to put us in a state of military preparedness. The money is not going to be there.

Mr. Speaker, these things are not going to happen. President Bush's tax cut destroyed any opportunity to spend money on education or on defense. Most of all, because these are the things that I hear most about from my constituents, I happen to have a district that has a higher proportion of senior citizens; and when I am home, as I was this weekend, they still talk to me about the high cost of prescription drugs and how they cannot afford it and how they would like to have Medicare include a prescription drugs program, which I have been a big supporter of. We have a health care task force on the Democratic side of the aisle. We have been working collectively to come up with a prescription drugs Medicare program, and we have endorsed several programs on the Democratic side that President Clinton talked about what he wanted to do to provide a prescription drugs program. Well, President Bush can tell us whatever he wants, but the money is not there, because of his tax cut, to pay for this Medicare prescription drug program.

Mr. Speaker, I doubt that any of these national priorities that the President has identified: education, defense, or a prescription drug benefit under Medicare, will ever happen because of this tax cut and because of the situation that we face today.

Now, let me go on and talk a little more. It is not only that now, because of the tax cut, the Bush tax cut and the potential deficit that we do not have any money to spend on other priorities, but what is happening now is going to have a negative impact on the economy; and the fact of the matter is that what we do not have a surplus. And we are in a deficit situation. We hurt the economy; and we make it very, very difficult to have any economic recovery. If my colleagues on the Republican side are telling us that now they want to focus on what we can do to bring the economy back, certainly bypassing this

tax cut and putting us in a deficit situation, they have made it much, much harder for us to achieve any economic recovery.

Now, my colleagues do not have to take my word for it. Basically, we know that over the last year or so, the Federal Reserve has aggressively lowered short-term interest rates, but long-term interest rates have barely moved. They are still high. It was interesting, because at a July Senate Banking Committee hearing, we had Alan Greenspan, the Fed Chairman, and he very specifically indicated that the Bush tax cuts impact on the surplus in future years has prevented a decline in long-term interest rates.

The reason, a major reason why the economy was doing well during the Clinton era was because when President Clinton created a situation where there was a Federal surplus, it meant that the interest rates were low on their own, even without the Federal Reserve action; and it basically made it so that money was available. The Federal Government was not borrowing as much and taking money out of the system for lenders who wanted to use it to lend money to companies or factories so that they could build new factories and come up with new means of production and create more jobs. That drain that comes, the drain on the economy that comes from a Federal deficit is going to have a terribly negative impact on the economy and make it much more difficult for us to recover because the long-term interest rates will remain high, because it will be more difficult to borrow and raise capital for new production and create new jobs.

At this Senate Committee on Banking and Financial Services hearing, just to again reiterate that what I am saying is not pie in the sky, we had a little dialogue between the Federal Chairman Greenspan and Senator SCHUMER from New York. And if I could just repeat this, this was the Senator, or I do not know if I can use the word ''Senator,'' but a member of the other body who said, and I quote, ''One thing you mentioned, Mr. Greenspan, you thought that rates hadn't come down enough was that the rate of decline of Treasury debt had not been as great as we thought. Is that due to the tax cut?'' The Senator said. And Federal Chairman Greenspan said, ''I think it is basically due to a series of things. One, the tax cut.'' Senator SCHUMER says, ''Right. So the tax cut did have a negative effect on this?'' And Alan Greenspan says, ''Oh, yes, no question.''

So the Bush tax cut is not only making it difficult to spend any money on education, defense, Medicare prescription drugs, and may kill all of those things; but in addition, it is having a negative impact on the economy and it is going to be very, very difficult to achieve the kind of economic recovery that now the President and my Republican colleagues are saying should be a priority.

Lastly, and this I guess is the most obvious one, but I want to go into it a little bit. What is happening here now in terms of us going back into a deficit and, inevitably, it seems, spending the money from the Social Security and the Medicare trust fund, is that the money is not going to be available in the Medicare and Social Security trust funds to pay benefits.

Right now, the seniors that I represent, Medicare is probably the most important Federal program that they have available to them. Social Security is the most important program, because it is just, if not more important, because of the fact this they depend on the income from Social Security.

Well, right now we are okay. But we all know that in a few years, there will not be as much money available for Medicare and Social Security because the number of people who will become seniors, the so-called baby boom generation of which I am a part, when they get to be 65, there are going to be more of them and there is going to be a need for more money to pay out their retirement Social Security benefits and take care of their Medicare and take care of their health care needs.

So the reason that the Congress a few years ago started to build up this surplus in the trust funds for Medicare and Social Security was because they knew that maybe by 2020 or 2030, 20 or 30 years from now, if not sooner, but certainly by then, that there would be a lot more seniors and we would need more money to build up in this trust fund to pay out the benefits. Well, if we now dip into the Medicare and Social Security trust fund, this so-called surplus, that money is not going to be there.

Now, what the Democrats have been doing when Clinton was President was they recognized this and they said, okay, let us take a certain percentage of this surplus and general revenues that we have and let us dedicate it towards Social Security and Medicare. In other words, we had a Social Security and Medicare trust fund that had a surplus on their own, but President Clinton said, let us take money from the surplus we are building in general revenues from tax revenues and let us apply that to the Social Security and Medicare trust funds so that even more money would be available in 2020 or 2030 when we needed it. Well, that is all gone. There is nothing now; there is no general revenue surplus available to apply it to Social Security and Medicare. Instead, we are now taking from those trust funds to pay for general operations to operate the government.

Mr. Speaker, it is pretty easy to figure out what is going on here, but the reality is very dire, because now there is a serious question about whether or not the Social Security and Medicare money will be available for people my generation when they get to be seniors.

□ 2015

Now, what I am going to mention now does not necessarily relate to the budget and to what the President did with his tax cut.

But ironically, in the middle of all of this, at the very time when President Bush's tax cut is having this negative impact and threatening Social Security and Medicare, we have the President, President Bush, setting up this commission, this Social Security commission that over the summer, including during the August break, started to provide all of this information about how they want to privatize Social Security. They may want to raise the age again when one gets Social Security.

There is all this potential tinkering with the Social Security system that I think is going to make the situation even worse, because if we privatize Social Security, or say to people that they can take a certain amount of their money outside the system and invest it in the stock market or in something else, there again, that is taking money away from the Social Security system that is not going to be available for the baby boom generation when they get to be 65.

Mr. Speaker, we no longer have the situation which we had under President Clinton and the Democrats where the general revenue surplus is being applied to boost up Social Security and Medicare. We now have a situation where President Bush's tax cut is probably going to make Congress, or maybe we are already doing it, dip into the trust funds for Social Security and Medicare.

At the same time, we have this commission out there that President Bush is instituting that is proposing to take even more money out of the Social Security and Medicare trust funds so that people can invest money in the stock market or whatever. I cannot imagine a worse situation.

Mr. Speaker, I recognize and I agree with my colleague, my Republican colleague who spoke before me, the gentleman from Colorado, that I do not want to just come here and talk about how bad things are. But if we do not recognize why they are getting bad, then we are never going to correct them.

This Congress has to think about ways of dealing with the fact that this tax cut has really hurt the economy, threatened Social Security, and makes it impossible for us to invest in other national priorities such as education, prescription drugs under Medicare, and defense needs.

Until we recognize the fact that this is the cause or a major cause of the problem, I do not know how we are going to correct it. I am not going to just stand here and put my head in the sand and say this is just happening through natural causes. This is happening because of the President and the Republican leadership's tax policy. That is why we are in the situation that we are in, and we need to recognize it before we can move on.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today, September 11 and 12 on account of business in the district.

Mr. DEUTSCH (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today on account of family business.

Mr. DOOLITTLE (at the request of Mr. ARMEY) for today on account of personal reasons.

Mr. GRUCCI (at the request of Mr. ARMEY) for today on account of his mother had a heart attack.

Mr. ROYCE (at the request of Mr. ARMEY) for today and September 11 on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. MCNULTY) to revise and extend his remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today and September 11.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 58. Concurrent resolution expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum; to the Committee on International Relations.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 11, 2001, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3518. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports [Docket No. 00–017–1] received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3519. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Oriental Fruit Fly; Designation of Quarantined Area [Docket No. 01–080–1] received September 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3520. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation Prohibitions Because of Bovine Spongiform Encephalopathy [Docket No. 00–121–1] (RIN: 0579–AB26) received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3521. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bromoxynil; Pesticide Tolerances for Emergency Exemptions [OPP–301163; FRL–6798–2] (RIN: 2070–AB70) received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3522. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Buprofezin; Pesticide Tolerances [OPP–301159; FRL–6796–6] received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3523. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Pesticide Tolerances for Emergency Exemptions [OPP–301165; FRL–6798–6] (RIN: 2070–AB78) received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3524. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Unlimited Tolerance Exemptions [OPP–301152; FRL–6793–5] (RIN: 2070–AB78) received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3525. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bifenazate; Pesticide Tolerances for Emergency Exemptions [OPP–301153; FRL–6793–3] received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3526. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—B-D-Glucuronidase from E. coli and the Genetic Material Necessary for its Production As a Plant Pesticide Inert Ingredient; Exemption from the Requirement of a Tolerance [OPP–301129; FRL–6782–8] (RIN: 2070–AB78) received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3527. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—2–Propenoic Acid, Sodium Salt, Polymer with 2–Propenamide; Tolerance Exemption [OPP–301158; FRL–6794–8] (RIN: 2070–AB78) received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3528. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Reporting Requirements Update [DFARS Case 2001–D004] received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3529. A letter from the Alternative OSD FR Liaison Officer, Department of Defense, transmitting the Department's final rule—Compensation of Certain Former Operatives Incarcerated by the Democratic Republic of Vietnam (RIN: 0790–AG67) received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3530. A letter from the Alternate OSD FR Liaison Officer, Department of Defense, transmitting the Department's final rule—Transactions Other Than Contracts, Grants, or Cooperative Agreements for Prototype Projects (RIN: 0790–AG79) received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3531. A letter from the Alternate OSD FR Liaison Office, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Service (CHAMPUS); Prosthetic Devices (RIN: 7020–AA49) received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3532. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program; Assistance to Private Sector Property Insurers (RIN: 3067–AD23) received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3533. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Records Preservation Program—received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3534. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to the Control of Iron and Steel Production Installations [MD011/108–3056a; FRL–7040–8] received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3535. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—District of Columbia: Final Authorization of State Hazardous Waste Management Program Revision [FRL–7050–9] received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3536. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Marine Vessels Coating Operations [MD078–3078a; FRL–7049–3] received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3537. A letter from the Prinicpal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for

Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; and Standards of Performance for Industrial—Commercial—Institutional Steam Generating Units—[FRL–7033–8] (RIN: 2060–AJ22) received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3538. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Guidelines for Direct Implementation Tribal Cooperative Agreements (DITCAs) for Fiscal Year 2001—received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3539. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Wisconsin [WI42–7306a; FRL–7029–3] received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3540. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pleasanton, Topeka, Iola, and Emporia, Kansas) [MM Docket No. 98–9, RM–9216; MM Docket No. 98–13, RM–9212] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3541. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hugo, Colorado) [MM Docket No. 01–91, RM–10096] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3542. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Salem and Molalla, Oregon) [MM Docket No. 01–59, RM–10072] (Avon and Fairport, New York) [MM Docket No. 01–60, RM–10073] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3543. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Missoula, Montana) [MM Docket No. 01–15, RM–10030] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3544. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Lexington, Kentucky) [MM Docket No. 01–83, RM–10085] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3545. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Charlottesville, Virginia) [MM Docket No. 00–240, RM–9793] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3546. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Kansas City, Missouri) [MM Docket No. 00–116, RM–9877] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3547. A letter from the Senior Legal Advisor to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Elkhorn City and Coal Run, Kentucky) [MM Docket No. 00–14, RM–9753] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3548. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Naches, Sunnyside, and Benton City, Washington) [MM Docket No. 01–95, RM–10093] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3549. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Panama City, Florida) [MM Docket No. 99–318, RM–9745] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3550. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Toccoa and Sugar Hill, Georgia) [MM Docket No. 98–162, RM–9263] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3551. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Open Access Same-Time Information System and Standards of Conduct [Docket No. RM95–9–014] received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3552. A letter from the Acting Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting the Department's final rule—Privacy Act of 1974; Implementation [AAG/A Order No. 241–2001] received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3553. A letter from the Acting Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting the Department's final rule—Privacy Act of 1974; Implementation [AAG/A Order No. 242–2001] received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3554. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Correction of Administrative Errors; Lost Earnings Attributable to Employing Agency Errors—received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3555. A letter from the Program Manager, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting the Department's final rule—Identification Markings Placed on Firearms (98R–341P) [T.D. ATF–461; Ref: Notice No. 877] (RIN: 1512–AB84) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3556. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Sister Bay MarinaFest, Sister Bay, Wisconsin [CGD09–01–055] (RIN: 2115–AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3557. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Maumee River, Toledo, Ohio [CGD09–01–112] (RIN: 2115–AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3558. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Candlelight on the Water, Port Washington, Wisconsin [CGD09–01–103] (RIN: 2115–AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3559. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Fireworks Display, Newport, RI [CGD01–01–100] (RIN: 2115–AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3560. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Triathlon, Ulster Landing, Hudson River, NY [CGD01–00–248] (RIN: 2115–AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3561. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Ashley River, Charleston, SC [CGD07–01–048] (RIN: 2115–AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3562. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: McArdle Bridge repairs—Boston, Massachusetts [CGD1–01–021] (RIN: 2115–AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3563. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 Series Airplanes [Docket No. 2001–NM–70–AD; Amendment 39–12382; AD 2001–16–13] (RIN: 2120–AA64) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3564. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAe Systems (Operations) Limited Model Avro 146–RJ85A and 146–RJ100A Series Airplanes [Docket No. 2001–NM–223–AD; Amendment 39–12384; AD 2001–16–15] (RIN: 2120–AA64) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3565. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International

CFM56 Series Turbofan Engines [Docket No. 2001–NE–15–AD; Amendment 39–12405; AD 2001–17–14] (RIN: 2120–AA64) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3566. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Bush River, Abingdon, Maryland [CGD05–01–047] (RIN: 2115–AE46) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3567. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Nanticoke River, Sharptown, Maryland [CGD05–01–023] (RIN: 2115–AE46) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3568. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Bayou Boeuf, LA [CGD08–01–026] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3569. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois [CGD08–01–023] (RIN: 2115–AE47) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3570. A letter from the Senior Transportation Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities [Docket No. FAA–2000–8431; Amendment No. 121–285] (RIN: 2120–AH15) received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3571. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—FY02 Wetland Program Development Grants Guidelines [FRL–7047–9] received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3572. A letter from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Office of Research and Applications Ocean Remote Sensing Program Notice of Financial Assistance [Docket No. 000616179–1190–02] (RIN: 0648–ZA90) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3573. A letter from the General Counsel, National Science Foundation, transmitting the Foundations's final rule—Antarctic Non-Governmental Expeditions (RIN: 3145–AA36) received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3574. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update—received August 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. H.R. 2646. A bill to provide for the continuation of agricultural programs through fiscal year 2011; with an amendment (Rept. 107–191 Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2187. A bill to amend title 10, United States Code, to make receipts collected from mineral leasing activities on certain naval oil shale reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves; with an amendment (Rept. 107–202 Pt. 1).

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1900. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency, and for other purposes; with an amendment (Rept. 107–203). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. H.R. 2187 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on September 7, 2001]

H.R. 2646. Referral to the Committee on International Relations extended for a period ending not later than September 10, 2001.

[Submitted on September 10, 2001]

H.R. 2187. Referral to the Committee on Energy and Commerce extended for a period ending not later than September 10, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia:

H.R. 2868. A bill to amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service forecasters performing essential services during severe weather events, and to limit Sunday premium pay for employees of the National Weather Service to hours of service actually performed on Sunday; to the Committee on Government Reform.

By Mr. GILLMOR (for himself, Mr. PALLONE, Mr. TAUZIN, Mr. DINGELL, Mr. SHIMKUS, Mr. TOWNS, Mr. BOEHLERT, and Mr. GREEN of Texas):

H.R. 2869. A bill to provide certain relief for small businesses from liability under the Comprehension Environmental Response, Compensation, and Liability Act of 1980, and to amend such Act to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN:

H.R. 2870. A bill to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.; to the Committee on the Judiciary.

By Mr. BEREUTER:

H.R. 2871. A bill to reauthorize the Export-Import Bank of the United States, and for other purposes; to the Committee on Financial Services.

By Ms. DELAURO:

H.R. 2872. A bill to designate the western breakwater for the project for navigation, New Haven Harbor, Connecticut, as the ''Charles Hervey Townshend Breakwater''; to the Committee on Transportation and Infrastructure.

By Mr. HERGER (for himself and Mr. CARDIN):

H.R. 2873. A bill to extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV-E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Mr. HORN, Mr. LATOURETTE, Ms. WOOLSEY, and Ms. ESHOO):

H.R. 2874. A bill to make grants to train sexual assault nurse examiners, law enforcement personnel, and first responders in the handling of sexual assault cases, to establish minimum standards for forensic evidence collection kits, to carry out DNA analyses of samples from crime scenes, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 2875. A bill to provide that the inferior courts of the United States do not have jurisdiction to hear abortion-related cases; to the Committee on the Judiciary.

By Mr. REHBERG:

H.R. 2876. A bill to designate the facility of the United States Postal Service located in Harlem, Montana, as the ''Francis Bardanouve United States Post Office Building''; to the Committee on Government Reform.

By Mr. SAXTON (for himself, Mr. ADERHOLT, Mr. PLATTS, and Mr. SMITH of New Jersey):

H. Con. Res. 222. Concurrent resolution expressing the sense of Congress regarding the inherent right of self-defense; to the Committee on International Relations.

By Ms. ROS-LEHTINEN:

H. Res. 235. A resolution expressing the sense of the House of Representatives regarding the establishment of a National Words Can Heal Day; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

190. The SPEAKER presented a memorial of the General Assembly of the State of Illinois, relative to House Joint Resolution No. 13 memorializing the United States Congress to urge the United States Postal Service to reconsider the issuance of a Purple Heart Stamp to honor those veterans who received the Order of the Purple Heart for Military Merit defending their country during times of conflict; to the Committee on Government Reform.

191. Also,a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 164 memorializing the United States Congress and the governor of Louisana and the Texas Legislature to actively support routing I–69 through west DeSoto Parish, Louisana and Shelby County, Texas; to the Committee on Transportation and Infrastructure.

192. Also,a memorial of the Senate of the State of Rhode Island, relative to Senate Resolution 01–S 0855 memorializing the United States Congress to amend title ten, United States Codes relating to the compensation of retired military, permitting concurrent receipt of military retired pay and Veterans' Administration compensation, including dependents allowances; jointly to the Committees on Armed Services and Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. HEFLEY.
H.R. 75: Ms. ROS-LEHTINEN.
H.R. 190: Mr. BARR of Georgia.
H.R. 218: Mr. LEWIS of California and Mr. MATHESON.
H.R. 239: Mr. WEXLER, Mr. EHRLICH, and Mr. SMITH of new Jersey.
H.R. 303: Mr. MEEKS of New York and Mr. TAUZIN.
H.R. 325: Mr. SANDLIN.
H.R. 326: Mr. TOM DAVIS of Virginia.
H.R. 394: Mr. WATTS of Oklahoma and Mr. GORDON.
H.R. 458: Mr. BAKER.
H.R. 536: Mr. KELLER and Mr. FOLEY.
H.R. 638: Mr. BLUMENAUER.
H.R. 656: Mr. CALVERT.
H.R. 668: Mr. HASTINGS of Washington and Mrs. NAPOLITANO.
H.R. 689: Ms. ESHOO.
H.R. 699: Mr. DEAL of Georgia.
H.R. 709: Ms. ROYBAL-ALLARD.
H.R. 746: Mr. CANTOR and Mr. WOLF.
H.R. 751: Mr. CALVERT and Mr. ENGLISH.
H.R. 803: Mr. KILDEE.
H.R. 808: Mrs. JO ANN DAVIS of Virginia.
H.R. 826: Mr. HERGER and Mr. MANZULLO.
H.R. 876: Ms. LOFGREN.
H.R. 978: Ms. RIVERS, Mr. MCNULTY, Ms. LEE, and Mr. BOUCHER.
H.R. 1032: Mr. BLUMENAUER and Mr. PASCRELL.
H.R. 1073: Mr. LAFALCE, Mr. SOUDER, Mr. SHOWS, and Mr. BENTSEN.
H.R. 1109: Mr. FORBES, Mr. WELDON of Florida, Mr. WAMP, Mr. CRANE, and Mr. ROYCE.
H.R. 1136: Mr. GREENWOOD.
H.R. 1187: Mr. DEUTSCH and Ms. PELOSI.
H.R. 1198: Mr. LUCAS of Kentucky, Mr. PETERSON of Minnesota, Mr. HERGER, and Mr. ROGERS of Kentucky.
H.R. 1254: Ms. LOFGREN.
H.R. 1265: Mr. ABERCROMBIE and Mr. LANTOS.
H.R. 1296: Mrs. CUBIN, Mr. COMBEST, and Mr. FORBES.
H.R. 1318: Ms. BERKLEY.
H.R. 1377: Mr. KERNS.
H.R. 1436: Mr. LEWIS of Georgia, Mr. MARKEY, Mr. LAHOOD, Mr. STUPAK, Mr. BISHOP, Mr. BACA, Mr. HINOJOSA, and Mr. SMITH of Washington.
H.R. 1506: Mr. REYNOLDS.
H.R. 1522: Mr. GONZALEZ.
H.R. 1555: Mr. COOKSEY.
H.R. 1556: Mr. CHAMBLISS, Mr. SHERWOOD, and Mr. HALL of Ohio.
H.R. 1602: Mr. CULBERSON and Mr. BEREUTER.
H.R. 1605: Mr. BOYD, Ms. HOOLEY of Oregon, and Ms. ROS-LEHTINEN.
H.R. 1669: Mr. FRANK.
H.R. 1671: Mr. WYNN.
H.R. 1672: Mr. LEACH and Mrs. MORELLA.
H.R. 1690: Mrs. CHRISTENSEN.
H.R. 1700: Mrs. DAVIS of California and Mr. SCHIFF.
H.R. 1703: Mr. WATKINS, Mr. LARSON of Connecticut, Mr. RUSH, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. KUCINICH, Ms. BALDWIN, Mr. CAPUANO, Mr. HOEFFEL, Mr. CROWLEY, Mr. HONDA, Mr. HINCHEY, Mr. PHELPS, Mrs. DAVIS of California, Mr. UDALL of New Mexico, Ms. MCKINNEY, and Mr. FILNER.
H.R. 1713: Mr. WEINER and Mr. INSLEE.
H.R. 1723: Mr. BACA and Mr. MCINTYRE.
H.R. 1749: Mr. FORBES.
H.R. 1770: Mr. FLETCHER.
H.R. 1786: Mr. STUPAK, Mr. MOLLOHAN, Mr. BONIOR, Mr. QUINN, Mr. DEFAZIO, and Mr. EHLERS.
H.R. 1795: Mr. MANZULLO, Mr. FLETCHER, Mr. LAMPSON, Mr. BACHUS, and Mr. WATTS of Oklahoma.
H.R. 1810: Mr. ISRAEL.
H.R. 1896: Ms. SOLIS.
H.R. 1900: Mr. CASTLE.
H.R. 1935: Mr. LEVIN, Mr. TRAFICANT, Mr. FRANK, and Mr. GILLMOR.
H.R. 1948: Mr. PASTOR.
H.R. 1956: Mr. PALLONE, Mr. SCHAFFER, and Mr. SHAYS.
H.R. 1979: Mr. SKELTON.
H.R. 1983: Mr. TOM DAVIS of Virginia.
H.R. 2081: Ms. BERKLEY.
H.R. 2082: Mr. ABERCROMBIE.
H.R. 2087: Ms. BALDWIN.
H.R. 2088: Mr. RYUN of Kansas.
H.R. 2125: Mr. WALSH, Mr. WELDON of Pennsylvania, Mr. FLETCHER, Mrs. CHRISTENSEN, Mr. SNYDER, and Mr. CLEMENT.
H.R. 2135: Mrs. THURMAN, Mr. LIPINSKI, and Ms. MCKINNEY.
H.R. 2136: Mrs. THURMAN, Ms. WOOLSEY, Mrs. MALONEY of New York, and Ms. MCKINNEY.
H.R. 2145: Ms. BALDWIN, Mr. NADLER, and Mr. ENGLISH.
H.R. 2166: Mr. FILNER and Ms. DELAURO.
H.R. 2167: Mr. BLUMENAUER and Mr. PASCRELL.
H.R. 2173: Mr. WOLF, Mr. MICA, Mr. MCNULTY, Mr. HINCHEY, and Mr. CARSON of Oklahoma.
H.R. 2227: Mr. JONES of North Carolina.
H.R. 2265: Mr. SCHAFFER.
H.R. 2276: Mr. FILNER.
H.R. 2294: Mr. COYNE, Mr. TIERNEY, and Mr. FRANK.
H.R. 2341: Mr. BARR of Georgia, Mr. BRADY of Texas, Mr. EHRLICH, and Mr. LEWIS of Kentucky.
H.R. 2352: Ms. MCKINNEY, Mr. KUCINICH, and Mr. HINCHEY.
H.R. 2354: Mr. NETHERCUTT and Mr. REYNOLDS.
H.R. 2357: Mr. WOLF, Mr. ENGLISH and Mr. SCHAFFER.
H.R. 2390: Mr. BARR of Georgia and Mr. WICKER.
H.R. 2487: Mr. RUSH.
H.R. 2521: Mr. MCGOVERN, Ms. MCKINNEY, Mr. LATOURETTE, Mr. JENKINS, Mr. CALVERT, and Mr. FROST.
H.R. 2531: Ms. KAPTUR.
H.R. 2588: Mr. BOEHLERT and Mr. BONIOR.
H.R. 2604: Mr. FRANK.
H.R. 2609: Mr. REYNOLDS.
H.R. 2610: Mr. CROWLEY.
H.R. 2612: Mr. SABO and Mr. EDWARDS.
H.R. 2619: Mr. SCHIFF.
H.R. 2622: Ms. WOOLSEY and Mr. DOYLE.
H.R. 2638: Mr. FARR of California, Mr. BROWN of Ohio, Mr. DOOLEY of California, Mr. CUNNINGHAM, Ms. MILLENDER-MCDONALD, Mr. WELLER, Mrs. NAPOLITANO, Mr. TURNER, Mr. MCGOVERN, Mr. CALVERT, and Mr. HONDA.
H.R. 2641: Mr. FILNER and Mr. HINCHEY.
H.R. 2659: Mr. MCGOVERN and Mr. RODRIGUEZ.
H.R. 2663: Mr. MCGOVERN.
H.R. 2675: Mr. FLETCHER.
H.R. 2688: Ms. LOFGREN.
H.R. 2690: Mr. SMITH of New Jersey, Mr. UNDERWOOD, Mr. LUTHER, Mr. TAYLOR of North Carolina, Mr. PITTS, Mr. BONIOR, Mr. SABO, Mr. PETERSON of Minnesota, and Ms. BROWN of Florida.
H.R. 2718: Mr. HOLT and Mr. NADLER.
H.R. 2725: Mr. LARSEN of Washington, Mr. TIERNEY, Mr. PASTOR, Mr. CRENSHAW, Mr. OLVER, Mr. WATTS of Oklahoma, Mr. SANDERS, Mr. BERMAN, Mr. SCHAFFER, Ms. SCHAKOWSKY, Mr. HOSTETTLER, Mr. NADLER, and Mr. MASCARA.
H.R. 2765: Mrs. CLAYTON, Ms. MCCOLLUM, Mr. PASCRELL, and Mr. MEEKS of New York.
H.R. 2779: Ms. LOFGREN, Mrs. DAVIS of California, Ms. NORTON, Mr. FRANK, and Mr. CAPUANO.
H.R. 2787: Mr. FROST, Mr. LANGEVIN, and Ms. BROWN of Florida.
H.R. 2795: Mr. BERRY.
H.R. 2805: Mr. BARTLETT of Maryland, Mrs. JO ANN DAVIS of Virginia, and Mr. ENGLISH.
H.R. 2806: Mr. ENGLISH.
H.R. 2812: Mr. SABO.
H.R. 2817: Mr. LUCAS of Kentucky, Mrs. KELLY, Mr. SCHROCK, and Mr. LAMPSON.
H. Con. Res. 30: Mr. PENCE and Mr. LOBIONDO.
H. Con. Res. 33: Mr. FORBES.
H. Con. Res. 46: Mr. GOODLATTE, Mr. PLATTS, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, Mr. ISAKSON, Mr. CANTOR, Ms. VELAZQUEZ, Mr. INSLEE, and Mr. GREEN of Texas.
H. Con. Res. 102: Mr. GORDON and Mrs. NORTHUP.
H. Con. Res. 177: Mrs. EMERSON.
H. Con. Res. 180: Mr. BALDACCI, Mr. DOYLE, and Mrs. JOHNSON of Connecticut.
H. Con. Res. 188: Mr. LANGEVIN, Mr. KENNEDY of Rhode Island, Mr. DEUTSCH, Ms. LOFGREN, Mrs. MINK of Hawaii, Mr. TIERNEY, Mr. OLVER, Mrs. ROUKEMA, Mrs. NORTHUP, Mr. HALL of Ohio, Mr. LUCAS of Kentucky, Mr. TRAFICANT, Mr. BLUMENAUER, Mr. PRICE of North Carolina, Mr. FERGUSON, Mr. ISSA, Mr. ETHERIDGE, Ms. SLAUGHTER, and Mr. BARR of Georgia.
H. Con. Res. 191: Mr. LEWIS of Georgia, Mr. MCGOVERN, and Mr. FROST.
H. Con. Res. 220: Mr. DEAL of Georgia.
H. Res. 128: Mr. STRICKLAND and Mr. GORDON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1983: Mr. SCHROCK.
H.R. 2269: Mr. PASCRELL.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. TURNER on House Resolution 203: Wayne T. Gilchrest and Maxine Waters.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2586

OFFERED BY MR. BEREUTER

AMENDMENT NO. 2: At the end of subtitle B of title V (page ____, after line ____), insert the following new section:

SEC. 520. PREPARATION FOR, PARTICIPATION IN, AND CONDUCT OF ATHLETIC COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) EXPANSION OF EXISTING AUTHORITY.—Subsection (a) of section 504 of title 32, United States Code, is amended by striking paragraph (3) and inserting the following new paragraph:

''(3) prepare for and participate in a qualifying athletic competition or a small arms competition.''.

(b) COMPETITIONS IN CONJUNCTION WITH TRAINING.—Such section is further amended by adding at the end the following new subsection:

''(c) CONDUCT OF AND PARTICIPATION IN COMPETITIONS IN CONJUNCTION WITH TRAINING.—(1) Members and units of the National Guard may conduct and compete in a qualifying athletic competition or a small arms competition in conjunction with training required under this chapter in any case in which—

''(A) the conduct of or participation in the competition does not adversely affect the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

''(B) National Guard personnel will enhance their military skills as a result of conducting or participating in the competition; and

''(C) the conduct of or participation in the competition will not result in a significant increase in the cost of the training.

''(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with the conduct of or participation in a qualifying athletic competition or a small arms competition under paragraph (1).''.

(c) OTHER MATTERS.—Such section is further amended by adding after subsection (c), as added by subsection (b) of this section, the following new subsections:

''(d) AVAILABILITY OF FUNDS.—Subject to such limitations as may be enacted in appropriations Acts, amounts appropriated for the National Guard may be used to cover—

''(1) the costs of conducting or participating in a qualifying athletic competition or a small arms competition under subsection (c); and

''(2) the expenses of members of the National Guard under subsection (a)(3), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.

''(e) QUALIFYING ATHLETIC COMPETITION DEFINED.—In this section, the term 'qualifying athletic competition' means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.''.

(d) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''AUTHORIZED ACTIVITIES.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''AUTHORIZED LOCATIONS.—'' after ''(b)''.

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 504. National Guard schools; small arms competitions; athletic competitions''.

(2) The item relating to section 504 in the table of sections at the beginning of chapter 5 of that title is amended to read as follows:

''504. National Guard schools; small arms competitions; athletic competitions.''.

H.R. 2586

OFFERED BY MR. STEARNS

AMENDMENT NO. 3: At the end of subtitle E of title X (page 307, after line 20), insert the following new section:

SEC. ___. SENSE OF CONGRESS ON IMPLEMENTATION OF FUEL EFFICIENCY REFORMS IN DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government is the largest single energy user in the United States, and the Department of Defense is the largest energy user among all Federal agencies.

(2) The Department of Defense consumed 595,000,000,000,000 BTUs of petroleum in fiscal year 1999, while all other Federal agencies combined consumed 56,000,000,000,000 BTUs of petroleum.

(3) The total cost of petroleum to the Department of Defense amounted to $3,600,000,000 in fiscal year 2000.

(4) Increased fuel efficiency would reduce the cost of delivering fuel to military units during operations and training and allow a corresponding percentage of defense dollars to be reallocated to logistic shortages and other readiness needs.

(5) Increased fuel efficiency would decrease the time needed to assemble military units, would increase unit flexibility, and would allow units to remain in the field for a longer period of time.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should work to implement fuel efficiency reforms, as recommended by the Defense Science Board report, which allow for investment decisions based on the true cost of delivered fuel, strengthen the linkage between warfighting capability and fuel logistics requirements, provide high-level leadership encouraging fuel efficiency, target fuel efficiency improvements through science and technology investment, and include fuel efficiency in requirements and acquisition processes.

H.R. 2586

OFFERED BY MR. STEARNS

AMENDMENT NO. 4: At the end of subtitle A of title III (page 46, after line 23), insert the following new section:

SEC. 305. REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COGUETTE, FRANCE.

(a) FINDINGS.—Congress finds the following:

(1) The Lafayette Escadrille, an aviation squadron within the French Lafayette Flying Corps, was formed April 16, 1916.

(2) The Lafayette Escadrille consisted of aviators from the United States who volunteered to fight for the people of France during World War I.

(3) 265 volunteers from the United States served in the Lafayette Flying Corps, completing 3,000 combat sorties and amassing nearly 200 victories.

(4) The Lafayette Escadrille won 4 Legions of Honor, 7 Medailles Militaires, and 31 citations, each with a Croix de Guerre.

(5) In 1918, command of the Lafayette Escadrille was transferred to the United States, where the Lafayette Escadrille became the combat air force of the United States.

(6) In 1921, a Franco-American committee was organized to locate a final resting place for the 68 United States aviators who lost their lives flying for France during World War I.

(7) The Lafayette Escadrille Memorial was dedicated on July 4, 1928, in honor of all United States aviators who flew for France during World War I.

(8) The Lafayette Escadrille Memorial Foundation, located in the United States and in France, was founded by Nelson Cromwell in 1930 and endowed with a $1,500,000 trust for the maintenance and upkeep of the Lafayette Escadrille Memorial.

(9) Environmental conditions have contributed to structural damage to, and the overall degradation of, the Lafayette Escadrille Memorial, preventing the holding of memorial services inside the crypt.

(10) The French Government has pledged funds to support a restoration of the Lafayette Escadrille Memorial.

(11) The United States should continue to honor the sacrifices made by all Americans who have served our Nation and our allies.

(b) AVAILABILITY OF FUNDS.—Of the total amount authorized to be appropriated under section 301(5) for operation and maintenance for Defense-wide activities, $2,000,000 shall be available to the Secretary of the Air Force only for the purpose of making a grant to the Lafayette Escadrille Memorial Foundation, Inc., to be used solely to perform the repair, restoration, and preservation of the structure, plaza, and surrounding grounds of the Lafayette Escadrille Memorial in Marnes La-Coguette, France. The grant funds shall be used solely for costs associated with such repair, restoration, and preservation, and none of the funds may be used for remuneration of any entity or individual associated with fund raising for the project.

H.R. 2586

OFFERED BY MR. STEARNS

AMENDMENT NO. 5: At the end of subtitle A of title III (page 46, after line 23), insert the following new section:

SEC. 305. REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COGUETTE, FRANCE.

(a) FINDINGS.—Congress finds the following:

(1) The Lafayette Escadrille, an aviation squadron within the French Lafayette Flying Corps, was formed April 16, 1916.

(2) The Lafayette Escadrille consisted of aviators from the United States who volunteered to fight for the people of France during World War I.

(3) 265 volunteers from the United States served in the Lafayette Flying Corps, completing 3,000 combat sorties and amassing nearly 200 victories.

(4) The Lafayette Escadrille won 4 Legions of Honor, 7 Medailles Militaires, and 31 citations, each with a Croix de Guerre.

(5) In 1918, command of the Lafayette Escadrille was transferred to the United States, where the Lafayette Escadrille became the combat air force of the United States.

(6) In 1921, a Franco-American committee was organized to locate a final resting place for the 68 United States aviators who lost their lives flying for France during World War I.

(7) The Lafayette Escadrille Memorial was dedicated on July 4, 1928, in honor of all United States aviators who flew for France during World War I.

(8) The Lafayette Escadrille Memorial Foundation, located in the United States and in France, was founded by Nelson Cromwell in 1930 and endowed with a $1,500,000 trust for the maintenance and upkeep of the Lafayette Escadrille Memorial.

(9) Environmental conditions have contributed to structural damage to, and the overall degradation of, the Lafayette Escadrille Memorial, preventing the holding of memorial services inside the crypt.

(10) The French Government has pledged funds to support a restoration of the Lafayette Escadrille Memorial.

(11) The United States should continue to honor the sacrifices made by all Americans who have served our Nation and our allies.

(b) AVAILABILITY OF FUNDS.—Of the total amount authorized to be appropriated under section 301(5) for operation and maintenance for Defense-wide activities, $2,000,000 shall be available to the Secretary of the Air Force only for the purpose of making a grant to the Lafayette Escadrille Memorial Foundation, Inc., to be used solely to perform the repair, restoration, and preservation of the structure, plaza, and surrounding grounds of the Lafayette Escadrille Memorial in Marnes La-Coguette, France. The grant funds shall be used solely for costs associated with such repair, restoration, and preservation, and none of the funds may be used for remuneration of any entity or individual associated with fund raising for the project.

(c) CORRESPONDING REDUCTION IN FUNDS.—The amount provided in section 301(5) for funding the Office of the Secretary of Defense is hereby reduced by $2,000,000.

H.R. 2586

OFFERED BY MR. STEARNS

AMENDMENT NO. 6: At the end of subtitle A of title III (page 46, after line 23), insert the following new section:

SEC. 305. REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COGUETTE, FRANCE.

(a) FINDINGS.—Congress finds the following:

(1) The Lafayette Escadrille, an aviation squadron within the French Lafayette Flying Corps, was formed April 16, 1916.

(2) The Lafayette Escadrille consisted of aviators from the United States who volunteered to fight for the people of France during World War I.

(3) 265 volunteers from the United States served in the Lafayette Flying Corps, completing 3,000 combat sorties and amassing nearly 200 victories.

(4) The Lafayette Escadrille won 4 Legions of Honor, 7 Medailles Militaires, and 31 citations, each with a Croix de Guerre.

(5) In 1918, command of the Lafayette Escadrille was transferred to the United States, where the Lafayette Escadrille became the combat air force of the United States.

(6) In 1921, a Franco-American committee was organized to locate a final resting place for the 68 United States aviators who lost their lives flying for France during World War I.

(7) The Lafayette Escadrille Memorial was dedicated on July 4, 1928, in honor of all United States aviators who flew for France during World War I.

(8) The Lafayette Escadrille Memorial Foundation, located in the United States and in France, was founded by Nelson Cromwell in 1930 and endowed with a $1,500,000 trust for the maintenance and upkeep of the Lafayette Escadrille Memorial.

(9) Environmental conditions have contributed to structural damage to, and the overall degradation of, the Lafayette Escadrille Memorial, preventing the holding of memorial services inside the crypt.

(10) The French Government has pledged funds to support a restoration of the Lafayette Escadrille Memorial.

(11) The United States should continue to honor the sacrifices made by all Americans who have served our Nation and our allies.

(b) AVAILABILITY OF FUNDS.—Of the total amount authorized to be appropriated under section 301(5) for operation and maintenance for Defense-wide activities, $2,000,000 shall be available to the Secretary of the Air Force only for the purpose of making a grant to the Lafayette Escadrille Memorial Foundation, Inc., to be used solely to perform the repair, restoration, and preservation of the structure, plaza, and surrounding grounds of the Lafayette Escadrille Memorial in Marnes La-Coguette, France. The grant funds shall be used solely for costs associated with such repair, restoration, and preservation, and none of the funds may be used for remuneration of any entity or individual associated with fund raising for the project.

(c) CORRESPONDING REDUCTION IN FUNDS.—The amount provided in section 301(5) for funding the Washington Headquarters Services is hereby reduced by $2,000,000.

H.R. 2586

OFFERED BY MR. STEARNS

AMENDMENT NO. 7: At the end of subtitle E of title X (page 307, after line 20), insert the following new section:

SEC. ____. SENSE OF CONGRESS REGARDING CONTINUED UNITED STATES COMMITMENT TO RESTORING LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COGUETTE, FRANCE.

(a) FINDINGS.—Congress finds the following:

(1) The Lafayette Escadrille, an aviation squadron within the French Lafayette Flying Corps, was formed April 16, 1916.

(2) The Lafayette Escadrille consisted of aviators from the United States who volunteered to fight for the people of France during World War I.

(3) 265 volunteers from the United States served in the Lafayette Flying Corps, completing 3,000 combat sorties and amassing nearly 200 victories.

(4) The Lafayette Escadrille won 4 Legions of Honor, 7 Medailles Militaires, and 31 citations, each with a Croix de Guerre.

(5) In 1918, command of the Lafayette Escadrille was transferred to the United States, where the Lafayette Escadrille became the combat air force of the United States.

(6) In 1921, a Franco-American committee was organized to locate a final resting place for the 68 United States aviators who lost their lives flying for France during World War I.

(7) The Lafayette Escadrille Memorial was dedicated on July 4, 1928, in honor of all United States aviators who flew for France during World War I.

(8) The Lafayette Escadrille Memorial Foundation, located in the United States and in France, was founded by Nelson Cromwell in 1930 and endowed with a $1,500,000 trust for the maintenance and upkeep of the Lafayette Escadrille Memorial.

(9) Environmental conditions have contributed to structural damage to, and the overall degradation of, the Lafayette Escadrille Memorial, preventing the holding of memorial services inside the crypt.

(10) The French Government has pledged funds to support a restoration of the Lafayette Escadrille Memorial.

(11) The Lafayette Escadrille Memorial should be restored to its original beauty to honor all the United States aviators who flew for France during World War I and to demonstrate the respect of the United States for the sacrifices made by all Americans who have served our Nation and our allies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to honor its commitment to the United States aviators who lost their lives flying for France during World War I by appropriating sufficient funds to restore the Lafayette Escadrille Memorial in Marnes La-Coguette, France.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, MONDAY, SEPTEMBER 10, 2001 No. 116

Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Father, thank You for the privilege to pray to You at the beginning of this work week in the United States Senate. Gratefully, we remember the historic event which made possible one of America's most enduring traditions. On September 7, 1774, the first prayer in Congress was prayed when the Continental Congress convened. We praise You that this declaration of dependence on You led to the Declaration of Independence twenty-two months later. We reflect on the many times throughout our Nation's history that prayer broke deadlocks, opened the way to greater unity, and brought light in our darkest times. As we celebrate the power of prayer in years past, deepen our individual and corporate prayers for this Senate and our Nation. Help us to say those crucial words, ''One Nation Under God'' with new trust in You this morning.

Dear God, bless America. Guide this Senate to lead this Nation to greater trust in You. We need a profound spiritual awakening once again. Forgive our Nation's humanistic secularism, materialism, and insensitivity to the problems of poverty, racism, and injustice. Lower Your plumb line of righteousness on every facet of our society and reveal what is out of plumb for what You desire for America. May our prayers draw us to Your heart. We want this prayer to begin a continuous conversation with You throughout this day. Help us to listen, discern Your will, and obey with faithfulness. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon with Senators permitted to speak therein for up to 10 minutes each.

Also under the previous order, the time until 11:30 a.m. will be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee. Under the previous order, the time until 12 noon will be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada, Mr. REID, is recognized.

STATUS OF THE COMMERCE, STATE, JUSTICE APPROPRIATIONS BILL

Mr. REID. Mr. President, I spoke Friday afternoon with Senator HOLLINGS, who will manage the Commerce, State, Justice appropriations bill. He indicated that he and Senator GREGG are ready to go to work. They will be on the floor at noon today. There are a number of amendments, but we don't think there will be a lot of amendments. We need to move this bill very quickly. As soon as we finish, we have seven more appropriations bills to complete as soon as possible, with the fiscal year coming to a close at the end of this month.

The majority leader has indicated that he will have a vote between 5 and 5:30 tonight. Senator HOLLINGS understands that. So Members should expect a vote tonight between 5 and 5:30.

The PRESIDENT pro tempore. The Senator from Wyoming, Mr. THOMAS, is recognized.

Mr. THOMAS. Mr. President, I yield the first 15 minutes to my friend, the Senator from Idaho.

The PRESIDENT pro tempore. The Senator from Idaho is recognized for not to exceed 15 minutes.

THE LAST OF THE ''SLUDGE'' FROM THE CLINTON ADMINISTRATION

Mr. CRAIG. Mr. President, I am on the floor of the Senate today to speak to an issue that is right in Washington D.C., in our midst. It is something that I think few of us realize, but it has begun to get the attention of the American public. We have seen several news articles on it in the last month.

Mr. President, the Bush administration inherited an environmental mess from previous administrations over the past good number of years. As I have said, it is right here in the backyard of Washington, DC. The Washington Aqueduct, which is operated by the Army Corps of Engineers, is in violation of the Endangered Species Act and the Clean Water Act. Millions of pounds of sludge, laced with alum, are created when the Potomac River water is treated for drinking water for the Washington, D.C. and Northern Virginia area.

I have a picture of the release of the aqueduct into the Potomac River. Rather than send the sludge to a landfill, as other cities are required to do, it is dumped back into the Potomac River. Strangely enough, Mr. President, it is dumped into the river at

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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night. Why? I suspect so that the public will not see it or ask the question: What is it? Therefore, it is dumped through the Chesapeake and the Ohio Canal National Historic Park.

The Corps claims that to alter this process so that it functions like other water treatment facilities will take years to plan, to build, and to become operational. The only problem is that they have been saying that now for decades.

The Corps has stated that if it were prohibited from dumping millions of pounds of toxic sludge into the river to protect an endangered species would create a security crisis. What would the crisis be? Well, it would deprive the White House, the Congress, the courts, and the Pentagon of adequate drinking water.

Mr. President, I have to be honest. That kind of an argument and that situation outrages me. I believe that no one should be above the law, including the Nation's Capital. Of all the places that I thought we would never hear the phrase, ''not in my backyard,'' we are hearing it repeatedly said right here in Washington by the Army Corps of Engineers. A situation of this nature would never have occurred in the West because the Endangered Species Act would have trumped all of the other needs first. In fact, a community would be taxed beyond its capacity to finance a new facility and that facility would be ordered to be built by a court. There would be no arbitrary frustration of national security or that we simply can't get there in a timely fashion.

Let me give you an example in McCall, ID. The drinking water source from the community is cleaner than the standards of the Safe Water Drinking Act. However, the community has been struggling for the last decade to finance a new drinking water system in order to comply with Federal regulations.

I strongly feel that no one entity should operate as if it was above the law and especially in our Nation's Capital. If changes need to be made to the Washington Aqueduct, then the Corps should be taking steps to work with the affected communities to establish a new plan. That is what is expected of all of the communities in my State, in the West, and across the Nation, and no less should be expected by our Nation's Capital.

A new discharge permit would require the current illegal discharge to cease, and that, of course, is the problem. This new permit has not been issued because there is a concern by local residents who do not want the dump trucks hauling the sludge through their community; thus, a resulting belief that ratepayers would prefer that the sludge be dumped into the river rather than pay for the cost of the facilities to treat it. At least that appears to be the attitude at this moment.

I have a hard time believing that the residents of any community would want to pollute the water of their community and especially through the middle of a national park. However, this is the typical response of ''not in my backyard.'' We now affectionately call it NIMBY or being ''NIMBYfied.''

Clearly, in this instance, Washington is silent in its NIMBYism. The situation, I repeat, would not be tolerated in the West because a Federal court would order a community to stand down and be responsible under the regulations of the law.

According to the Army Corps, the volume of chemically treated sludge discharged into the primary, if not the only, spawning habitat of the endangered shortnose sturgeon is large enough to require 15 dump truckloads a day to haul it away from the area.

This chart is a picture taken at dawn of the sludge pouring into the river. While it is hard to see, in the distance lies the natural quality of the water. This is the chemical sludge that pours into the Potomac River during the night. Of course, this is a picture that is not very handsome, and I am sure the Army Corps of Engineers would not like to have it dramatized, but in reality, this is exactly what goes on. This dumping represents 15 truckloads of material that should be hauled away on a daily basis.

It has been concluded that a single enormous discharge that includes several million pounds of solids, often done under the cover of night, as I have mentioned, or in inclement weather, may contain the equivalent of a significant amount of the total annual discharge of phosphorous and nitrogen by the city's sewer treatment facilities. This gives you the magnitude of the problem with which we are dealing.

In the mid-1990's, area residents managed to get the Congress to require that Federal agencies give special attention to the concerns of the local residents when the facility was repermitted and thwarted the EPA's issuance of a new permit that would have halted the dumping. In other words, there was an effort at one point, but local citizens and, quietly, the EPA in the mid-90'S winked and nodded and said—''Not In Our Backyard.'' This is the Nation's Capital and it would create a national security problem, and so you are permitted. No new permit, though, has been issued since the old one expired. They just let it roll on. The expired permit has no limits on the total suspended solids, alum, and iron, discharged by the aqueduct. No other city in the Nation would get away with that, nor would there be a wink and a nod. The aqueduct discharges under continuation of the old permit pending issuance of a new one.

The Department of Justice contends this is not a violation of the ESA to dump millions of pounds of chemically treated sludge into the primary spawning habitat of an endangered species that may be present at the exact location of the dumping in the Potomac River.

None of this is going on in the Columbia and Snake Rivers, and yet we have five listed endangered species of salmon there. That water must be maintained in a near or pristine quality, and we have all kinds of activities going on up and down the stretch of the rivers to improve the water quality, but not in Washington and not for the shortnose sturgeon.

The U.S. Fish and Wildlife Service and the National Marine Fisheries Service have stated that the discharge may also result in chemo-sensory disruption and EPA documents state that the discharges may result in what we call bio-accumulation of harmful chemicals. I am getting a little more technical than is necessary.

This picture is worth a thousand more words than I can express about the situation that is going on.

The National Marine Fisheries Service is allowing the project to proceed on the basis that the fish has not been verified in the upper tidals of the Potomac. Yet the regional director of the National Marine Fisheries Service stated more than 2 years ago that studies funded by the Corps that were critical to the analysis of the sturgeon status in the Potomac would commence that spring.

It was determined that the fish are in the river. Only four species have been verified, not counting reports of sturgeon caught by sports fishermen. In fact, at one time, sturgeon was so abundant in the river, along with other fish, that it created a commercial fishery. George Washington took advantage of that commercial fishery with his own fleet of fishing boats. In fact, I am oftentimes told, and I have even looked at the transcripts from Mount Vernon, that one of the most lucrative parts of the Mount Vernon operation was fishing in the Potomac. We know that cannot happen nor would it happen today.

The National Marine Fisheries Service has concluded that the fish is present in the general area because commercial fishermen turned in the sturgeon they happened to catch in their nets in response to a reward program for another species of sturgeon that was known to be in the area.

The bottom line is, there are threatened and endangered fish in the Potomac River, and yet the Army Corps has done nothing in response to the need to cooperate.

In my State of Idaho, or any other State in the Nation, this is a practice that would not be tolerated, and that is why I have come to the floor today. We pass laws, you and I, Mr. President, and the administration writes the regulations to administer those laws. The Endangered Species Act over the last three decades has been touted by some to be the most progressive environmental law in our Nation, and clearly it has saved species of threatened and endangered plants, animals, fish.

My State has been largely reshaped by it. Federal land use plans in my

State are much more prescriptive today and controlled by the very issue of the Endangered Species Act. But here, by a wink and by a nod, nothing happens. It is a river that you and I, Mr. President, for years have worked to pass legislation that would progressively clean it up and improve it, moving it back toward a time when it was a viable fishery on the east coast. But with the millions of pounds of sludge dumped daily into this river in the dark of night under a permit that has not been reissued since 1994—really, how long do we allow something like this to go on? How long do we allow the Army Corps of Engineers to continue to operate because it is in our best interest in the Nation's Capital, the city that ought to lead by example but can get away with a direct violation of the law or by ignoring the enforcement of the law?

I do not think that should be the case. That is why I stand in the Chamber to dramatize this issue and to speak more clearly to it. While I believe the Endangered Species Act needs to be reformed, there is not any way I could write it to reform it that would justify this, nor would I try. Nor would any Senator vote for that kind of a reform.

Yes, we would expect the Endangered Species Act to be more practical in its application, and, yes, we would want a more cooperative relationship with local communities of interest, but never would we ever tolerate the kind of an aggressive act that goes on in Washington on a daily basis, as I have said, oftentimes in the dark of night by this city and by our own agency, the Army Corps of Engineers, which is primarily responsible for the water treatment of this city.

The application of the Endangered Species Act, as we see it, is good for the country and good for the West. It ought to be the same act and it ought to be enforced in the same way in our Nation's Capital. This is simply not being done.

I am in the Chamber to speak to that issue and to recognize I have been involved with others in trying to bring about the conformity of the enforcement of the Endangered Species Act as we rebuild the Woodrow Wilson Bridge. This is one of many issues where there seems to be this attitude, well, if it is the Government doing it, somehow the Government can get away with it, and if it is in or near our Nation's Capital, where national security and the importance of the Congress are involved, then surely we can wink and nod and we can let the law be bypassed.

I think not, Mr. President, and I think you agree with me.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Wyoming, Mr. Thomas.

PLANNING THE SENATE AGENDA

Mr. THOMAS. Mr. President, we enter into our second week of this fall's session after the recess, and we are faced with much to do. I think that is not unusual. It is often the case things pile up towards the end of the session, of course, but it seems to me we have a great many items to consider.

There are 13 appropriations bills to be passed in order to have this Government operate in the next fiscal year. The fiscal year begins October 1, which is only 3 weeks away. In the course of those 3 weeks, there are several days which, for various reasons—the Jewish holidays, and so on—there will not be votes. So we have really a relatively short time.

Obviously, what we will be doing is passing a continuing resolution before this is over, but nevertheless we have a great deal to do. None of these bills has yet gone to the President. Some of them have been passed in both Houses and are waiting now on the conference committees.

To be sure, it is difficult. It is always difficult. This year we are seeing some more difficulties because of the change in conditions with regard to the surplus, because of the difficulty I think we are finding now in staying within the budget we passed some time ago. Nevertheless, those are the items before us.

It does not seem to me perhaps that we are moving ahead quite as rapidly as we might. It does not seem to me we have a very well designed plan to accomplish these things within a certain period of time.

I understand it is very difficult to bring together a group of this kind with different views and properly argue those views. On the other hand, the role of leadership is to have a plan. It is the role of leadership to cause things to happen. Even though they are difficult issues, they must be done. Unfortunately, as I noticed particularly this weekend on public media, and so on, rather than seeking to find a plan to move forward, we seem to be spending more time blaming one another, particularly the President and the administration, for the difficulties in which we find ourselves.

We can have different points of view about whether that is valid or whether it is not, but even if it is, the fact is we have things to do and we should be moving ahead with the plan to do them. Instead of that, we seem to be spending more of our time complaining about the administration's plan. The fact is, we do have indeed the second largest surplus in our history. We also have a budget that we passed that is about a 4-percent increase, which is a fairly low increase, which is what we need compared to what we have spent in the past several years. Our challenge is to stay within the budget we passed and to continue to move forward in doing that.

We hear a great deal of complaint about tax relief—too much tax relief. As a matter of fact, we are in the process of passing that relief back to the people who own the money, and that is as it should be, I believe, particularly as we find ourselves in a time with a very slowing economy. What else is more important than to return more money to the taxpayers if we indeed have a surplus? And we are doing that.

The question, of course, is one of not reaching into Social Security, which I happen to agree with, although we have done that for how many years and those dollars are accounted for in the Social Security fund, even though for years they have been spent for other things without a great deal of complaint, I might add.

However, I do not think that is really the issue. The issue is holding down spending to comply with the budget that we passed. It seems to me that ought to be our challenge.

There is, of course, in my view, no real threat to the beneficiaries of Social Security. Those obligations are there. They are going to be there. We have paid down more debt because of the surpluses over the last several years than in years past. So what we really need to do is address ourselves to the issues we have before us. The turndown in the economy, of course, is the thing most of us are very concerned about, all of us, whether we are here, whether we are in Casper, WY, or wherever, and to do what we can to seek to play the Government's role in doing what we can to change that.

A reduction in taxes, the return of taxes, is designed to help do that. Hopefully, it will. We are not through with that yet. We are in the process with, I believe, seven reductions in the last year in interest rates designed hopefully to stimulate the economy. We need to do that.

Limiting our spending in the budget is another aspect we are seeking to help pick up and strengthen the economy. There are some other things we ought to be doing. We ought to be doing something with giving the President the opportunity to have trade agreements that are then brought to the Senate for approval. They are all brought to the Senate for approval, but the world economy and our involvement in trade, particularly in agriculture, in which I am involved, was the difficulty in the Asian currency a year ago which brought a good deal of problems to our economy. So we are a part of that, of course.

There are a number of things we can do, and I cannot think of anything more important for us to talk about collectively than what is appropriate for the Government in helping to strengthen this economy.

Yesterday, again on the TV, there were some questions about that: Oh, no, it is up to the President to do that. I do not agree with that. Of course, the President is the one who brings up the suggestions to the Senate. The President is not in control of the Senate, and the Senate has some responsibilities to take leadership as well. The idea of saying it all began since this President became President is not true.

It has been here for a year, and then to say it is up to the President, I do not agree with that.

Each of us in this body has some responsibility to give thought to what we can do to help strengthen this economy, which everyone in this country wants us to do.

In addition to that, of course, it seems to me we ought to be moving on an energy bill. This is very important to us, not only to the economy, but we are going to see some more impacts of it, of course, in the winter. We can do that. We started to work on pharmaceuticals. The budget contains opportunity for that. We can do that. Education has been passed by both Houses of Congress and still remains in conference.

I know many in the leadership on both sides are very anxious to work together and show evidence of working together and want to work together. I certainly encourage that be done so we can do what we are here to do, which is to solve the problems before the country, the legitimate problems for the Federal Government.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

THE BUDGET

Mr. REID. Mr. President, I say to my friend from Wyoming, it is true we have the second largest surplus in the history of this country; however, it is all Social Security money.

The administration keeps talking about this huge surplus. They never give a caveat, saying, yes, we have the second largest surplus, but the reason we have that is because in 1983, the Congress, with Thomas ''Tip'' O'Neill, Claude Pepper, Senator BYRD, and President Reagan, got together and said, let's forward fund Social Security. In fact, Social Security has been forward funded, recognizing the baby boomers would have to receive large sums of money up front. So when the baby boomers come, there will be money. If we did nothing with Social Security, everyone would draw 100 percent of their benefits until about the year 2030. After 2030, if we did nothing, they would still draw 75 to 80 percent of benefits. The debate is to make sure after the year 2030 Social Security recipients receive all their benefits.

For Members to say President Bush is such a great guy, he has the second largest surplus in the history of the country, is disingenuous. It is not factual. The surplus is as a result of Social Security.

My friend from Wyoming said we should move forward. We have been trying to move forward. We would have already completed the appropriations bills but we have been prevented from moving forward on them. When we finished the legislation last week that we worked so hard to complete, the Export Administration legislation—which, by the way, was held up strictly by people from the Republican camp, totally, for weeks and weeks, and months, and more than a year; we were finally able to get to that legislation after being held up for several days—after we finished that bill we wanted to go to Commerce-State-Justice but they would not let us. There was an objection to a motion to proceed.

Members can come to the floor all they want to talk about what is going on, but Members should state the facts. The facts are, we have been trying to move forward. If it had been up to us, we would have completed all the appropriations bills.

The economy is in trouble. Whether we like it or not, the President of the United States is seen to be the person directing the economy of the country. Basically, that is true.

Over the weekend, the press reported all over America a conversation between Speaker HASTERT and the President of the United States, George W. Bush. I quote Speaker HASTERT: A year from now is when it matters. He is talking to the President about the terms of the economy. A year from now is when it matters.

Let's see, a year from now is real close to midterm elections. Is that what they are talking about? Of course it is.

President Bush responds: ''It's my timeframe, too.'' So we have the Speaker and the President saying they are not concerned about the economy now, but they are concerned about what happens a year from now. That is too bad. We have to be concerned about the economy today, not a year from now. We have an economy that is in real trouble. That is a fact. Rarely do all economists agree on everything, but when it comes to the current state of our economy, there is uniform agreement that things are getting worse instead of better.

As a result of the 1993 Budget Deficit Reduction Act, which was a very difficult vote, President Clinton gave us that budget. It was a tough vote for all Members. In the House of Representatives, without a single Republican vote, it passed by one vote. Courageous people lost their seats in the House of Representatives. The hero that I look to is MARIA CANTWELL. She served one term in the House of Representatives. She knew if she voted for that Budget Deficit Reduction Act it would hurt her in reelection, and it did, but she did the right thing and now is a Member of the Senate. Not all people were as fortunate as MARIA CANTWELL. Some lost and their political careers ended.

In the Senate of the United States, the vote was a tie and the Vice President of the United States came over and sat where the Presiding Officer is now sitting and cast a tie-breaking vote to allow that budget deficit plan to go forward. As a result, we had 7 years of really good times in this country. The votes were tough. We reduced unemployment by over 300,000 people, excluding the military. We had the lowest inflation, lowest employment in more than 40 years, created 25 million new jobs, reduced the deficit from $300 billion a year to surpluses.

Now, with this great budget we have been given by George W. Bush, we are in trouble already. Everyone acknowledges that we don't have the money for these tremendous tax cuts in the future. It has put a real damper on our economy.

Since the passage of the President's budget, we have witnessed a steady decline in the number of economic indicators. Each week there is a new economic indicator indicating we are in trouble. Majority Leader DASCHLE said this weekend, when you take a U-turn on economic policy, you can expect a U-turn in the direction of the economy.

That is what we have. The problems we face because of the President's budget deserve immediate attention.

My friend from Wyoming said it is really not the President. It is the President. He got us into this mess. He needs to give us a blueprint for trying to get out of this mess. We are going to go ahead and do the country's business and work our way through the appropriations bills the best we can. We have a one-vote majority. That makes it tough in the Senate. We need some leadership from the President of the United States, other than saying ''a year from now is when it matters.''

It matters right now. The current state of the economy is one of people losing jobs; the surplus has already disappeared. We are going back to the days of deficits already. And the fact that the ranking member of the Budget Committee, my friend from New Mexico, Senator DOMENICI, was quoted in the press, saying maybe we should spend Social Security surpluses.

To show the disarray on the other side, we have some who are calling for more tax reductions to solve the problems of this economy and to reduce the capital gains taxes. The thing we are now hearing is the Republicans are fighting among themselves as to whether that is a good deal.

The President of the United States today, as we speak, is in Florida talking about the need to pass an education bill. The first thing the Democrats did upon taking power in the Senate was pass the education bill. We did that. Senator DASCHLE could have brought up all kinds of other legislation, but the majority leader placed education on the agenda. And we worked our way through that and passed it. There were some battles as to whether we should do this or that, but it was passed. There was compromise. Legislation is about the art of compromise.

For the President of the United States to be in Florida saying, ''Pass my education bill,'' which is now in conference, takes money, dollars, not to just go around talking about what a great bill we have.

I can remember when I was not as educated in ''things Washington,'' and I would read in the newspapers that

someone in the Nevada delegation issued a statement that some bill had passed. Oh, I thought, good times are here. Little did I know that what you needed was an appropriation to go along with that authorization. I do not think the President of the United States is being fair to the American public by not recognizing that you need to do more than authorize; you need to appropriate. And he will not help us with that. So to go down to Florida today and have a big cheerleading session with students about ''I am the guy who is going to help you with education'' when he is unwilling to help us finance education is wrong.

I don't know how many more people have to lose their jobs, lose their cars, lose their homes. How many will it take before we have the President telling us we need a new budget? The old budget will not work. The economy will not be fixed by hastily arranged press conferences such as we had last week when they found there was a 4.9-percent unemployment rate. There was a quick press conference held, and all the congressional leadership ran to the White House, and that is where they came up with this brilliant statement; it doesn't matter what is happening now; what we need to look at is what going to happen a year from now.

We need to work with the President in righting this problem, but we need some direction from the White House.

STEM CELL RESEARCH

Mr. REID. Mr. President, 3 years ago a young man by the name of Steve Rigazio, president and chief operating officer for the largest utility in Nevada, Nevada Power—a fine, fine young man—was diagnosed with Lou Gehrig's disease. It is a devastating illness that affects the nerve cells in the spinal cord and causes muscles to wither and die very quickly. He has lived longer than people expected. The normal time from the time of diagnosis, when you are told you have this disease, until the time you die, is 18 months. He has lived 3 years. He no longer works. He finally had to give up his job.

Because Lou Gehrig's disease attacks the body but leaves the mind intact, this vibrant man has had to watch his body deteriorate around him. He is a man of great courage, and I hope he lives much longer than people expect. He deserves it.

I have had visiting me for a number of years now two beautiful little girls from Las Vegas. They are twins. They are now 12 years old. One of the twins, Mollie Singer, has struggled with juvenile diabetes since she was 4 years old. She has had thousands of pricks of her skin—thousands. She is a beautiful little girl who believes that we in Washington can help her not have to take all these shots. As do the million Americans who suffer from this illness, Mollie fears that her kidneys will fail, she will get some kind of infection and have one of her limbs amputated or even lose her sight as a result of this diabetes.

There is something that gives Mollie and Steve hope, and that is stem cell research. It gives hope to tens of millions of Americans and their families who, like Steve Rigazio and Mollie Singer, suffer from Lou Gehrig's disease, diabetes, or Alzheimer's, Parkinson's, lupus, heart disease, spinal cord injuries, and other illnesses. Since stem cells can transform into nearly all the different tissues that make up the human body, they can replace defective or missing cells. Scientists are really very optimistic that one day stem cells will be used to replace defective cells in children with juvenile diabetes or even to create rejection-free organs.

Knowing that stem cells may have the power to save and improve lives, we cannot deny researchers the tools they need to fully realize the potential of stem cells. If we fail to seize promising research opportunities, we will fail millions of Americans and their families and people all over the world.

Early last month, President Bush announced he would limit Government funding for research to the stem cell lines that already existed at the time of his announcement. This was obviously a political compromise. I am pleased that the President left the door open for Federal funding of stem cell research in some capacity, but I am very concerned that he has not opened the door far enough to allow scientists to fully realize the life-saving potential of stem cells.

Last week, Secretary Thompson announced that no more than 25 of the 64 stem cell lines the National Institutes of Health listed as falling under the President's criteria are fully developed. We still do not know whether the remaining 40 stem cell lines would be useful to science. What we do know about the 25 viable stem cell lines that fall under the President's guidelines is very troubling. Why? Most, if not all, of the existing stem cell lines have been mixed with mouse cells. As a result, these cells could transfer deadly animal viruses to people, human beings.

It is also unclear whether these cells will be suitable for transplanting into people. Just last week, Dr. Douglas Melton, a professor of molecular and cellular biology at Harvard, testified that cells derived from mice ''have proven unreliable over time for research, either dying out or growing into diseased forms.''

Even though scientists are working on ways to grow human embryonic cell lines without using mouse cells, they will not be eligible for Federal research money because they will be created after President Bush's arbitrary August 12 deadline. Last week the administration confirmed it would not reconsider this deadline, even if it were later discovered that none of these cell lines was suitable for long-term research.

If we fail to fund research for the new stem lines that are created without mouse cells, foreign scientists will still conduct research on stem cell lines that fall outside his guidelines. This research is going to go forward. Shouldn't it go forward under the greatest scientific umbrella in the history of the world, the National Institutes of Health? The answer is yes, that is where it should go forward, not in the little communities throughout the world that are trying to get a step up on the United States. This research is going to go forward. Let's do it the right way.

As a result of the guidelines of the President, we will not have the ability to provide any oversight of this research, if it is done overseas, to ensure that it is conducted by ethical means. Not only will we risk losing our most talented scientists to foreign countries, but we also jeopardize our potential as a nation to remain a world leader in stem cell research.

Over the course of the next several months, scientists will continue to determine whether President Bush's policy will allow stem cell research to advance at a reasonable pace. As we continue to evaluate the President's funding guidelines, we need to keep in mind that millions of Americans who suffer from devastating illnesses do not have the luxury of time—Steve Rigazio as an example. We cannot continue to dangle the hope of cure or the promise of scientific breakthrough before these patients and their families without adequately supporting research to allow scientists to achieve these very important discoveries.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 2500, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. The distinguished Senator from South Carolina, the chairman of the Commerce Committee, is recognized.

AMENDMENT NO. 1533

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask the clerk to report it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. GREGG, proposes an amendment numbered 1533.

Mr. HOLLINGS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. Under the previous order, the amendment is considered adopted.

The amendment (No. 1533) was agreed to.

Mr. HOLLINGS. Mr. President, I am pleased to present to the Senate the fiscal year 2002 State, Justice, Commerce, the Judiciary, and related agencies appropriations bill. This bill was accepted unanimously by the full committee in July. As in past years, this has been an extremely bi-partisan effort on the part of the members and staff of this subcommittee. In particular, I would like to thank the ranking member, Senator GREGG, for his dedication to producing a fair and well rounded bill. He has chaired this subcommittee in a distinguished fashion during the past 4 years. He knows this bill through and through and his assistance during the change over has been greatly appreciated. Also, I want to recognize the hard work of my subcommittee staff; my majority clerk, Lila Helms, Jill Shapiro Long, Luke Nachbar, and Dereck Orr; as well as the minority clerk, Jim Morhard along with Kevin Linskey, Katherine Hennesey, and Nancy Perkins.

This is my 31st year on the CJS Subcommittee, and this is the 25th annual appropriations bill for CJS that I have been privileged to present to the Senate either as chairman, or as ranking member of the subcommittee. I am still amazed at the range of important issues that this bill addresses.

Funds appropriated under this bill directly affect the daily lives of all Americans.

Under CJS, the Nation's primary and secondary schools are made safer by providing grants for the hiring of school resource officers to ensure that our children can grow and learn in a protected environment. This bill provides funds to protect all americans by increasing the number of police officers walking the Nation's streets, providing additional funds to fight the growing problem of illegal drug use, guarding consumers from fraud, guarding children from internet predators and protecting Americans from acts of terrorism here at home and abroad.

People throughout this country benefit from weather forecasting services funded through this bill, whether they are farmers receiving information necessary to effectively manage their crops, or families receiving lifesaving emergency bulletins regarding tornadoes, floods, torrential rains, and hurricanes.

Small communities benefit from the economic development programs funded in this bill. Nearly 1,500,000 small businesses benefit from the free SBA assistance provided in this bill. All American businesses and their employees benefit from the funding provided to enforce our trade laws and to prevent illegal, often dangerous products, from being dumped on our markets.

This appropriations bill provides funds to improve technology in a host of areas; funding is provided for developing cutting edge environmental satellites, for developing cutting edge industrial technologies that keep us competitive, and for developing basic communications tools for State and local law enforcement so that they can do their jobs more safely and effectively.

In all, the CJS bill totals $41.5 billion in budget authority, which is $719.9 million above the President's request. There are four specific accounts that benefit from the increased funding above the President's request. They are MARAD, COPS Universal Hiring Program, NIST's Advanced Technology Program, and the Small Business Administration.

First, the President's budget proposed to move MARAD into the Department of Defense. The subcommittee received letters from over one-third of the senate indicating opposition to such a move. The committee bill reflects that request and provides $98.7 million for the Maritime Security Program and $100 million for the Title XI Loan Guarantee Program.

Second, the President's budget proposed to fund only the school resource officer component of the COPS Program. The committee bill before the Senate today fully supports the School Resource Officers Program, but also restores the Universal Hiring Program. The committee bill provides $190 million for the Universal Hiring and Cops More Program.

Third, the President's request proposed to zero out the Advanced Technology Program. The committee bill restores this program and provides the same level of funding, $60.7 million, for new awards as was provided last year. As a result, the bill includes $190 million above the President's request for the ATP Program.

Finally, the President's request proposed to move SBA from a service agency to a fee for service agency. In order to correct this misguided understanding of the services SBA provides this country's more than 1,500,000 small businesses, the committee bill provides an additional $231 million above the President's request to restore funding for all the proposed taxes contained in the President's request.

In addition to restoring the funding for Priority National Programs, the Commerce, Justice, State appropriations bill also focuses on replacing the aging information technology and other core infrastructure needs of the Departments of Justice, Commerce, and State.

As I said before, this is a well rounded bill with a number of important accounts. I would like to take a few more minutes to go over some of the specific funding highlights from the CJS bill the committee is bringing before the Senate today.

Once again, the FBI's Preliminary Annual Uniform Crime Report released this past May demonstrates how well these programs are working. According to the FBI's report, in 2000, serious crime has leveled to mark a decline of 7-percent from 1998, and marking 9 consecutive years of decline. This continues to be the longest running crime decline on record. Bipartisan efforts to fund DOJ's crime fighting initiatives have impacted this reduction in crime during the past 10 years.

The bill provides $3.47 billion for the FBI, which is $216 million above last year's funding level. To meet the FBI's training, resources, and equipment needs, the bill provides $142 million for the FBI's Computer Modernization Program, trilogy; $6.8 million to improve intercept capabilities; $7 million for counter-encryption resources; $12 million for forensic research; $4 million for four mitochondrial DNA forensic labs; and $32 million for an annex for the engineering research facility, which develops and fields cutting edge technology in support of case agents.

To highlight the changing mission of the FBI, the bill provides a new budget structure. Three old criminal divisions were combined into two, and new divisions for cybercrime and counterterrorism were created. The new structure provides the Bureau with more flexibility and should improve the Bureau's responsiveness to changing patterns of crime and headquarters' support of the field. The bill also directs the FBI to re-engineer its workforce by hiring and training specialists that are technically-trained agents and electronics engineers and technicians.

The bill provides $1.5 billion for DEA, $8.8 million above the budget request. Increased funds are provided for technology and infrastructure improvements, including an additional $30 million for DEA's computer network, firebird, and an additional $13 million for DEA's laboratory operations for forensic support.

To combat drugs that are reaching our streets and our children, the bill provides $52.8 million to fight methamphetamine and encourages the DEA to increase efforts to combat heroin and emerging drugs such as oxycontin and MDMA, also known as ecstacy. The bill also directs DEA to renew its efforts to work with Mexico to combat drug trafficking and corruption under the country's new President Vicente Fox.

For the INS, the bill includes $5.5 billion, $2.1 billion of which is derived from fees. This funding provides the necessary resources to address border enforcement and benefits processing. For border enforcement, the bill provides $75 million for 570 additional Border Patrol Agents, $25 million for 348 additional land border inspectors, and $67.5 million for additional inspectors and support staff.

To better equip and house these agents and inspectors, the bill provides $91 million for border vehicles, $22 million for border equipment, such as search lights, goggles and infrared scopes, $40.5 million to modernize inspection technology; and $205 million for Border patrol and detention facility construction and rehabilitation.

For INS' other hat, benefits processing, the bill provides $67 million additional funds to address the backlog and accelerate the processing times.

This bill includes $3.07 billion for the Office of Justice Programs, which is $259.8 above the amount requested by the President. This bill provides for the funding of a number of important law enforcement programs.

The committee has provided $2.08 billion for State and Local Law Enforcement Assistance Grants. Within this amount; $400 million is for the Local Law Enforcement Block Grant Program; $390.5 million is for Violence Against Women Act—VAWA—programs, including programs to assist disabled female victims, programs to reduce violence against women on college campuses, and efforts to address domestic and child abuse in rural areas; and $265 million is provided for the State Criminal Alien Assistance Program which reimburses States for the incarceration costs of criminal aliens.

Within the amount provided for the Office of Justice Programs, a total of $328.5 million has also been recommended for juvenile justice programs. These funds will go towards programs aimed at reducing delinquency among at-risk youth; assisting States in enforcing underage drinking laws; and enhancing school safety by providing youth with positive role models through structured mentoring programs, training for teachers and families so that they can recognize troubled youth, and training to students on conflict resolution and violence reduction.

This bill includes $1.019 billion for the COPS office in new budget authority, which is $164.7 billion above the President's request. As in prior years, the Senate has provided $180 million for the Cops-in-Schools Program to fund up to 1,500 additional school resources officers in FY02, which will make a total of 6,100 school resource officers funded since Senator GREGG and I created this program in 1998.

This committee also remains committed to providing grant funds for the hiring of local law enforcement officers through the COPS Universal Hiring Program. Although the President did not seek funding for this program in FY02, the committee has provided $190 million to continue to hire officers, as well as to provide much needed communications technology to the Nations law enforcement community.

Within the COPS budget, the committee has also increased funding for programs authorized by the Crime Identification and Technology Act, CITA. In FY02, $150.9 million is provided for programs that will improve the retention of, and access to, criminal records nationwide, improve the forensic capabilities of State and local forensic labs, and reduce the backlog of crime scene and convicted offender DNA evidence.

And finally, the committee has provided $48.3 million within COPS to continue the COPS methamphetamine initiative. These funds will provide for the clean-up of meth production sites which pose serious health risks to law enforcement and the surrounding public. Funds will also be provided to State and local law enforcement to acquire training and equipment to safely and effectively dismantle existing meth labs.

For the Department of Commerce in fiscal year 2002, the committee has focused on the separate but equally important goals of improving departmental infrastructure and promoting the advancement of technology. The Nation is blessed with an outstanding group of individuals who go to work every day, across the Nation, for the Department of Commerce. Thirty-seven thousand people work in agencies as diverse as the Economic Development Administration, the National Oceanic and Atmospheric Administration, and the Bureau of the Census. They are highly-trained experts who are responsible for a huge array of critical programs. These people help minority businesses and small manufacturers flourish, run trade missions to open foreign markets to American goods, forecast hurricanes, estimate the Nation's gross domestic product, set standards and measurements recognized and used world-wide, fly satellites, manage the Nation's fisheries, conduct censuses, and process patents. These missions of the Department of Commerce are the glue that holds together the U.S. economy, both domestically and abroad.

There is no doubt as to the importance of the missions under the purview of the Department of Commerce. There is, however, a crisis looming in terms of the infrastructure available to the employees who work there. In many cases, Mr. President, these people are going to work in World War II-era buildings that are literally crumbling around them. We saw this last year in Suitland where we had leaks in the roof, lead in the water, and asbestos in the air systems and we provided funding for new buildings. The average age of the NOAA fleet of research vessels is close to 30 years old. Employees in Department of Commerce bureaus are working with antiquated computer systems that often do not speak to the outside world.

The bill we have before us begins to turn the tide on infrastructure needs. In all cases, the bill funds the President's request for capital upgrades. This includes new information technology systems at the Minority Business Development Agency, the Bureau of the Census, the Economic Development Agency, and the Office of Economic and Statistical Analysis. The bill includes a $76 million increase for the next generation of polar-orbiting satellites. It also includes a new radio spectrum measurement system at the National Telecommunications and Information Administration.

In other cases, this bill jump-starts capital projects that were not requested by the President when they should have been. For example, funding is included to begin work on upgrading the Boulder, CO, campus of the National Institute of Standards and Technology. We also encourage the United States Patent and Trademark Office to reflect on its infrastructure needs and to report back on what we can do to help in the future.

In terms of NOAA, the bill includes funding for 2 new research vessels and funds to refurbish 6 others. In addition, funding is included for needed repairs at the Beaufort, Oxford, and Kasitsna Coastal Laboratories. Sufficient funding is provided to begin construction on regional National Marine Fisheries Service Buildings in Hawaii and in Alaska. The bill provides funding to start building visitor facilities at National Marine Sanctuaries.

Mr. President, the funding provided in this bill for these purposes is a down-payment on the future of a robust Department of Commerce. I believe that the people at the Department are its greatest asset and that these targeted funds will allow those people to better do their jobs for decades to come.

In terms of advancing technology, in addition to the satellite programs, research vessels, radio spectrum management systems and other programs that I mentioned earlier, the bill provides $696.5 million for the National Institute for Standards and Technology—NIST. This amount aggressively funds scientific and technical research and services that are carried out in the NIST Laboratories in Gaithersburg and in Boulder. The bill provides the current year funding level of $60.7 for new ATP awards. The ATP is an industry-led, competitive, and cost-shared program to help the U.S. develop the next generation of breakthrough technologies in advance of its foreign competitors. ATP contracts encourage companies to undertake initial high-risk research that promises significant widespread economic benefits. Over one-half of the ATP awards go to small companies. To date, Mr. President, 41 ATP competitions have been held; 4,435 proposals

have been submitted involving 7,343 participants; 526 awards have been issued involving 1,167 participants, and 248 ATP projects have been completed. Of the 526 awards, 173 are joint ventures, and 353 are single applicants. Fify-nine percent of the projects are led by small businesses and 71 percent of the single applicant projects are led by small business. More than 150 different universities are involved in 280 ATP projects and over 100 new technologies have been commercialized as products or services. Companies have identified nearly 1,400 potential applications of ATP research.

Is ATP a success? The answer clearly is ''yes.'' The Advanced Technology Program has been extensively reviewed. Since its inception, there have been 52 studies on the efficacy and merits of the program. These assessments reveal that the ATP does not fund projects that otherwise would have been financed in the private sector. Rather, the ATP facilitates so-called ''Valley of Death'' projects that private capital markets are unable to fund. In June 2001, the National Academy of Sciences' National Research Council completed its comprehensive review of the ATP. It found that the ATP is an effective Federal partnership that is funding new technologies that can contribute to important societal goals. They also found that ''the ATP could use more funding effectively and efficiently.'' A March 1999 study found that future returns from just 3 of the 50 completed ATP projects—improving automobile manufacturing processes, reducing the cost of blood and immune cell production, and using a new material for prosthesis devices—would pay for all projects funded to date by the ATP. Measurement and evaluation have been part of the ATP since its beginning. What the analysis shows time and time again is that the ATP is stimulating collaboration, accelerating the development of high-risk technologies, and paying off for the Nation.

The bill includes a total of $7.6 billion for the Department of State and related agencies, an increase of $617 million above last year's funding level of $7.0 billion. Within the State Department account, $1.1 billion has been provided for worldwide security upgrades of State Department facilities. Additionally, the bill provides $773 million to continue our Nation's international peacekeeping activities.

During the past several years, the worldwide security accounts and the peacekeeping account have accounted for the majority of increases in the Department's budget while the day-to-day operations have been neglected. As a result, many of the Department's quality of life initiatives and the Department's other infrastructure needs—communications, transportation, office equipment—have suffered. The funding provided in this bill fully funds all current services for the Department of State. In addition, this bill funds all quality of life initiatives such as: additional language, security, leadership and management training; monetary incentives to attract employees to hardship posts; incentives to allow civil service employees to compete for 2-year overseas assignments; and replacement of obsolete furniture and motor vehicles.

As with the other departments funded through this bill, full funding is provided for information technology upgrades. The worldwide web has become essential to the conduct of foreign policy. Yet, very few overseas posts have that capability. The funding provided in this bill fully supports Secretary Powell's decision to place information technology among the Department's top priorities and fully funds the Department's efforts to provide internet access to all State Department desktops by January 2003.

Let me conclude by saying again this is a solid piece of legislation that addresses issues that affect the daily lives of all Americans. It is a good bill that balances the needs on many diverse missions, and the interests of members from both parties. Every year, we face difficulties with respect to limited funding and multiple, sometimes competing, priorities. This year was no different. And, as in past years, the CJS Subcommittee made those decisions in a bipartisan and judicious manner. This could not have happened without the assistance of Senator GREGG and the endless hours of work that both my and his staff put into drafting the bill before the Senate today. With the help of my colleagues, I look forward to swift passage of this vital legislation.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise in support of the bill brought forward by the Senator from South Carolina. I thank Senator HOLLINGS for the tremendous courtesy and teamwork approach he has taken on this bill relative to the Republican side of the aisle. I especially thank his staff, led by Lila Helms, for their efforts to make sure we had an approach that involved all the different players on the committee.

This has been a bill which Senator BYRD, during the full committee markup, described as the ''most bipartisan bill in his memory.'' We are very proud of that. I think it is very much a reflection of the leadership of Senator HOLLINGS and the approach he has taken. So I express my deep and sincere thanks to him.

Senator HOLLINGS has outlined pretty specifically the areas this bill funds and some of the initiatives in the bill. Let me talk about a couple, however, that I would like to highlight myself.

First, the appropriation level on this bill is significant, $41.5 billion, which is over the President's request by a fair amount—about one-half billion dollars. It is my hope—and I have discussed this with Senator HOLLINGS—as we move through the process that we can come a little closer to the President's request. I note, however, that the bill is within our budget resolution and the allocation given to this committee. So as a practical matter it does not in any way negatively impact the budget. It is a rather responsible bill. The reason it spends these dollars is because it has significant agencies that it funds.

The Department of Justice is, of course, a critical agency; the Department of State; Department of Commerce; Judiciary; FTC; FCC; and the SEC. These are all agencies that play a huge role in the deliverance of quality Government in our country. It is our obligation to strongly support them.

One area on which we have focused a considerable amount of time in the committee has been the issue of terrorism and our preparation for terrorism as a government. Earlier in the year, we had a joint hearing that involved a large number of Senators participating, at which hearing we had present and testifying all the major agencies that impact terrorism within the Federal Government—I believe the number is 42, or maybe 46. I myself even lost count, even though I stay fairly attentive to this issue. We heard from the leaders of each agency. We heard from the Secretary of State, the head of FEMA, the Attorney General, of course, and down the line. We heard from leaders within our communities and agencies. We heard from the Deputy Secretary of Defense.

The conclusion, which was clear and regrettably unalterable, is that there are simply too many people trying to cook this pie, too many people trying to stir the stew, and, as a practical matter, the coordination necessary in order to deliver a thoughtful and effective response to the threat of terrorism is not that strong.

Terrorism can be divided into three basic areas of responsibilities, the first being intelligence, both domestic and international; the second being interdiction, again domestic and international; and the third being consequence management should an event occur.

In all these areas, there is a significant overlap of responsibility and, as a result, through this hearing and many other hearings we have held, we have come to the conclusion that we have to become more focused within especially the Justice Department, which has a huge role in this area, but within other agencies which naturally fold into the Justice Department.

We have suggested in this bill that we create a Deputy Attorney General who would serve as a national go-to person on the issues relating to domestic terrorism. This individual would obviously work in tandem with a lot of other major players, including FEMA, but as a practical matter at least we would have one central place where we could begin and where people could look to more response to terrorism. It would be a central place where not

only the response would occur but the responsibility would occur and therefore we would have accountability, which is absolutely critical and which today does not exist.

This bill creates that position and funds it, along with funding a significant increase in the counterterrorism activity at a variety of levels which are critically important to our efforts to address this issue.

I do not want to sound too pessimistic about our efforts in this area. Compared to 4 or 5 years ago when we began this initiative, we are way down the positive road. We have, in effect, up and running a first responder program in a number of communities across this country, and we are moving aggressively across the country to bring critical areas up to speed.

We have an effective intelligence effort and effective interdiction effort, but we still have a long way to go. If you put it on a continuum time of a person, it is as if this person were born 5 years ago and we were now in mid-adolescence, in our late teens, moving, however, aggressively into a more mature approach to the issue.

Another area I think needs to be highlighted, on which I congratulate the chairman, as I have with counterterrorism, is the issue of NOAA. NOAA is absolutely a critical agency for us. It is one of the premier agencies in our Nation in addressing the question of scientific excellence. I was just watching the weather today and noticed there is a hurricane off the northern part of our east coast. It is going to be pushed off the coast in New England because of the weather patterns.

Mr. HOLLINGS. Hopefully it will not hit New Hampshire.

Mr. GREGG. Hopefully it will not hit New Hampshire.

Because of NOAA, we can predict where a hurricane will go with a great deal more accuracy. Certainly, States such as South Carolina and those that are located along the hurricane trough have taken full advantage of it.

This agency goes way beyond the issues of atmospherics. It goes into quality of water, ocean activity, marine fisheries, and we have made a huge commitment in this area in this bill.

Environmental conservation is extraordinarily important as part of the NOAA initiative in this bill, and, as the chairman was reciting, we have put a large amount of dollars into it, especially in the Coastal Zone Management Program and the National Estuarine Research Reserve.

The committee recognizes that 90 percent of the commerce in this country enters through our ports, and our nautical charts are grossly outdated. This year we address this problem by aggressively increasing funding for mapping and charting, electronic navigational charts, shoreline mapping, the survey backlog, and securing additional hydrographic ships.

Because of the critical importance of fishing to our economy and our cultural history, the committee is funding a new $54 million fishery research vessel, as was mentioned by the chairman —this is absolutely critical—along with making a significant effort to protect and preserve the right whale population which is very important to my part of the country.

Given the current concerns regarding our national energy policy, the committee is providing funds through NOAA again to examine an extension of the U.S. claim to the mineral continental shelf, implementation of a regional temperature forecasting system to better project electricity demands, and to develop an air quality forecasting system to minimize the impact of powerplant emissions on air quality.

The committee funded the following programs: Coastal Zone Management grants at $65 million, $5 million over last year's level; National Sea Grant College Program at $56 million, the same level as the budget request; the National Weather Service's Local Warnings and Forecasts Program at $80 million; the National Polar Orbiting Environmental Satellite System at $156 million. This is a recognition by this committee of the significance and importance of NOAA and the role it plays in maintaining the quality of our science in this country but, more importantly, the quality of the life of our citizenry.

As was mentioned by the chairman of the committee, we have made a strong commitment to the judiciary which has its own unique problems, and we continue to work hard, especially in the area of pay. I personally believe we should do something aggressively in the area of paying our judges. I suspect the Chair also feels this way, as he is the fellow responsible for these judges. The fact is, it is very hard to attract into the judiciary high-quality individuals who might have young children or especially families whose kids are about to head off to college under the present pay scale, and something needs to be done. We are trying to address that in this bill.

Again, as was mentioned by the chairman, the State Department has been aggressively addressed. I am happy to report, as the chairman has alluded, that the arrears situation is much improved, thanks to the good work of our former Ambassador to the U.N., Richard Holbrooke. Mr. Holbrooke accomplished what many said could not be done: He successfully negotiated a new U.S. assessment rate both for the regular budget and the peacekeeping account so that the burden is more fairly distributed.

For me, the renegotiation of the assessment scale is a perfect example of how the United States can use its large contribution to the U.N. as a leverage to demand fairness, accountability, and reform. Our ''tough love'' policy vis-a-vis the U.N., the basis of the Helms-Biden legislation, is successful because it is premised on good intentions and high expectations.

I also want to mention that funds have been made available in this bill for information technology in the total of $210 million. As the chairman of this committee mentioned, for the last 4 years I have been extremely supportive of this attempt to try to upgrade the IT capabilities of the State Department. I have been disappointed, however, by the lack of progress made by the Department in this area.

The only goal the State Department has achieved is providing e-mail capability to all Department desktops. Most desktops still do not have Web access. The networks of various U.S. agencies operating overseas have not been integrated, and the classified system needs to be overhauled.

I am encouraged by Secretary Powell's recognition of IT as one of the Department's top priorities. The fiscal year 2002 mark fully funds IT, and I congratulate Senator HOLLINGS for his commitment in this area. Hopefully, the Department will make good use of these funds.

Lastly, I want to mention something that is especially important to me personally, and that is the bill's effort to eliminate the illegal diamond trade that has fueled the violent conflict in African nations such as Sierra Leone, Congo, and Angola.

Nowhere has the effect of this illicit diamond trade been more graphic than in Sierra Leone. As early as 1991, a criminal gang called the Revolutionary United Front, or RUF, began taking control of many of the Sierra Leone diamond mines. Since then, RUF has used profits from the sale of diamonds to terrorize civilians for no other reason than to expand their influence. The RUF is notorious for its use of forced amputations, murder, and rape in waging its war of terrorism. I assure you, there will be no end to the violence unless we address this problem at its root. As long as the RUF can profit from the sale of conflict diamonds, the butchery will continue.

What is needed is a ban on the importation into the United States of diamonds from countries that fail to observe an effective diamond control system. Clearly, this will involve substantial commitment on the part of the Africa's diamond-producing countries. But the onus cannot fall entirely on them. It is equally the responsibility of diamond-importing countries to do all we can to ensure we are not facilitating the trade in conflict diamonds.

In the past, we have been unable or unwilling to act even while effective preventive measures, measures such as the ones I have introduced today and which Senator HOLLINGS has been kind enough to include in this bill, are at our fingertips. There are things we can do to make the situation in Africa better. The key is to act. We have a chance to save lives, to promote peace, merely by changing the way we do business. This bill goes a long way in addressing the appalling events currently taking place in much of West Africa.

Again, I thank Senator HOLLINGS for his commitment in this area and his willingness to support this effort and be a leader on it. In conclusion, I also thank Senator HOLLINGS, and especially his staff, for all they have done to make this a bipartisan bill and a bill which I can enthusiastically support.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1535

Mr. HOLLINGS. I send to the desk a managers' package of technical amendments.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, and Mr. GREGG, proposes an amendment numbered 1535.

Mr. HOLLINGS. 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:

On page 91, line 15, before the ''.'', insert the following: '', of which $13,000,000 shall remain available until expended for capital improvements at the U.S. Merchant Marine Academy''.

On page 18, line 20, before the ''.'', insert the following: '', of which $11,554,000 shall be available only for the activation of the facility at Atwater, California, and of which $13,323,000 shall be available only for the activation of the facility at Honolulu, Hawaii''.

On page 53, line 23, strike ''$54,255,000'' and insert ''$23,890,000''.

On page 55, starting on line 4, and finishing on line 5, strike ''provided under this heading in previous years'' and insert in lieu thereof ''in excess of $22,000,000''.

On page 53, starting on line 16 and continuing through line 18, strike ''for expenses necessary to carry out ''NOAA Operations, Research and Facilities sub-category'''' and insert in lieu thereof ''for conservation activities defined''.

On page 58, starting on line 7 and ending on line 8, strike ''the ''NOAA Procurement, Acquisition, and Construction sub-category'''' and insert in lieu thereof ''conservation activities defined''.

On page 58, line 10, after ''amended'', insert ''including funds for''.

On page 58, strike all after ''expended'' on line 12 through ''limits'' on line 16.

On page 58, line 16, after ''That'', insert the following: '', notwithstanding any other provision of law,''.

On page 58, line 17, strike ''for'' and insert in lieu thereof ''used to initiate''.

On page 58, line 18, insert before the ''.'', the following: '', for which there shall be no matching requirement''.

On page 59, starting on line 2 and ending on line 3, strike ''''NOAA Pacific Coastal Salmon Recovery sub-category'''' and insert in lieu thereof ''conservation activities defined''.

On page 59, line 5, after the second '','', insert the following: ''including funds for''.

On page 59, line 9, strike all after ''expended'' through ''limits'' on line 13.

On page 65, line 13, after ''funds'', insert the following: '', functions, or personnel''.

On page 66, line 5, strike ''$40,000,000'' and insert ''7,000,000''.

On page 66, line 7, before the ''.'', insert the following: ''or support for the Commerce Administrative Management System Support Center''.

On page 66, line 8, after the ''(B)'', strike ''not more than $15,000,000'' and insert in lieu thereof ''None''.

On page 67, after line 15, insert the following new subsection:

''(f) The Office of Management and Budget shall issue a quarterly Apportionment and Reapportionment Schedule, and a Standard Form 133, for the Working Capital Fund and the ''Advances and Reimbursements'' account based upon the report required by subsection (d)(1).''.

On page 75, after line 11, insert the following new section:

''SEC. 306. Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2002, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That $8,625,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.''.

On page 42, line 21, strike ''$49,386,000'' and insert ''$51,440,000''.

Strike section 107 and renumber sections 108–111 as ''107–110''.

On page 102, line 20, strike ''$3,750,000,000'' and insert ''$4,500,000,000, as provided under section 20(h)(1)(B)(ii) of the Small Business Act''.

On page 103, line 1, after ''loans'', insert ''for debentures and participating securities''.

On page 103, line 3, strike ''$4,100,000'', and insert ''the levels established by section 200(h)(1)(C) of the Small Business Act''.

On page 105, line 5, before the '','', insert the following: '', to remain available until expended''.

On page 104, line 24, strike ''$14,850,000 and insert $6,225,000''.

On page 10, line 18, strike ''$724,682,000'' and insert ''$712,682,000''.

Mr. HOLLINGS. Mr. President, in this managers' package, I have listed some two dozen technical amendments clarifying the funding level for the Merchant Marine Academy; another technical amendment clarifying the funding level for the Prison Activations; a technical amendment clarifying the funding level for NOAA Executive Administration, going right on down the list.

Mr. President, I ask unanimous consent that this description of the managers' package be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follow:

MANAGER'S PACKAGE

1. Hollings technical amendment [clarifying the funding level for the Merchant Marine Academy].
2. Hollings technical amendment [clarifying the funding level for prison activations].
3. Hollings technical amendment [clarifying the funding level for NOAA executive administration].
4. Hollings technical amendment [clarifying the amount of NOAA's prior year deobligations].
5. Hollings technical amendment [clarifying language on conservation activities].
6. Hollings technical amendment [clarifying language on conservation activities].
7. Hollings technical amendment [clarifying the definition of the Coastal and Estuarine Land Conservation Program].
8. Hollings technical amendment [striking extraneous language].
9. Hollings technical amendment [clarifying the availability of funds for the Coastal and Estuarine Land Conservation Program].
10. Hollings technical amendment [clarifying the availability of funds for the Coastal and Estuarine Land Conservation Program].
11. Hollings technical amendment [clarifying the availability of funds for the Coastal and Estuarine Land Conservation Program].
12. Hollings technical amendment [clarifying language on conservation activities].
13. Hollings technical amendment [clarifying language on conservation activities].
14. Hollings technical amendment [striking extraneous language].
15. Hollings technical amendment [clarifies the use of the Commerce Working Capital Fund].
16. Hollings technical amendment [clarifies the uses of the Commerce Working Capital Fund].
17. Hollings technical amendment [clarifies the uses of the Commerce Working Capital Fund].
18. Hollings technical amendment [clarifies the uses of the Commerce Working Capital Fund].
19. Hollings technical amendment [clarifies the uses of the Commerce Working Capital Fund].
20. Hollings amendment [providing a cost of living adjustment for justices and judges].
21. Hollings for Byrd amendment [adjusting the funding level of the International Trade Commission].
22. Hollings for Durbin/Lieberman amendment [eliminating an extraneous section].
23. Hollings for Kerry/Bond amendment [improving SBA's loan authority].
24. Hollings for Kerry/Bond amendment [improving SBA's loan authority].
25. Hollings for Kerry/Bond amendment [improving SBA's loan authority].
26. Gregg for Murkowski amendment [to clarify the availability of funds to the U.S.-Canada Alaska Rail Commission].
27. Hollings technical amendment [prioritizing spending].
28. Hollings technical amendment [prioritizing spending].

Mr. HOLLINGS. I thank the distinguished Chair, and I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there any further debate on the amendment?

If not, the question is on agreeing to amendment No. 1535.

The amendment (No. 1535) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to reconsider was laid upon the table.

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAIG. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mrs. LINCOLN) Without objection, it is so ordered.

AMENDMENT NO. 1536

Mr. CRAIG. Madam President, I send an amendment to the desk to the pending legislation.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] for himself, Mr. MILLER, Mr. HELMS, Mr. SMITH of New Hampshire, Mr. ALLEN, Mr. CRAPO, Mr. LOTT, Mr. NICKLES, Mr. SANTORUM, Mr. BENNETT, Mr. ALLARD, Mr. KYL, Mr. BOND, and Mr. INHOFE, proposes an amendment numbered 1536.

Mr. CRAIG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the availability of funds for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission)

At the end of title VI, add the following:

SEC. 623. (a) FINDINGS.—Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the ''Rome Statute of the International Criminal Court''. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the Statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the Statute.

(3) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(4) Members of the Armed Forces of the United States deserve the full protection of the United States Constitution wherever they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by United Nations officials under procedures that deny them their constitutional rights.

(5) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression.

(6) The claimed jurisdiction of the International Criminal Court over citizens of a country that is not a state party to the Rome Statute is a threat to the sovereignty of the United States under the Constitution of the United States.

(b) PROHIBITION.—None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

Mr. CRAIG. Madam President, at this time I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1537 TO AMENDMENT NO. 1536

Mr. CRAIG. Madam President, I now submit a second-degree amendment to the amendment, which I think is at the desk as I speak.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 1537 to amendment numbered 1536.

Mr. CRAIG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the availability of funds for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission)

Strike line 2 and all that follows, and insert the following:

SEC. 623. None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

Mr. CRAIG. Madam President, I take this time to address with my colleagues a matter that I believe has the most grave consequence on our national sovereignty.

I also submit for the RECORD three articles that pertain to this issue that I think are fundamentally important for my colleagues to have and understand. One of those happens to be an op-ed of mine that appeared in the Washington Posts in August, another one from John Bolton, and another one from Mr. Lee Casey. 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:

[From the Washington Post, August 22, 2001]

(By Larry E. Craig)

At its founding, the mission of the United Nations, as stated in its charter, was ''to save succeeding generations from the scourge of war.'' It made no claim to supersede the sovereignty of its member states. Article 2 says that the United Nations ''is based on the principle of the sovereign equality of all its Members,'' and it may not ''intervene in matters which are essentially within the domestic jurisdiction of any state.''

Since then, the United Nations has turned the principle of national sovereignty on its head. Through a host of conventions, treaties and conferences, it has intruded into regulation of resources and the economy (for example, treaties on ''biological diversity,'' marine resources and climate change) and family life (conventions on parent-child relations and women in society). It has demanded that countries institute racial quotas and laws against hate crimes and speech. Recently the United Nations tried to undermine Americans' constitutional right to keep and bear arms (with proposed restrictions on the international sale of small arms).

Fortunately, many of these have been dead on arrival in the U.S. Senate, successive presidents have refused to endorse others, and in any case the United Nations had little power of enforcement. But in 1998, one mechanism of global government came to life with the so-called ''Rome Statute'' establishing a permanent International Criminal Court. Once this treaty is ratified by 60 countries, the United Nations will wield judicial power over every individual human being—even over citizens of countries that haven't joined the court.

While the court's stated mission is dealing with war crimes and crimes against humanity—which, because there is no appeal from its decisions, only the court will have the right to define—its mandate could be broadened later. Based on existing U.N. tribunals for Yugoslavia and Rwanda, which are models for the International Criminal court, defendants will have none of the due process rights afforded by the U.S. Constitution, such as trial by jury, confrontation of witnesses or a speedy and public trial.

President Clinton signed the Rome treaty last year, citing U.S. support for existing U.N. war crimes tribunals. Many suppose the court will target only a Slobodan Milosevic or the perpetrators of massacres in Rwanda, or dictators like Iraq's Saddam Hussein. But who knows? To some people, Augusto Pinochet is the man who saved Chile from communism; to others he is a murderer. Who should judge him—the United Nations or the Chilean people?

In dozens of countries, governments use brutal force against insurgents. Should the United Nations decide whether leaders in Turkey or India should be put in the defendants' dock, and then commit the United States to bring them there? How about Russia's Vladimir Putin, for Chechnya? Or Israel's Ariel Sharon? Can we trust the United Nations with that decision?

The court's critics rightly cite the danger to U.S. military personnel deployed abroad. Since even one death can be a war crime, a U.S. soldier could be indicated just for doing his duty. But the International Criminal Court also would apply to acts ''committed'' by any American here at home. The European Union and U.S. domestic opponents consider the death penalty ''discriminatory'' and ''inhumane.'' Could an American governor face indictment by the court for ''crimes against humanity'' for signing a death warrant?

Milosevic was delivered to a U.N. court (largely at U.S. insistence) for offenses occurring entirely within his own country. Some say the Milosevic precedent doesn't threaten Americans, because the U.S. Constitution protects them. But for Milosevic, we demanded that the Yugoslav Constitution be trashed and the United Nations' authority prevail. Why should the International Criminal Court treat our Constitution any better?

Instead of trying to ''fix'' the Rome treaty, the United States must recognize that it is a fundamental threat to American sovereignty. The State Department's participation in the court's preparatory commission is counterproductive. We need to make it clear that we consider the court an illegitimate body, that the United States will never join it and that we will never accept its ''jurisdiction'' over any U.S. citizen or help to impose it on other countries.

[From the Washington Post, January 4, 2001]

UNSIGN THAT TREATY

(By John R. Bolton)

President Clinton's last-minute decision to authorize U.S. signing of the treaty creating

an International Criminal Court (ICC) is as injurious as it is disingenuous. The president himself says that he will not submit the Rome Statute to the Senate for ratification because of flaws that have existed since the treaty was adopted in Rome in 1998. Instead, he argues that our signature will allow the United States to continue to affect the development of the court as it comes into existence.

Signing the Rome Statute is wrong in several respects.

First, the Clinton administration has never understood that the ICC's problems are inherent in its concept, not minor details to be worked out over time. These flaws result from deep misunderstandings of the appropriate role of force, diplomacy and multilateral institutions in international affairs. Not a shred of evidence; not one; indicates that the ICC will deter the truly hard men of history from committing war crimes or crimes against humanity. To the contrary, there is every reason to believe that the ICC will shortly join the International Court of Justice as an object of international ridicule and politicized futility. Moreover, international miscreants can be dealt with in numerous other ways, as Serbia may now be proving with Slobodan Milosevic.

Second, the ICC's supporters have an unstated agenda, resting, at bottom, on the desire to assert the primacy of international institutions over nation-states. One such nation-state is particularly troubling in this view, and that is the United States, where devotion to its ancient constitutional structures and independence repeatedly brings it into conflict with the higher thinking of the advocates of ''global governance.'' Constraining and limiting the United States is thus a high priority. The reality for the United States is that over time, the Rome Statute may risk great harm to our national interests. It is, in fact, a stealth approach to eroding our constitutionalism and undermining the independence and flexibility that our military forces need to defend our interests around the world.

Third, the administration's approach is a thinly disguised effort to block passage of the American Servicemembers' Protection Act, introduced last year in Congress. This bill, if adopted, would unequivocally make it plain that the United States had no interests in accepting or cooperating with the ICC. Sponsored by Sen. Jesse Helms and Rep. Tom DeLay, the proposal has garnered impressive political support, including from former secretaries of State Henry Kissinger, George Shultz, James Baker and Lawrence Eagleburger, Secretary of Defense-designate Donald Rumsfeld and former secretary Caspar Weinberger and former national security advisers Zbigniew Brzezinski, Brent Scowcroft and Richard Allen.

So what will signing the Rome Statute do? The president is undoubtedly thinking of Article 18 of the Vienna Convention, which requires signatories to a treaty, before ratification, not to undertake any actions that would frustrate its objectives. President Clinton has used this provision before. After the Senate defeated the Comprehensive Test Ban Treaty, the administration cited Article 18 (rather than the president's constitutional authority as commander in chief) to justify a continued moratorium on underground nuclear testing. Obviously, the pending anti-ICC bill would divorce the United States from the court and violate Article 18, or so we will soon hear.

Relying on Article 18, which cannot sensibly apply to our government of separated powers, is wrong in many respects, not least that the United States has never even ratified this Vienna convention. Ironically, however, President Clinton's ''midnight decision'' to sign the Rome Statute provides guidance to solve the problem he has needlessly created, and others as well.

After appropriate consideration, the new administration should straightforwardly announce that it is unsigning the Rome Statute. President Clinton himself stated that he will not submit the treaty to the Senate, so this is a purely executive decision. What one president may legitimately (if unwisely) do, another may legitimately (and prudently) undo. The incoming administration seems prepared to take similar actions in domestic policy, and it should not hesitate to do so internationally as well.

Not only would an unsigning decision make the U.S. position on the ICC clear beyond dispute, it would also open the possibility of subsequently unsigning numerous other unratified treaties. It would be a strong signal of a distinctly American internationalism.

The writer, a senior vice president of the American Enterprise Institute, was assistant secretary of state for international organization affairs in the first Bush administration.

[From the Washington Legal Foundation, May 18, 2001]

THE INTERNATIONAL CRIMINAL COURT: UNDEMOCRATIC AND UNCONSTITUTIONAL

(By Lee A. Casey)

Lee A. Casey is a partner in the Washington, D.C. office of the law firm Baker & Hostetler. He served in the Department of Justice's Office of Legal Counsel and Office of Legal Policy during the Reagan and George H.W. Bush administrations. Mr. Casey writes and speaks frequently on international law and constitutional issues.

The 1998 Rome Treaty, which would establish a permanent International Criminal Court (''ICC''), creates a number of unprecedented challenges for the United States. The ICC will have the power to investigate and prosecute a series of international criminal offenses, such as ''crimes against humanity,'' heretofore enforceable only in national courts, or in ad hoc tribunals of very limited application. If the U.S. ratifies this treaty, the ICC would have the authority to try and punish American nationals for alleged offenses committed abroad, or in the United States, and that court will be entirely unaccountable for its actions. The ICC would, in fact, be in a position to punish individual American officials for the foreign policy and military actions of the United States, and would not offer even the minimum guarantees of the Bill of Rights to any of the defendants before it.

President Clinton made a serious mistake when he signed the Rome Treaty in the waning days of his Administration. The ICC treaty regime is inconsistent with the most basic political and legal principles of the United States, and U.S. ratification of this treaty would, in fact, be unconstitutional. President Bush should move forward and withdraw the Clinton signature.

United States Participation in the ICC Treaty Regime Would Threaten American Democracy. The United States was founded on the basic principle that the American people have a right to govern themselves. The elected officials of the United States, as well as its military and the citizenry at large, are ultimately responsible to the legal and political institutions established by our federal and state constitutions, which exercise the sovereignty of the American people. The Rome Treaty would erect an institution, in the form of the ICC, that would claim authority superior to that of the federal government and the states, and superior to the American electorate itself. This court would assert the ultimate authority to determine whether the elected officials of the United States, as well as ordinary American citizens, have acted lawfully on any particular occasion. In this, the Rome Treaty is fundamentally inconsistent with the first tenet of American republicanism—that anyone who exercises power must be responsible for its use to those subject to that power. The governors must be accountable to the governed.

Moreover, the ICC would be a powerful tool, for both our adversaries and our allies, to be used against the United States when states that have ratified the Rome Treaty disagree with U.S. foreign and military policy decisions. The offenses within the ICC's jurisdiction, although they are ''defined'' in the Rome Statute, are remarkably flexible in their application. As was acknowledged by the Prosecutor's office of the UN International Criminal Tribunal for the Former Yugoslavia (''ICTY''), which is widely recognized as the model for the ICC, whether any particular action violates international humanitarian norms is almost always a debatable matter and: ''[t]he answers to these questions are not simple. It may be necessary to resolve them on a case by case basis, and the answers may differ depending on the background and values of the decision-maker.'' See Final Report to the Prosecutor by the Committee Established to Review NATO Bombing Campaign Against the Federal Republic of Yugoslavia, para. 50 (June 13, 2000).

The ''values'' of the ICC's prosecutor and judges are unlikely to be those of the United States. The Rome Treaty has been embraced by many states with legal and political traditions dramatically different from our own. This includes states such as Algeria, Cambodia, Haiti, Iran, Nigeria, Sudan, Syria and Yemen, all of which have been implicated in torture or extra-judicial killings, or both. Even our closest allies, including European states following the civil law system, begin with very different assumptions about the power of the courts and the right of the accused. Nevertheless, if it is permitted to be established, the ICC will claim the power to try individual Americans, including U.S. service personnel and officials acting fully in accordance with U.S. law and interests. The court itself would be the final arbiter of its own power, and there would be no appeal from its decisions.

United States Ratification of the Rome Treaty Would Be Unconstitutional. Not surprisingly, U.S. ratification of the Rome Treaty would be unconstitutional. By ratifying that agreement, the United States would become a full participant in the ICC treaty regime, affirmatively vesting in the court jurisdiction over its nationals. At the same time, the ICC would not provide the rights guaranteed to all Americans by the Bill of Rights. There would be no jury trials in the ICC, which would follow the Continental ''inquisitorial'' system rather than the Common Law ''adversarial'' system. Moreover, that court would not guarantee Americans the rights to confront hostile witnesses, to a speedy and public trial, and against ''double jeopardy.''

For example, the Sixth Amendment guarantees a criminal defendant the right to ''confront'' all hostile witnesses, and, therefore, the right to exclude from evidence most ''hearsay'' evidence. This right is not preserved on the international level. In the ICTY, a court that, like the ICC, theoretically guarantees the right of the confrontation, both anonymous witnesses and virtually unlimited hearsay evidence have been permitted in criminal trials. Similarly, although, like the ICC, the ICTY theoretically preserves the right to a speedy and public trial, defendants often wait years in prison

for a trial, large portions of which are conducted in secret. In addition, although the Constitution's guarantee against ''double jeopardy'' prevents the prosecution in a criminal case form appealing a judgment of acquittal, acquittals in the ICC would be freely appealable by the prosecution, as they are now in the ICTY—where the Prosecutor has appealed every judgment of acquittal.

ICC supporters incorrectly suggest that U.S. participation would not be unconstitutional because that court would not be ''a court of the United States,'' to which the Constitution applies, and invariably point to extradition cases, where the Supreme Court has ruled that Americans may be extradited to face trial overseas in courts without the guarantees of the Bill of Rights. In fact, and unlike the situation in an ordinary extradition case, if the U.S. ratified the Rome Treaty, it would be a full participant in the ICC and its governing structures, and any prosecution brought by the ICC would be as much on behalf of the U.S. as any other state party.

Although the Supreme Court has not directly faced such a case, it has suggested that, where a prosecution by a foreign court is, at least in part, undertaken on behalf of the United States, for example, where ''the United States and its allies had enacted substantially similar criminal codes aimed at prosecuting offenses of international character . . .'' then the Bill of Rights would have to apply ''simply because that prosecution [would not be] fairly characterized as distinctly 'foreign.' The point would be that the prosecution was as much on behalf of the United States as of the prosecuting nation. . .'' United States v. Balsys, 525 U.S. 666 (1998). This would, of course, be exactly the case with the ICC. Since the full and undiluted guarantees of the Bill of Rights would not be available in the ICC, the United States cannot, constitutionally, ratify the ICC Treaty.

In addition, by ratifying the Rome Treaty, the United States would vest the ICC with jurisdiction over offenses committed entirely within its territory. The Supreme Court has, however, made clear that criminal offenses committed in the United States, and otherwise within the judicial power of the United States, must be tried in Article III courts, with the full panoply of the Bill of Rights. As the Court explained in the landmark Civil War cases of Ex parte Milligan (1866), 71 U.S. 2 (1866) reversing a civilian's conviction by a military tribunal, ''[e]very trial involves the exercise of judicial power,'' and courts not properly established under Article III can exercise ''no part of the judicial power of the country.'' Thus, since the ICC would not guarantee all of the protections of the Bill of Rights, and because it would not be an ''Article III'' court, the United States cannot vest that institution with any judicial authority over its nationals or its territory.

Mr. CRAIG. Madam President, last December, President Clinton deposited his signature to the Rome treaty, thereby making the United States party to the creation of a permanent International Criminal Court with unlimited jurisdiction. Once created, this court will have the right to prosecute U.S. citizens without any of the guarantees or protections provided by the Constitution. This will also affect our ability to protect men and women of our uniformed services and meet our military commitments to our allies.

President Clinton even acknowledged as he deposited his signature that the Rome treaty had, in his own words, ''significant flaws'' and would not send it to the Senate for ratification.

In his confirmation hearing testimony, Secretary Powell made it clear that the administration would not send this treaty to the Senate for ratification. However, in my opinion and the opinion of others, this is not enough. Once the 60th country ratifies the treaty, the United States and her citizens will become subject to the jurisdiction of the ICC, regardless of Senate approval under the treaty's own terms. This is precisely why we cannot simply allow the treaty to just be confirmed and collect dust. I believe it is incumbent upon all of us to try to bring, in essence, the treaty down.

U.S. Armed Forces operating overseas in peacekeeping operations could conceivably be prosecuted by the ICC for protecting the vital interests of the United States. In other words, the Senate of the United States could support our men and women going to war in a foreign nation only to have an international court rule them as criminals against the state or, in essence, criminals against the world.

Furthermore, Americans prosecuted by the ICC will not be guaranteed any of the procedural protections to which all Americans are entitled under the Bill of Rights. I can recite those for us. We have heard them all of our lives: The rights such as the right to a trial by jury or the right to a jury of one's own peers and the right to question one's accusers—that is just to name a few of the very rights that we now walk away from for our citizens if we do not stand up boldly and say the International Criminal Court should, in fact, not become an arm of the United Nations.

Currently, the Rome treaty already has 139 signatories, and over half of the necessary countries have already ratified it. In short, the ICC will soon become a reality unless we act now. The question is whether the United States will oppose it—and we have already opposed Kyoto, Biodiversity, CTBT, and other bad treaties—or whether we will simply acquiesce to it. The answer to that question is not only one of protecting our service personnel; it is also one of principle. Are we fundamentally committed to the sovereign rule of the domestic law of our country under the U.S. Constitution as opposed to global justice under the U.N. auspices? I think that is a question on which this amendment comes right to the point. And are we fundamentally committed to helping other countries establish and maintain their own constitutions and their own rule of law?

The consequence of allowing this court to come to fruition stretches far beyond the threat of prosecution of American military personnel. It will also put some of our closest allies in direct jeopardy, as we have seen in the example of the World Conference on Racism that we have heard about over the last good many months. We have seen that action taken by the United Nations and its institutions are not always impartial in their findings. In fact, at the World Conference Against Racism, language was adopted hostile to Israel, and it is not limited to the text regarding Zionism. Reference to it has attracted much attention in light of the 1975 U.N. General Assembly Resolution 3379, which passed in November of 1975, which condemned Zionism in similar though not identical terms, as ''a threat to world peace and security,'' a ''racist and imperialist ideology,'' and as ''a form of racism and racial discrimination.''

Largely due to American efforts, the General Assembly finally revoked Resolution 3379 in 1991 with a substantial vote.

Ironically, some nations that took part in the World Conference Against Racism, and who were supporters of language denouncing Zionism as racism, are currently still practicing slavery and the trafficking of human beings. As a result of this controversy over Zionism, one could easily see the International Criminal Court become nothing more than another U.N. forum for anti-Semitism where the same players that caused the United States and Israel to walk out on the World Conference on Racism would reappear. The result could be the extradition and prosecution of Prime Minister Ariel Sharon on charges of crimes against humanity for taking actions to protect the citizens of Israel against terrorism within the sovereign boundaries of his own nation. Another document connected to the Durban conference charges Israel with ''genocide'' and ''crimes against humanity''—judicial terms that directly setting the stage for a future prosecution in an international criminal court.

I will be the first to admit that atrocities are being committed in some parts of the world, and that the perpetrators of such atrocities must be brought to justice. And whenever possible the United States should serve as a facilitator for that justice to take place, and always be a shining city on a hill, a supreme example for all nations, particularly those with fledgling democracies and judicial systems. But the answer to that problem is not to create a permanent International Criminal Court with supra-national jurisdiction capable of undermining democratic governments, Constitutions, and judicial systems, just because the court is not satisfied with the outcome of a domestic ruling. Rather we should work hard to strengthen the rule of law within foreign countries, by helping them to establish their own impartial courts capable of ensuring justice for all.

When the United Nations was founded in 1945, its primary mission, as stated in the preamble of the U.N. Charter, was ''to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind.'' Initially composed only

of countries that had been allied against the Axis, it soon became seen as a dispute resolution forum for all countries.

In principle at least, the United Nations initially made no claim to supersede the sovereignty of its member states. Even its own Charter, Article 2, says that the U.N. ''is based on the principle of the sovereign equality of all its Members,'' and it may not ''intervene in matters which are essentially within the domestic jurisdiction of any state.''

That is what its charter says. Let's remember what it has done in the last few years.

Even in the U.N.'s premiere judicial body, the International Court of Justice, the principle of state sovereignty was maintained, with the Court only having limited jurisdiction in disputes between nations. It had no authority over individual citizens of those nations.

Unfortunately, in recent years the U.N. has turned the principle of national sovereignty on its head. Through a proliferating host of conventions, treaties, conferences, commissions, and initiatives, the U.N. has intruded into virtually every aspect of human life once thought to be the exclusive preserve of national governments, not to mention private citizens. These include efforts to regulate resources and the economy, for example treaties on ''biological diversity,'' the use of marine resources, and climate change. They include claims over family life, such as conventions on parent-child relations and the role of women in society. They include, under the guise of anti-racism, demands that countries institute quotas and hate crimes and hate speech laws.

While all of these on the surface appear to be good, and in many instances many of us would support them, we must stop short in saying that the U.N. has the right to bring them down on any nation and tread on that nation's sovereignty.

Recently, under the pretext of fighting illicit trafficking in weapons, the U.N. has even set its sight on undermining American's constitutional right to keep and bear arms under the second amendment.

Thankfully, many of these initiatives have been dead-on-arrival in the Senate, and successive Presidents have refused to endorse others. Moreover, despite the U.N.'s evolution toward governmental authority it had little to enforce its will. Ideas for global taxation and a standing U.N. army have so far gained little ground.

But one key mechanism of global government began to be realized in 1998 with the adoption of the so-called ''Rome Statute'' establishing a permanent International Criminal Court (ICC). Once this dangerous treaty is ratified by 60 countries, the ICC will come into existence. For the first time, the U.N. will wield a judicial power not just over nations, but directly over every individual human being. It will even claim authority over citizens of countries whose governments have refused to join the ICC. While the ICC's stated mission is dealing with war crimes and crimes against humanity—which, since there is no appeal from its decisions, only the ICC will have the right to define—nothing prevents the U.N. from broadening its mandate later. Defendants will have none of the due process rights afforded by the U.S. Constitution, a speedy and public trial, protection against double jeopardy, or protection against self-incrimination, and others previously mentioned. As with other U.N. panels, it can be expected that it will include ''justices'' from countries notorious for their human rights abuses.

It is tempting for many to suppose the ICC will only target the likes of a Slobodan Milosevic or the perpetrators of massacres in Rwanda, or maybe rogue state dictators like Iraq's Saddan Hussein, Libya's Muammar Qadhafi, or Cuba's Fidel Castro. But who can be sure that will be their only target? To some people, former Chilean Dictator Augusto Pinochet is a patriot who saved his country from a communist coup.

Again, in the eyes of the beholder, what is he? There are different opinions and different attitudes. Who has responsibility? I would suggest that the U.N. should not be allowed to be the judge, or that the U.N. should not be allowed to be the court. Ultimately, the people of Chile; in this case, Pinochet. They were the people who made the decisions. They were the judges.

In dozens of countries governments enjoy brutal force to suppress violent insurgencies. Should we empower the U.N. to decide whether the military authorities in Algeria, Turkey, Macedonia, Sri Lanka, China, and India should be put in the defendants' dock, and then commit the United States to employ sanctions or even military force to bring them there? How about Russia's Vladimir Putin for his war in Chechnya? Or Israel's Ariel Sharon for his war against the Palestinian intifada? Are we ready to trust the U.N. to tell us who should be prosecuted and who shouldn't? Critics of the ICC rightfully cite the danger it presents to the safety of U.S. military personnel. What will be the consequences for U.S. national defense and our alliance obligations? Since the death of even one person can qualify as a war crime or even genocide in the ICC, how can we be sure a U.S. soldier serving abroad will not be indicted for what we see as just doing their duty?

The ICC applies not just to soldiers, and not just to acts committed abroad; it also would apply to acts ''committed'' by any American here at home.

Let me suggest, Is this a stretch of my imagination? It is not. Statements are broad. The argument of authority within the Rome treaty is broad.

Even today, our friends in the European Union join domestic critics in branding the death penalty in the United States as ''discriminatory'' and ''inhumane.'' My guess is some of our colleagues would agree with that, while others would not.

Who can guarantee that an American Governor might not face an indictment by the ICC for ''crimes against humanity'' for signing a death warrant, or that someday, under some foreign judge's idea of ''arms trafficking,'' a U.N. court will not demand the extradition of a private American citizen for selling a gun to his neighbor?

It has been suggested that Milosevic's extradition does not set an ICC precedent threatening U.S. citizens because they will be protected by the U.S. Constitution. But why? In the Milosevic case, we demanded that the newly established Yugoslav Constitution be trashed for the authority of the United Nations. We are not defending a constitutional right at that point; we are simply saying that an international body has a higher authority. Once the ICC is up and running, why should we assume that our Constitution would not be thrown in the trash as well as that of Yugoslavia? Nothing in the treaty requires them to respect us and to respect our Constitution and our citizens' rights.

Trying to ''fix'' the Rome treaty's flaws so we can live with it is like zipping a silk purse out of a sow's ear or putting lipstick on that little piggy. Instead of mistakenly trying to fix the Rome treaty's flaws, the United States must recognize that the ICC is a fundamental threat to American sovereignty and civil liberty, and that no deal, nor any compromise, is possible. We need to make it clear that we consider the ICC an illegitimate body, that the United States will never become part of it, and that we will never accept its jurisdiction over any U.S. citizen or help to impose it on other countries. President Bush has flatly rejected the Kyoto global warming convention. It is no less urgent that we act as forthrightly on the ICC.

According to the administration, the State Department is already engaging in what we call low-level participation in the ICC Preparatory Commission. Why are we helping to establish an institution that is created by a treaty that the administration has stated they will not send to the Senate for ratification? Any kind of participation that would lend legitimacy to the Rome treaty would be a mistake and would send a wrong message to our friends in the international community.

That is why during my recent meeting with Secretary Powell, and in my own op-ed that was published on August 22 in the Washington Post, I have encouraged the administration to remove our signature from the Rome treaty and to discontinue assistance to

the International Criminal Court's Preparatory Commission. Such a statement of policy would send a clear signal to those countries that are currently wrestling with the issue of ratification that the United States does not support the creation of the Court. This clear signal has already been sent by the House of Representatives earlier this year when they passed an amendment, with overwhelming bipartisan support, to the State authorization bill that prohibits cooperation with the International Criminal Court.

To complement the administration's efforts, and the efforts of the House of Representatives, I am offering this first- and second-degree amendment to Commerce-State-Justice, and the Judiciary appropriations bill that would prohibit funding to the International Criminal Court and its Preparatory Commission. I have discussed this issue with Senator HELMS. He and many others have indicated their strong support for the proposal.

When we stand to cast a vote on these amendments, we literally are voting about American sovereignty. My guess is, when the dust settles and the stories are written and this amendment is analyzed, that is exactly how it will be viewed. It is a vote to protect the men and women of our Armed Forces—without question—and a vote to protect our allies that have become subject to the Court.

I will be darned if American sovereignty and the U.S. Constitution become subject to an International Criminal Court on my watch. And I would hope all of my colleagues would agree.

The creation of an international court is not a foregone conclusion. We can intervene. We can state a position. We can ask that we step back and withdraw our signatures from this critical action and say to all the world that we will not support an International Criminal Court's ratification, and we would ask other nations in the world to act accordingly.

Madam President, at this time I know of no others in this Chamber who wish to debate this issue, so I ask unanimous consent to temporarily set aside my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1538

Mr. SMITH of New Hampshire. Madam President, on behalf of Senators HARKIN, WARNER, INHOFE, COCHRAN, and myself, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. HARKIN, Mr. WARNER, Mr. INHOFE, and Mr. COCHRAN, proposes an amendment numbered 1538.

Mr. SMITH Of New Hampshire. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide protection to American Servicemen who were used in World War II as slave labor)

At the appropriate place, add the following:

SEC. . None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

Mr. SMITH of New Hampshire. Madam President, there are many things that happen in war of which, when we look back, many of us on both sides of the aisle are not always proud. But I want to point out that sometimes things happen that must be corrected just because it is the right thing to do. This amendment I am offering is likely to be mischaracterized. There will be a lot of things said about what my amendment does not do. I want to make sure everybody understands what my amendment does. This concerns something that happened during World War II. I want to refer to it before I go to the actual context of the amendment.

There is an article written by Peter Maas I want printed in the RECORD which is entitled ''They Should Have Their Day In Court.'' I ask unanimous consent a copy of that article be printed in the RECORD. It is a Parade magazine article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Parade Magazine, June 17, 2001]

THEY SHOULD HAVE THEIR DAY IN COURT

(By Peter Mass)

Tears suddenly fill Lester Tenney's eyes. ''I'm sorry,'' he says. ''It's been a long time, but it's still very hard sometimes to talk about.'' All I can do is nod dumbly. Words fail me as I listen to the horror he is describing.

On April 9, 1942, Tenney, a 21-year-old Illinois National Guardsman, was one of 12,000 American soldiers who surrendered to the Japanese at the tip of Bataan Peninsula, which juts into Manila Bay in the Philippines. Ill-equipped, ill-trained, disease-ridden, they had fought ferociously for nearly five months against overwhelming odds, with no possibility of help, until they ran out of food, medical supplies and ammunition.

As prisoners of war, Tenney among them, they were taken to a prison camp by the Japanese army on what became infamous as the nine-day, 55-mile-long Bataan Death March, during which 1000 of them perished. The atrocities they suffered have to some extent been revealed. But what happened afterward—when they were forced into inhuman slave labor for some of Japan's biggest corporations—remains largely unknown. These corporations, many of which have become global giants, include such familiar names as Mitsubishi, Mitsui, Kawasaki and Nippon Steel.

Through interviews with former POWs and examinations of government records and court documents, I learned that in 1999 Tenney had filed a lawsuit for reparations in a California state court. His suit was followed by a number of others by veterans who had suffered a similar fate. The Japanese corporations, instead of confronting their dark past, went into deep denial. Represented by American law firms, they maintained that, by treaty, they didn't owe anybody anything—not even an apology.

Surprisingly, the U.S. government stepped in on behalf of the Japanese and not only had these lawsuits moved to federal jurisdiction but also succeeded in getting them dismissed by Vaughn R. Walker, a federal judge in the Northern District of California. In his ruling, Judge Walker declared in essence that the fact that we had won the war was enough of a payoff. His exact words were ''The immeasurable bounty of life for themselves [the POWs] and their posterity in a free society services the debt.'' In applauding the judge's decision, an attorney for Nippon Steel was quoted as saying, ''It's definitely a correct ruling.'' She did not dwell on what these men had gone through.

What befell Lester Tenney as a POW was by no means unique. He got an inkling of what was to come on that April day in 1942 when he surrendered and one of his captors smashed in his nose with the butt end of a rifle. Forced to stumble along a road of crushed rock and loose sand, the men—wracked with malaria, jaundice and dysentery—were given no water. Occasionally, they would pass a well. Anyone who paused to scoop up a handful of water was more likely than not bayoneted or shot to death. The same fate awaited most POWs who could no longer walk. ''If you stopped,'' Tenney recalls, ''they killed you.''

As Tenney staggered forward, he saw a Japanese officer astride a horse, wielding a samurai sword and chortling as he tried, often successfully, to decapitate POWs. During a rare respite, one prisoner was so disoriented that he could not get up. A rifle butt knocked him senseless. Two of his fellow POWs, were ordered to dig a shallow trench, put him in it and bury him while he was still alive. They refused. One of them immediately had his head blown off with a pistol shot. Two more POWs were then ordered to dig two trenches—one for the dead POW, the other for the original prisoner, who had begun to moan. Tenney heard him continue to moan as he was being covered with dirt.

Tenney was one of 500 POWs packed into a 50-by-50-foot hold of a Japan-bound freighter. The overhead hatches were kept closed except when buckets of rice and water were lowered twice daily. Each morning, four POWs were allowed topside to hoist up buckets of bodily wastes and the corpses of anyone who had died during the night, which were tossed overboard.

In Japan, the prisoners were sent to a coal mine about 35 miles from a city they had never heard of, called Nagasaki. The mine was owned by the Mitsui conglomerate, which is today one of the world's biggest corporations. You see the truck containers it builds on every highway in America. The mine was so dangerous that Japanese miners refused to work in it.

The Geneva Convention of 1929 specified that the POWs of any nation ''shall at all times be humanely treated and protected'' and explicitly forbade forced labor. Japan, however, never ratified the treaty. That was how it justified putting POWs to work during World War II, freeing up able-bodied Japanese men for military service.

Lester Tenney and his fellow POW slave laborers worked 12-hour shifts. Their diet, primarily rice, amounted to less than 600 calories a day. This was subsequently reduced

to about 400 calories. When he was taken prisoner, Tenney weighed 185 pounds. When he was liberated in 1945, he weighed 97 pounds.

Vicious beatings by Mitsui overseers at the mine were constant. Tenney's worst moment came when two overseers decided he wasn't working fast enough and went at him with a pickax and a shovel. His nose was broken again. So was his left shoulder. The business end of the ax pierced his side, just missing his hip bone but causing enough internal damage to leave him with a permanent limp.

Frank Bigelow was a Navy seaman on the island fortress of Corregodor in Manila Bay. It was lost about a month after Bataan fell, so Bigelow escaped the Death March. But he ended up in the same Mitsui coal mine as Tenney. He was in the deepest hard-rock part of the mine when a boulder toppled onto his leg, snapping both the tibia and fibula bones 6 inches below the knee. A POW Army doctor, Thomas Hewlett, was refused plaster of Paris for a cast. Hewlett tried to construct a makeshift splint, but it didn't work. Bigelow's leg began to swell and become putrid. Tissue-destroying gangrene had set in.

With four men holding Bigelow down, Hewlett performed an amputation without anesthesia, using a razor and a hacksaw blade. Bigelow recalls: ''I said, 'Doc, do you have any whiskey you could give me?' and he said, 'If I had any. I'd be drinking it myself.' '' To keep the gangrenous toxins from spreading, Hewlett packed the amputation with one item readily available in the prison camp—maggots. Bigelow still can't comprehend how he withstood the excruciating pain. ''You don't know what you can do 'till you do it,'' he says.

Another seaman, George Cobb, was aboard the submarine *Sealion* in Manila Bay when it was sunk in an air attack three days after Pearl Harbor. Cobb was shipped to a copper mine in northern Japan owned by the Mitsubishi corporate empire. Clad only in gunnysacklike garments, the POWs had to trudge to the mine through 10-foot-snowdrifts in bitter winter cold. Of 10 captured *Sealion* crewmen. Cobb is the sole survivor. ''I try not to remember anything,'' he says. ''I want it to be a four-year blank.''

One day in August 1945, Lester Tenney and his fellow POWs saw a huge, mushroom-shaped cloud billowing from Nagasaki. None of them, of course, knew it was the atom bomb that would end the war. They found out on Aug. 15 that Japan has surrendered when they were given Red Cross food packages for the first time during their long captivity. They then found a nearby warehouse crammed with similar packages and medical supplies that had never been distributed. They also would learn that the Japanese high command had a master plan to exterminate all the POW slave laborers, presumably to cover up their horrific ordeal.

After the POWs returned home, they were given U.S. government forms to sign that bound them not to speak publicly about what had been done to them. America was in a geopolitical battle with the Soviet Union and, later, Red China for the hearts and minds of the postwar Japanese and did not want to do anything that might prove offensive to our recent enemy. The State Department's chief policy adviser to Gen. Douglas MacArthur, who headed up the occupation of Japan, rhetorically asked: ''Is it believed that a Communist Japan is in the best interests of the United States?''

But Tenney, possibly because of his extended hospitalization, never got one of those forms. In 1946 he wrote a letter to the State Department citing his experience and requesting guidance on how to mount claims against those who had beaten, tortured and enslaved him. The State Department replied that it was looking into the matter and advised him not to retain an attorney.

Hearing nothing further, Tenney, a high school dropout, decided to get on with his life. He eventually earned a Ph.D. in finance and taught at both San Diego State University and Arizona State University. Meanwhile, the U.S. and Japan finalized a peace treaty in 1951.

Two years ago, Tenney read that the U.S. government not only had successfully worked on behalf of Holocaust victims in Europe but also was brokering an agreement with Germany to compensate those forced into slave labor during the Nazi regime. It was then that he filed his own lawsuit against Mitsui.

The U.S. State Department and Justice Department intervened for the Japanses corporate defendants on the basis of the 1951 treaty, a clause of which purports to waive all future restitution claims. But the treaty contains another clause, which the U.S. government to date has chosen to ignore, stating that all bets would be off if other nations got the Japanese to agree to more favorable terms than our treaty. Eleven nations—including the then Soviet Union, Vietnam and the Philippines—got such terms.

There is still hope for the surviving POWs, their widows and heirs. Last March, two California Congressmen, Republican Dana Rohrabacher and Democrat Mike Honda, cosponsored a bill (H.R. 1198) calling for justice for the POWs.

Notably, Honda is a Japanese-American who, as an infant, was interned by the U.S. with his mother and father during World War II. The U.S. has since paid each surviving internee $20,000 in restitution and, perhaps more important, acknowledged that the internment was wrong. ''I believe,'' Honda told me, ''that these POWs not only fought for their country but survived, and now they are trying to survive our judicial system. They should have their day in court.''

Mr. SMITH of New Hampshire. Madam President, I think most of us are familiar with or have heard discussions about the Bataan Death March. That was a terrible experience for a lot of American GIs. But I think what happened after the Bataan Death March, to some of those same people, and others, is particularly outrageous.

I want to refer to a couple of paragraphs from this article because it certainly sums up why they should have their day in court and what exactly we are talking about with regard to these American GIs and POWs. Let me read a couple of paragraphs.

On April 9, 1942, a gentleman by the name of Lester Tenney, one of 12,000 POWs, American soldiers, surrendered to the Japanese at the tip of Bataan Peninsula. They were taken to a prison camp by the Japanese Army on what became infamous as the 9-day, 55-mile-long Bataan Death March during which 1,000 of them perished. I will not go into all of the details, but a few details will show why a day in court is justified and is important. The atrocities they suffered—some have been revealed; some have not—and what happened afterward, where they were forced into slave labor camps for some of Japan's biggest corporations, remains largely unknown. Frankly, until I got involved in this a few months ago, I didn't know some of this had happened.

Many of these corporations have become global giants today, including some names that would certainly get one's attention: Mitsubishi, Matsui, Kawasaki, and Nippon, to name just a few.

Through interviews with former POWs, we have come to learn a lot. But to my amazement, the United States Government stepped in on behalf of the Japanese and not only had lawsuits thrown out to get reparations for what happened—they moved to Federal jurisdiction—but also succeeded in getting them dismissed. I found that particularly outrageous. This is all pointed out by Mr. Maas in his article.

I want to quote one paragraph as to what happened during that march and then go into a little bit about what happened after the Bataan Death March:

What befell Lester Tenney as a POW was by no means unique. He got an inkling of what was to come on that April day in 1942 when he surrendered and one of his captors smashed his nose with the butt end of a rifle. Forced to stumble along a road of crushed rock and loose sand, the men—wracked with malaria, jaundice and dysentery—were given no water. Occasionally, they would pass a well. Anyone who paused to scoop up a handful of water was more likely than not bayoneted or shot to death. The same fate awaited most POWs who could no longer walk. ''If you stopped,'' Tenney recalls, ''they killed you.''

As Tenney staggered forward, he saw a Japanese officer astride a horse, wielding a samurai sword and chortling as he tried, often successfully, to decapitate POWs. During a rare respite, one prisoner was so disoriented that he could not get up. A rifle butt knocked him senseless. Two of his fellow POWs were ordered to dig a shallow trench, put him in it and bury him while he was still alive. They refused. One of them immediately had his head blown off with a pistol shot. Two more POWs were then ordered to dig two trenches—one for the dead POW, the other for the original prisoner, who had begun to moan. Tenney heard him continue to moan as he was being covered with dirt.

Tenney was one of 500 POWs packed into a 50-by-50-foot hold of a Japan-bound freighter. The overhead hatches were kept closed except when buckets of rice and water were lowered twice daily. Each morning, four POWs were allowed topside to hoist up buckets of bodily wastes and the corpses of anyone who had died during the night. . . .

This is what happened to them after the Bataan Death March. When they survived that, they were put on these freighters and taken into these coal mines and basically made slaves.

Vicious beatings by Mitsui overseers at the mine were constant. Tenney's worst moment came when two overseers decided he wasn't working fast enough and went at him with a pickax and a shovel. His nose was broken again. So was his left shoulder. The business end of the ax pierced his side, just missing his hip bone but causing enough internal damage to leave him with a permanent limp.

Most of us are familiar enough with stories that came out of the Bataan Death March to know what happened there. But to think of surviving that 55-mile trek over a 9-day period, basically being bayonetted if you helped a

friend who fell down or beaten or whatever, to survive all of that and then be placed into camps, slave labor camps on behalf of these corporations by these corporations.

I want to read the amendment I am offering because it is important to understand what the content is. All it says is:

None of the funds made available in this act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as a slave or forced labor.

All this says is that no funds will be used to block the right of these folks to go to court. It doesn't provide any money to anybody. It doesn't assume that anybody is going to win this case. It doesn't do any of that. We are probably going to hear that. That is not the case.

All it says is that the State Department stays out of it, the Justice Department stays out of it, and these folks are allowed to have their day in court.

Let me explain why I introduced this amendment. As I said, to go through what they went through in the Bataan Death March, and then to be put into slave camps by Japanese companies was atrocious. I want to make clear what I mean by Japanese corporations. War is a terrible reality. I have said that. What happens during war is tragic, and sometimes it just happens. There is not a heck of a lot you can do about it. What happened in World War II at the hands of these private Japanese companies is especially tragic because there has never been anything done about it. We are not talking about the Japanese Government torturing American prisoners. I want to make that clear. The war is over. A treaty was signed. Whatever happened, happened. That is behind us.

What we are talking about is private Japanese corporations, many of which exist today, corporations that Americans know and trust, who used Americans as slaves, who should have been offered protection under the Geneva Convention—not the Japanese Government, please understand, the Japanese corporations.

Out of the 36,000 U.S. soldiers who were captured by the Japanese, 5,300 roughly are alive today. They are not getting any younger.

Several of those veterans live in New Hampshire. I was astounded to find out that eight or nine of them do actually live in New Hampshire. I am sure they can be found in every State in the Union. I met with some of those veterans during the August recess. It was a very emotional meeting, but the interesting thing about it, there was no anger presented to me about what happened in the war. The anger and frustration that was expressed to me was what happened with these private companies that went beyond what happened in the war.

Arthur Reynolds from Kingston, NH, spent 3½ years as a POW, 2 years of which he spent shoveling coal under unspeakable conditions for a private Japanese company. He lost 100 pounds in captivity and weighed less than 100 pounds when he was liberated. He survived on barely 500 calories a day, suffered countless beatings. Now he is being told by his Government—not the Japanese Government, the United States Government—that they are on the side of the Japanese corporation that enslaved him.

I say to my colleagues, that is just flat out wrong. Whatever happens in the courtroom happens in the courtroom. That is why we have lawyers on both sides. But what we are talking about here is the right to sue.

That is what we are talking about—not the right to have a victory when you sue, just the right to sue. However you feel, I have some very strong feelings that they should win this case and many Americans—most, I hope—also do. We are not asking for a victory, as much as I would like to see it. We are asking for the right to sue.

Arthur is 85 years old. How much longer is Arthur going to live? Manford Dusett from Seabrook, NH, spent 3½ years as a POW. Like Arthur Reynolds, he is a survivor of the Bataan Death March and the so called hell ships that transported the prisoners to Japan. He was forced to work in a coal mine for 10 to 12 hours a day, with almost no food and under the worst imaginable conditions. He suffered a broken leg in the mine. Frankly, he is lucky to be alive today. He was able to get just enough medical treatment to survive. Manford, as his colleague, weighed less than 100 pounds when he was released. There were others from New Hampshire. This gentleman in the picture here is Roland Stickney from Lancaster. I met with him. There are others from New Hampshire: Roland Gagnon from Nashua, Roland Stickney from Lancaster, Arthur Locke from Hookset, Wesley Wells from Hillsburo, Bill Onufrey from Freedom, Ernest Ouellette of Boscawen, and I am sure I missed a few. I tried to find everybody.

My colleagues who might be familiar with the plight of these veterans, I have submitted for the RECORD the Parade magazine article. It is important you read that to understand not only what happened to them in the Bataan Death March but, after that, how they survived when they were put on those ships. Imagine being taken in those ships to the coal mines and other places where they were reported to work as slaves.

These veterans are seeking compensation through our legal system—that is all they are doing—from the Japanese corporations that used them as slave laborers. That is all they are doing. Yet, believe it or not, our Government, the U.S. Government, is trying to stop that. They are opposing veterans' efforts to seek proper redress through our judicial system. Is that constitutional?

Should our Government be stopping a private citizen from seeking his or her day in court for a grievance? I don't think so. I think it is wrong. I am, frankly, ashamed it is happening, which is why I am on the floor of the Senate. I am not here to redebate the war, refight the war, or bring up and point out the atrocities of the war. That is not why I am here. I don't think the veterans would want me to do that. The State Department facilitated, ironically, a recent agreement between German companies and their victims who were used as slave laborers during World War II. I commend them for that. That was the right thing to do.

Last year this body passed S. Con. Res. 158, introduced by my colleague and good friend, Senator HATCH, and urged the Secretary of State to facilitate discussions between these veterans and the guilty corporations. But the State Department chose to ignore this recommendation, unlike what they did in the German case. When it comes to the Japanese case, they chose to ignore this. In the case of the Japanese companies, the State and Justice Departments argued—listen carefully—that the private claims of the veterans were waived by the 1951 peace treaty with Japan. I will repeat that because it is very important to the whole discussion of this case. The State and Justice Departments argued that the private claims of veterans were waived by the 1951 peace treaty with Japan. I am going to say, with the greatest respect, that that is flatout wrong. Their rights were not waived. Why do they maintain this position then?

Let me read from the 1951 peace treaty, article 14(b). Let me read from article 14(b) in the 1951 peace treaty:

[E]xcept as otherwise provided in the present Treaty, the Allied Powers waive all reparation claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war and claims of the Allied Powers for direct military costs of occupation.

If I had only read article 14(b), which I just read, I might have agreed—and probably would have—that the claims of these veterans were waived by the treaty because that is what it sounds like. But the issue is a lot deeper than that. So if someone is going to read article 14(b) on the Senate floor and say, therefore, these claims are waived, then we have to go beyond that. Let me go beyond that:

Article 14(b) does not waive private claims against private Japanese companies.

Don't be mistaken. The State Department knew this in 1951 when the treaty was signed. In fact, John Foster Dulles, the chief negotiator for the treaty—prior to his being Secretary of State—orchestrated a confidential exchange of diplomatic notes between the Japanese and the Dutch to address this very issue in 14(b). In short, the Dutch didn't want any part of 14(b). They refused to waive the private claims of

their nationals because, as the United States—remember the fifth amendment?—the Dutch were constitutionally barred from doing so without due process of law. So they had a constitutional problem like we have. They can't waive the private claims. Fortunately, the diplomatic notes—and this is what burns me up, frankly, if I may say it as nicely as I can. We find so much information classified in Government. It is the old cover-your-you-know-what routine. That is why we keep it classified. There are legitimate reasons to classify materials, but 50 years later we finally get the truth declassified. All these guys, for all these years, were being denied their day in court when the truth was buried in the classified files. It is just absolutely unbelievable. I am not saying I am the first to find it. I know lawyers have found it for the others, for those doing this, those who are suing. But let me go right at it.

What did those diplomatic notes say? We have it right here. This is September 7, 1951, just declassified in 2000, 50 years later, after all these guys have fought all these years trying to get reparations, and most of them have died. Only 5,300 remain out of 12,000. Here we are. I will read this letter:

> Dear Mr. Prime Minister,
>
> I beg to draw the attention of Your Excellency to the paragraph in the address to President and Delegates of the Peace Conference I made yesterday, reading as follows:
>
> ''Some question has arisen as to the interpretation of the reference in article 14(b) to ''claims of Allied Powers and their nationals''—

It sounded as if we waived everybody's rights—

> which the Allied Powers agree to waive.
>
> It is my Government's view that article 14(b) as a matter of correct interpretation does not involve the expropriation by each Allied Government of the private claims of its national so that after the Treaty comes into force these claims will be non-existent.
>
> The question is important because some Governments, including my own, are under certain limitations of constitutional and other governing laws as to confiscating or expropriating private property of their nationals.

Signed by the Prime Minister of Japan.

This one is signed by Dirk Stikker, Minister of Foreign Affairs of the Netherlands. A copy was sent to the Japanese Government. It says, in part:

> Also, there are certain types of private claims by allied nationals, which we would assume the Japanese Government might want voluntarily to deal with in its own way as a matter of good conscience or of enlightened expediency . . . .

And so forth.

To get to the fourth chart, this is from the Prime Minister of Japan to the Dutch, and I will read this portion outlined:

> With regard to the question mentioned in Your Excellency's note, I have the honor to state as follows:
>
> In view of the constitutional legal limitations referred to by the Government of the Netherlands, the Government of Japan does not consider that the Government of the Netherlands by signing the Treaty has itself expropriated the private claims of its nationals so that, as a consequence thereof, after the Treaty comes into force these claims would be nonexistence.

The Japanese Government is saying that:

> However, the Japanese Government points out that, under the Treaty, Allied nationals will not be able to obtain satisfaction regarding such claims, although, as the Netherlands Government suggests, there are certain types of private claims by Allied nationals which the Japanese Government might wish to voluntarily deal with.

These two documents remained classified for 50 years while these guys tried for 50 years to get their day in court. Our own Government would not give these documents to our own soldiers. What an outrage that is. That is an absolute outrage.

The 1951 peace treaty in no way obligates the Government of Japan to pay any private claims. I admit that. It does not obligate them to do anything. We are not talking about the Government of Japan.

At the same time, the treaty does not waive private claims against private Japanese companies, as the State and Justice Departments would like you to believe, and it is right there in declassified documents finally after 50 years.

How is an exchange of diplomatic notes between the Government of Japan and the Government of the Netherlands relevant to the United States and its citizens? Good question. The answer lies in article 26 of the peace treaty, and this is what article 26 says:

> Should Japan make a peace settlement or war claims settlement with any state granting that state greater advantages than those provided by the present treaty, those same advantages shall be extended to the parties of the present treaty.

In other words, if they make a deal with the Netherlands, it does not involve anybody else who has the same constitutional problems. This occurred in an exchange of diplomatic notes. Japan made it clear the treaty did not waive the private claims of Dutch citizens, and article 26 automatically extends this to American citizens. Pure and simple. End of story.

This would have been resolved 20 or 30 years ago if somebody had just declassified these documents. If somebody can please tell me why these documents were classified for 50 years because of national security, I will be happy to say we should classify them again.

The Departments of State and Justice are on the side of Japanese corporations. That is what this amendment is about: Are you on the side of our Justice Department and State Department that are on the side of the Japanese corporations that did this to our Americans, against the intent of that treaty, or are you on the side of the American GIs and POWs who for 50 years have been denied their day in court?

That is it. There is nothing complicated about my colleagues' vote on this one. That is it: You are either for the American GIs who served and were prisoners and were slaves or you are on the side of the Japanese corporations that put them in slave camps and your own Justice Department and State Department which kept the documents classified for 50 years so they could not get their day in court. Whose side are you on? That is it. There is nothing complicated about it.

What has happened is wrong. It goes against the historical record, and my amendment simply prevents the unnecessary interference of the Departments of State and Justice in this case. I repeat, because it is very important to understand, I do not predetermine the outcome with my amendment.

Before I yield the floor, I want to repeat what the amendment says so that everybody understands it:

> None of the funds made available in this act—

The underlying legislation, the Departments of Commerce, Justice, State—

> None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action . . . .

In other words, we do not want Justice and State to come in now and oppose the action of this court, of these men, mostly men. Why? Because for 50 years these documents were classified and they did not even have the opportunity to do it. We did them a disservice. These are men who fought and suffered horribly in a terrible war.

I urge my colleagues to please read my amendment when you come down to the Chamber to vote to give these men—brave men, heroes—the opportunity to go to court under the terms of the 1951 treaty, and give them an opportunity to be heard. That is all we are doing.

I also want to point out in all that—I did not say it at the time, but to give a little bit more credence to the argument, guess who drafted the memos we are talking about between the Dutch and the Japanese. Who was involved in that draft? None other than John Foster Dulles. That is the great tragedy of this. John Foster Dulles himself participated in the draft of those documents. We have all the evidence to that as well.

I hope my colleagues in the Senate will say to Justice and State: Step aside; it is the right thing to do. You kept this secret all these years by classifying documents and did not allow our guys a day in court. Step aside; do the decent thing and let these men go to court, as it is determined under the treaty we now know, and allow them to sue. If they lose, they lose. If they win, they win, but just let them go to court.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I thank my colleague and friend, the Senator from New Hampshire, Mr. SMITH, for proposing this important legislation and for offering this amendment today, which I am proud to cosponsor.

Before I get into the need for the amendment and perhaps repeat some of the facts that the Senator from New Hampshire brought up, let me take a minute to summarize what happened in the Philippines and Japan between 1942 and 1945.

On March 11, 1942, Gen. Douglas MacArthur reluctantly left behind thousands of American troops in the Philippines. Arriving in Melbourne, Australia, he pledged, of course, those famous words: ''I shall return.''

General MacArthur did return. He liberated the Philippines and rolled back the forces of imperial Japan. Sadly, MacArthur was too late for the hundreds who had died in the infamous Bataan Death March. In that 3-day forced march, American troops were denied food and water, beaten and bayoneted if they fell to the ground. As many as 700 Americans lost their lives in those 3 days.

It also was too late for the thousands who lost their lives on the so-called hell ships that transported surviving POWs to Japan and Japanese-occupied territories. Packed into cargo holds, American POWs struggled for air, as temperatures reached 125 degrees. Almost 4,000 American servicemen would lose their lives just on these journeys in these cargo ships.

Those who survived Bataan and the hell ships would find little rest as Japanese POWs. For more than 3 years, they would serve as slave labor for private Japanese companies, the same companies whose names we revere today and whose products we buy daily, weekly, and monthly in the United States: Matsui, Mitsubishi, Nippon, and others.

Throughout the war, Americans worked in the mines of these companies, their factories, their shipyards, their steel mills. They labored every day for 10 hours or more a day in dangerous working conditions. Some of those who went into the mines were sent into the mines because it was too dangerous for Japanese to work in them. So they sent the American POWs into the coal mines to dig the coal. They were beaten on a regular basis.

Frank Exline of Pleasant Hill, IA, was one of those POWs. A Navy seaman who was captured April 9, 1942, Frank spent 39 months working for Japanese companies in Osaka, Japan. He began on the docks unloading rock salt and keg iron. Later, he found himself toiling in the rice fields. He was fed two rice bowls a day and given very little water.

During his time with these Japanese companies, Frank was tortured and beaten, once for stealing a potato. Upon being caught, the potato was shoved in his mouth as he was forced to stand at rigid attention directly in the sun for 45 minutes. If he moved or even blinked, he was hit in the face.

Then there is Frank Cardamon of Des Moines, a marine who was stationed in China. His ship was sent back to the U.S. to get more supplies. When it stopped in the Philippines, of course, the ship was attacked and captured. Frank was captured at Corregidor and sent to Japan to work in an auto parts factory and then in the lead mines.

He was never paid for his work, fed two cups of rice a day, and went from 160 pounds to 68 pounds in his 3 years of capture. These men tell me they survived on sheer will, not on the food.

Last month in Iowa, as Senator SMITH did in New Hampshire, I met with three other POWs and their families on this issue. I met with William McFall of Des Moines, who received a Purple Heart and numerous other medals. He worked in the coal mines and told me about how dangerous it was working in the coal mines.

I met with the sisters of Jon Hood, a Navy seaman forced to work on the shipping docks. I met with Gene Henderson of Des Moines. He actually was not in the military. He was a civilian employee at the Pacific Naval Air Base on Wake Island. Gene Henderson was captured and sent to China to work on Japanese artillery ranges before he was sent to work in the iron ore pits in Japan.

Although she could not attend the meeting I held, Margaret Baker of Oelwin, IA, wrote me a letter in June about her late husband Charles Baker. Charles Baker, who was an Army private, survived the Bataan Death March before he was sent to work in the mines in Japan for 3 years. He died at age 54 in 1973. In her letter she wrote:

> He suffered many injuries and hunger on the Death March during his imprisonment. We feel that his early death was caused by the suffering that he endured while working long hours in the mines, without food, rest and clothing.

I speak for this amendment and support it on behalf of these veterans and their families. These men and 700 of their fellow prisoners of war and their families are now seeking long delayed justice. They have gone to court to ask for compensation from the Japanese companies that used them as slave laborers during the war.

They deserve their day in court. Yet as the Senator from New Hampshire has pointed out, our own State Department has come down on the side of the Japanese companies, not our POWs. The State Department has taken the view that the peace treaty signed in 1951 prohibits reparations from private Japanese companies for survivors such as Frank Cardamon or Gene Henderson. In fact, State Department officials have submitted statements to the Court in support of the view of the Japanese companies. I do not think that is right. I do not think it is fair. That is why I am a cosponsor of Senator SMITH's amendment that would stop the State Department and the Department of Justice from using taxpayer dollars to defend the interests of these Japanese companies.

I might add, the House passed this amendment in July by an overwhelming 393-to-33 vote, an amendment stating the State Department should not be allowed to use our tax dollars to fight against our American POWs in court. Now again, as Senator SMITH said, I am sure while we both believe the Japanese companies ought to pay reparations and ought to pay these POWs for the slave labor they provided during the war, that is not what our amendment says. Our amendment simply says let them go to court; let them make their case; let the Japanese companies come in and defend themselves, if they will.

That is all we are asking. We are not preconditioning the outcome. We are not setting up any kind of a standard by which they will be held in one view over the Japanese companies. We are simply saying let them have their day in court. We are saying our State Department should not be intervening in State or Federal courts against these POWs. Let the POWs have their own arguments and their day in court, and let us keep our State Department out of it.

These men courageously served our country. They endured unspeakable, wretched conditions as slave laborers for these Japanese companies. MacArthur was forced to leave them behind in 1942. In 2001, let us not leave them behind one more time. Let us give them their day in court.

My colleague has given all of the arguments. He has outlined what the treaty said in article 14(b). He laid out very cogently and clearly the side agreements that had been done by John Foster Dulles, at that time the chief negotiator for the allied nations, whose letters and side agreements were not brought to light until April of last year. So for all of these years these POWs and their lawyers really perhaps did not have a leg to stand on because of this treaty, but then after April of 2000 we found out the Japanese had made an agreement with the Government of the Netherlands to allow the private citizens of the Netherlands to pursue their private claims.

Then article 26 of the 1951 peace treaty sort of trumps article 14(b). Now article 14(b), as Senator SMITH pointed out, basically said: The allied powers waive all reparation claims of the allied powers, other claims of the allied powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war.

On its face, that ends it. That ends it right there. For all of these years, that is what sort of the basis in court was. Article 26 did state, should Japan make a peace settlement or war claims settlement with any state granting that state greater advantages than those provided by the present treaty, those

same advantages shall be extended to the parties to the present treaty.

We did not know until April 2000 that the Japanese Government had indeed made a war claims settlement with another state granting greater advantages to the nationals of that state, and that was, of course, the Dutch citizens because the diplomatic note to the Japanese Prime Minister from the Dutch Foreign Minister—again which was read by the Senator from New Hampshire, and I just repeat it for emphasis sake—it said that: It is my Government's view—that is, the Government's view of the Government of the Netherlands—that article 14(b), as a matter of correct interpretation, does not involve the expropriation by each allied government of the private claims of its nationals. So that after the treaty comes into force, these claims will be nonexistent.

In other words, the Dutch Minister said: It is my Government's view that 14(b) does not prohibit private claims of the nationals of the Netherlands.

The Japanese Prime Minister responded:

> In view of the constitutional legal limitations referred to by the government of the Netherlands, the government of Japan does not consider that the government of the Netherlands by signing the treaty has itself expropriated the private claims of its nationals so that, as a consequence thereof, after the treaty comes into force these claims would be nonexistent.

Taken out of international State Department legalese, what that basically says is the Government of Japan has said to the Government of Netherlands that just signing this treaty does not mean you take away from your citizens their right of private claims against the Government of Japan or the nationals of the nation of Japan.

This is the document we did not know about until April of 2000. So we know that article 26 of the treaty of 1951 now comes into full force and play, and because Japan made a war claims settlement with the Netherlands that gives them greater advantages than those provided in the present treaty, those same advantages should be extended to all of the parties of the present treaty. Therefore, we believe very strongly that our private citizens, our POWs who worked as slave laborers, have every right to pursue their claims in whatever courts they can find to take up those claims.

Unfortunately, the Departments of State and Justice are not on the side of our POWs. They convinced a Federal judge to dismiss these lawsuits. This is fundamentally unfair. This amendment would correct this injustice. I do not know whether or not in a court of law these POWs will be able to prevail. I don't know all of the legal implications. I do know they should have their day in court to argue their claims against these private companies. It is not as if Mitsubishi, Matsui, and Nippon are bankrupt. These are multinational corporations. They are big.

As the Senator from New Hampshire said, our POWs are getting older and not that many remain. It seems to me this is the fair and right thing to do, to make final these reparations, and without interference from the executive branch of the Government.

I am constrained to say I hope no one interprets this amendment or our support for this amendment as somehow trying to bring up again World War II or bringing up in a way that would be detrimental to the present Government of Japan the actions taken during World War II. That is not our intention at all. We all recognize the Government of Japan is one of the great, strong democracies of our present world. They have a system of free government and free enterprise in Japan that is the envy of many places in the world.

For a year and a half I was privileged to serve my country as a Navy pilot stationed at Atsugi airbase in Japan in the mid to late 1960's. I spent a year and a half living on the Japanese economy. I worked every day with men and women who worked for the Nippon Aircraft Corporation. I was one of their test pilots. I worked with them every day. During my year and a half there, I can honestly say I became an admirer of the Japanese people and an admirer of many of the things they have done after World War II. I don't for one minute admire anything they did during World War II, what the warlords did, what they did to lead that nation into World War II. The atrocities they committed during World War II are a definite blot on their history.

Today, the Japanese Government stands as a beacon of democracy and representative government. The Japanese people, I think, have expunged themselves of this terrible legacy of World War II. I am saying this because I don't want anyone to interpret that we are using this amendment or offering this amendment as if making a detrimental statement about the present Government of Japan. That is not so.

We are saying we believe in the rule of law, just as the Japanese Government, since World War II, believes in the rule of law. This rule of law we adhere to, that we believe in so strongly, says that people who are wronged, people who believe they have a claim against another person or a government, ought to have their day in court. That is all we are saying. Let them make their case. If the Japanese companies want to defend themselves and say they have already paid reparations, they have already paid in full for all of this, let them come to court and show us. That is all we are saying.

The administration argues this amendment violates our Constitution regarding the separation of powers. This type of restriction we are now placing on appropriations by the participation of the Attorney General in private litigation has been enacted in Congress before and has been accepted and complied with by the executive branch. There was an example offered by Warren Rudman, another Senator from New Hampshire, passed in 1983 that barred the Justice Department from intervening in certain types of private antitrust lawsuits. We have done that many, many times in the past. I don't think the argument that somehow this violates our separation of powers holds any water.

I thank my colleague from New Hampshire for his leadership on this issue, for sticking up for our POWs and for offering this amendment. I hope it is passed overwhelmingly so we can coordinate with the House, which passed it overwhelmingly, and permit these lawsuits to move ahead and give POWs their long overdue day in court. They may have been left behind in 1942 by General MacArthur; let's not leave them behind one more time.

I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Hawaii.

Mr. INOUYE. Mr. President, two of my most distinguished colleagues, the Senator from New Hampshire, Mr. SMITH, and the Senator from Iowa, Mr. HARKIN, have offered this amendment to the measure before the Senate. I will share my thoughts on this amendment and the reasons why I oppose it.

While listening to my colleagues' speak, I was reminded that a few days ago I was called upon by one of my dear friends in the Senate, advising me that I should not be involved in this matter; that it would be, without question, an amendment of high emotions, and that it would revive memories of a distant past, black memories.

Like some of my colleagues, I am old enough to recall those dark days in our history. Like some Members, I was involved in that ancient war, World War II. Sometimes I have my personal nightmares.

There is no question that none of us here would ever condone any of the actions taken by the Japanese in the Bataan death march. Being of Japanese ancestry becomes a rather personal matter. Who knows, one of my cousins could have been the one with the bayonet and rifle. I have no way of knowing. But those men who mistreated our men were of the same ancestry.

Therefore, I stand before the Senate not with any great pleasure but because I feel it must be done. Two days ago, officials of our Nation and the high officials of Japan gathered in the city of San Francisco to commemorate the 50th anniversary of the signing of the Treaty of San Francisco which ended the hostilities of Japan in World War II. This treaty was a farsighted document designed very deliberately to eliminate the possibility of further Japanese aggression by paving the way for an enduring peace between our two countries.

Central to this goal was the recognition by the United States that it had a responsibility to rebuild war-torn Japan so that it could regain its economic self-sufficiency. The economic abandonment of Germany after World War I by the victorious nations of Europe and its horrific consequences were

enough to convince the President and the Congress of the United States to avoid inviting a repetition in the Pacific. Accordingly, the provisions of the San Francisco treaty were specifically aimed at protecting the recovering economy of Japan, and among the most important of these was article 14(b) of that treaty. I think we should read this article 14(b) once again:

[E]xcept as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war[.]

It was clear that this language was intended to waive, unless otherwise provided in the treaty, all claims of the United States and allied nationals against Japan and Japanese nationals arising from World War II.

No one can deny the pain and the atrocities suffered by American citizens who were prisoners of war in Japan, and by agreeing to article 14(b), our Nation did not intend to turn its back on its own citizens.

I have had the privilege and the great honor of serving in the Congress now for nearly 42 years and during that time I believe my record is very clear when it comes to the support of the men and women in uniform. At this moment, I find myself in some disagreement with the great leaders of this Senate as to how the Defense Appropriations Subcommittee's bill should be handled. I have always maintained that we cannot do enough for men and women in uniform. Less than one-half of 1 percent of this Nation has stepped forward to indicate to the rest of us that they are willing to stand in harm's way and, if necessary, at the risk of their lives. How can anyone say this is not something worthy of our support? So my support for the men in uniform, I hope, will not be questioned by any one of my colleagues.

When we signed the treaty and when we passed the War Claims Act of 1948 soon thereafter, our Nation assumed the responsibility of making reparations to our people using the proceeds of Japanese assets ceded by Japan under the treaty. We thought it was important enough at that moment in our history to take over that responsibility.

I do not stand before you to present any rationale or apology for Japanese war crimes because history has shown that during the war, as in many great wars, officers and men of competing armies oftentimes resort to treatment of prisoners so cruel and inhumane as to seem barbaric. There are no good people in a war.

Those of us on the committee, the Defense Appropriations Subcommittee, have one thing in mind—to prevent wars—because many of us have seen what war can do. There is no question that American prisoners in the hands of the Japanese suffered much. I think the evidence is rather clear, as pointed out by the Senator from New Hampshire and the Senator from Iowa. However, when the officials of our nations met with representatives of the defeated nation, Japan, these atrocities were recognized and taken into account in the consideration and ratification of the treaty of San Francisco.

Moreover, the Government of Japan has acknowledged the damage and suffering it caused during World War II. Last Saturday, September 8, the Minister for Foreign Affairs, Mr. Tanaka, reaffirmed Japan's feelings of deep remorse and heartfelt apologies that had been previously expressed in 1995 by then-Prime Minister Murayama.

Unfortunately, the amendment presented by my two distinguished colleagues attacks a central provision of the treaty by making it difficult, if not impossible, for the Departments of Justice and State to intervene in reparations suits and assert article 14(b) of the treaty.

I think we should remind ourselves that article II of the Constitution of the United States makes it very clear that it is the President of the United States who has the responsibility of negotiating treaties and making certain that the provisions of the treaties are carried out. It is not the right of any State or any individual, nor is it the right of this Congress.

Thus, if this amendment is approved by both Houses of Congress and signed into law by the President, it would announce our intention to abrogate a central term of the treaty of San Francisco. This action will abrogate that treaty. Some have suggested it might be a slap in the face of the Japanese. Yes, it might be, but, more importantly, it will abrogate a treaty.

We who have stood on this floor time and again condemning other nations for slight deviation of their treaties are now coming forth deliberately to say that we are prepared to abrogate this treaty. This would be contrary to U.S. foreign policy because it would signal to the world that the United States cares little for its treaty obligations. It would be also contrary to U.S. national security policy because the San Francisco treaty is the cornerstone of U.S. security arrangements in the Asia-Pacific region.

In addition to the foreign and security policy considerations, this amendment might also encourage other nations to facilitate lawsuits against the United States, and against U.S. companies and the U.S. Government and its officials for actions by U.S. military and those who support such actions.

This is not farfetched. It could expose our Nation and our Nation's citizens to millions, if not billions, of dollars in claims. The administration of President Bush, in its policy statement issued through the Department of State, concurs with this analysis and strongly opposes the amendment.

Indeed, the administration additionally objected to the amendment because it would impair the executive branch's ability to carry out its core constitutional responsibility relating to treaties, article II of the Constitution. Accordingly, reopening this issue as the amendment now proposes would have very serious negative consequences for United States-Japan relations, and, sadly, would sow doubt about America's word among other allies.

Therefore, I oppose the amendment and I hope all of my colleagues will carefully consider the points that I have raised.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to respond to my great friend—he is my great friend—and colleague from Hawaii. There is no one with whom I have greater respect and admiration in the Senate for all the years I have been here than the senior Senator from Hawaii, Mr. INOUYE. Certainly, I commend him for his statement and the courage he has shown to take his position on this matter. No one should in any way misinterpret the action taken by Senator INOUYE in opposing this amendment. I know he comes at it with conscience and with his own feeling of what is right.

I may not agree with his position on it, and let no one think that in any way Senator INOUYE now or at any time has let down our country, or our veterans, or our military establishment. By his own life and by his own example, Senator INOUYE has shown what it means to be a patriot and to put himself in harm's way and possibly give one's life for his country. He did that during World War II.

No one could have been more proud than all of us here when President Clinton finally recognized his efforts, his dedication, and his sacrifice during war in finally granting Senator INOUYE the Congressional Medal of Honor. It was a recognition that was long overdue.

I hope that no one misinterprets what the Senator said in his opening statement about taking his position. I certainly don't, and no one else should.

As I said, we have a disagreement. And, quite frankly, I am hard pressed to think of the last time I disagreed with the Senator from Hawaii because I have high regard for him in matters pertaining to our military, to our veterans, and the defense of our country. But I just happen to have a disagreement on this one issue.

Again, I point out that all we are trying to do is give the day in court for our rule of law. I believe we can do so without in any way abrogating a treaty or harming our relations with Japan. As I said earlier, I have the highest esteem for Japan and the people of Japan. I would want nothing in any way to be misinterpreted that we are in any way trying to bring up the dark days of World War II again. But I believe just as strongly that our rule of law commands us not to do otherwise.

We must permit them to have their day in court. It is their right.

Again, I thank the Senator from New Hampshire for offering the amendment.

I particularly want to thank Senator INOUYE for his years of dedication to our country, for his leadership during World War II, and for his 42 years of leadership in the Senate. I am sorry I have to disagree with him on this issue.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I want to associate myself with every single word the Senator from Iowa just said regarding our colleague, Senator INOUYE. I want to state for the record that Senator INOUYE has earned the right to say anything he wishes on the floor of the Senate with his distinguished service to our country. I think we have a difference of opinion on what the treaty said or didn't say. That is it as far as I am concerned, to make the record clear.

I want to respond to the point on the abrogation of treaties because I think it is important we understand that, in my view—and I think in the view of many—it doesn't abrogate the treaty at all. It limits the State and the Justice departments from interfering. That is all. The courts will decide the true intent of the treaty. That is what courts are supposed to do. But they should be able to do so without what I would consider unnecessary meddling.

Article 26 of the treaty makes it very clear that the Japanese entered into a more advantageous agreement than those terms apply to all the signatories of the treaty.

We are not abrogating the treaty. We are fulfilling the treaty.

I think it is very important to understand those points that were made in the exchange between the Japanese Government and the Dutch Government and article 26 in the sense that the person who offered those documents, John Foster Dulles, made it very clear that we don't want to deny individuals under a constitutional government the right to have their constitutional rights fulfilled.

I would respond quickly to three or four points that were made by the opponents and then yield the floor.

We just talked about those who say it undermines the treaty obligations. It merely prevents the State and the Justice departments from distorting the true facts. I am not saying the State and Justice departments in any way directly are responsible for holding back documents. The truth is our own Government for 50 years never released these documents. Had these documents been available 50 years ago, I think this matter would have been resolved.

For all these years our veterans never had the opportunity to have this information and take it to court.

The judicial branch is perfectly capable and within its rights to interpret treaties without any assistance from or deference to the views of the executive branch or frankly, the legislative branch. This is law. That is how things are settled.

In any event, the amendment does not prevent the executive branch from executing the treaty. I want to make that very clear. It does not prevent the executive branch from executing the treaty. It merely prevents the executive branch from advocating a certain interpretation in court.

All we are doing with my amendment and that of Senator HARKIN and others who cosponsored it is to say we are not going to provide taxpayer dollars to allow that argument to be fought. Let it go to court. That is all. I think it is very important that we understand that.

Some say the amendment impairs the ability of the courts to interpret treaties. The courts are perfectly capable of interpreting treaties without the assistance of the executive branch. They are not bound by executive interpretation. In fact, the Supreme Court noted in one of its opinions that the courts interpret treaties for themselves. The courts remain the final arbiter of a treaty's meaning and have the right to interpret a treaty.

The courts observed that the views of the executive branch regarding a treaty are entitled to no deference of any type when they appear to have been adopted either solely for political reasons or in the context of any particular litigation. I believe we are dealing with the latter in this case.

Let me also get to the point of damaging relations with Japan. No one wants to do that. I want to make it very clear that I believe Japan is a valuable ally in the Far East and that they are very important to us, especially as we look at the emergence of China and the threat of the Chinese. This is not about the Japanese Government. It is not about replaying the war. It is about interpreting a treaty the way it was intended and allowing people to have their day in court without losing their constitutional rights. That is for all of us.

It should not change our relationship with Japan. I do not know of anybody who wants to do that. We are strong allies. We are close friends. We are going to continue to be close friends after this. This should not, in any way, be construed as an unfriendly act. Secretary Powell, I think, recently called Japan our Pacific anchor. I think he is right. But it does send a serious message that as long as these veterans are with us, this is going to be an area of contention.

Frankly, I think it is better for Japanese-American relations to get it behind us. Let's move on. And the best way to do it is to allow these men to come to court without the interference of the Justice and State Departments; let them come to court, have their day in court, and get a decision. That was the right thing to do when the State Department did that in relation to the activities in the German case, and I think it is the right thing to do in this case.

Last year, again, as I said earlier in my statement, this body passed S. Con. Res. 158, offered by Senator HATCH, which urged the Secretary of State to facilitate discussions between the veterans and the Japanese. Unfortunately, though, the State Department chose to ignore that. All we are trying to do is to move forward and not have it hang out there any longer.

Again, this is an issue between private Japanese companies and private United States citizens who have been wronged by those companies. It is also important to remind people that we do have a Constitution and every single one of us has constitutional rights.

Under the fifth amendment: ''No person shall . . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.''

The Supreme Court has ruled that the Federal Government can take or espouse private claims of United States citizens against foreign governments and their agents, but this case involves private claims against private corporations that are not agents of the Japanese Government. There are no constitutional or legal precedents for the Federal Government to take or espouse the private claims of its citizens against private foreign entities.

In fact, if you read article 14(b), which we have done a couple times, to mean ''private versus private claims,'' this raises very serious fifth amendment concerns. The Federal Government does not have the right to espouse private versus private claims. There is an important difference between the private versus Government claims, which the Federal Government can espouse, and the private versus private claims, which the Federal Government cannot espouse. That is a big difference.

Just like the United States Government, the Dutch were faced with the same problem. The Dutch had a constitutional issue, which is why they raised the issue at the time, which is why article 26 was written. John Foster Dulles certainly had a hand in writing both of those letters and the exchange of letters between the Japanese and the Dutch. He understood both sides of it. And he understood it completely. That is why the letters were written and why the Dutch raised the question. And that is why they made certain that if another country raised similar objections, such as the United States, they would have the opportunity to have their citizens have their day in court.

So I hope that as we get to whatever point the leadership decides to call a vote on this, we understand that this is not about bringing up some old war stories or replaying the war or anything at all. It is simply about the right of an American citizen, who happened to be a POW, to get his or her

day in court against a private company in another country and not be interfered with by our own Government.

All our amendment does is say that no funds under this act shall be used by our country or our Government to interfere with that claim. That is it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Point of inquiry: Will this matter be voted upon at 5:30?

Mr. HOLLINGS. I think so. We are ready to make that request, but I want to say a word in debate.

Mr. INOUYE. Fine.

Mr. REID. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the time until 3:15 p.m. be for debate with respect to the Smith amendment No. 1538; that at 3:15 p.m. the amendment be set aside to recur at 5 p.m. today, with all time equally divided and controlled between Senators SMITH of New Hampshire and HOLLINGS or their designees; that a vote in relation to the amendment occur at 5:30 p.m. today, with no second-degree amendments in order prior to a vote in relation to the amendment; further, that at 3 p.m. Senator DORGAN be recognized to offer an amendment relating to TV Marti.

Mr. HOLLINGS. You mean 3:15.

Mr. REID. Yes, 3:15.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. REID. Mr. President, I extend my appreciation to the Senator from Idaho, who is not in the Chamber, for allowing us to move forward on this even though his amendment is pending.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Nevada, who keeps the trains running—and on time —and, incidentally, is fully informed on what is on that train. That is really the point to be made with Senator HARRY REID.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, there is no question when the chorus is formed to praise our distinguished senior colleague from Hawaii, I am going to be in that chorus. There is no one I admire more.

I remember the debate with respect to the reparations, and I was moved by our other wonderful Senator from Hawaii, Mr. Matsunaga. But mind you me, that was a very different situation.

Here is an individual of Japanese descent, DANIEL INOUYE of Hawaii, who fought for over a year to try and gain acceptance as a soldier in the cause of the United States in World War II. And having done that—because I was in that particular theater—to go forward in Italy with the Nisei fighters, even after the armistice peace had been signed with Italy, with his arm gone and 22 slugs in his body.

He only got the Distinguished Service Cross. It hit my conscience that here was an individual, just because he was alone, and not recognized at that time, who only received the Distinguished Service Cross. And that was repaired last year when he, and others of those brave Nisei fighters, received the Medal of Honor. So the record has been made.

But this isn't on account of Senator INOUYE's courage. I really am grateful, managing this bill myself, that he has taken this position that does take courage in one sense of the word. But under the Constitution, which the distinguished Senator from New Hampshire points out, there is no other course than to kill this particular amendment.

Let me speak again of my high regard for the Senator from New Hampshire and the Senator from Iowa in their feeling for the veterans, particularly those who suffered under that death march from Bataan, because I was dragged into this thing myself in May of 1942, when others just ahead of me got caught up not only in the Bataan march but served as prisoners of war under such treatment that has been described by the distinguished Senators from New Hampshire and Iowa.

I think of Jack Leonard. I think of other classmates who suffered in that period of the war. So I share the feeling of the Senator from New Hampshire. You cannot be more devastated and defaced and tortured than these Japanese prisoners of war. They deserve every bit of consideration they can get under the Constitution. But if we are going to be a body of laws, there isn't any question about whose side—I was taken by the Senator from New Hampshire who said you are either on the side of the private Japanese corporations or you are on the side of the veterans. Not at all. You are either on the side of the Constitution or you are not. And our Constitution says: The treaty made duly ratified is the law of the land. That terminated any particular claims or their day in court.

To understand, read this amendment, not agreeing, if you please, with the Senator from New Hampshire, not agreeing, if you please, with the Senator from South Carolina, but it says:

> None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as a slave or forced labor.

It says that the Department of Justice and the Department of State cannot function as a Department of Justice and a Department of State. Certainly, they don't want to do that. If it is to be that they have a right or day in court—and certainly nothing we vote on this afternoon will take away that right or day in court—it has been had, this time last year in the California court. The judge found it and studied it and objectively looked at it in every particular regard and found otherwise. Nothing that we vote on today one way or the other is going to take away their right in court.

But there is a right and a duty and a responsibility of the Department of State and the Department of Justice to defend the position of the United States. And we think that the position of the United States is under article 14 of that particular treaty with Japan, ratified in 1952 by an overwhelming vote that was entered into by President Truman, ratified by a 66–10 bipartisan vote in the U.S. Senate. If I raise my hand as a Senator, I hereby pledge to preserve, protect, and defend. So it is not the side of the corporation or the side of the veteran. It is the position under the Constitution. You have to defend the laws of the land.

Certainly, I am not totally familiar with this particular issue, certainly not as much so perhaps as the distinguished Senator from New Hampshire. But there have been others who have studied it very thoroughly.

I have a letter from a distinguished former Secretary of State. This is in June. He writes to the House chairman of Foreign Relations, I take it, at that particular time. I want to read from this letter from George P. Shultz:

> Dear Mr. Chairman: I am writing to you to express my deep reservations about H.R. 1198, the Justice for the U.S. Prisoners of War Act of 2001.

This was passed overwhelmingly, incidentally, in the House of Representatives. We have too many pollsters in Government. My pollster, my political consultant said: Why don't you keep your mouth shut. Let DANNY INOUYE defend it and you don't have to say anything. And then in the next election, you won't have to explain how the veterans now are all against you.

Life is too short for that kind of nonsense. You have to take positions here. Let me go ahead with Secretary Shultz's letter:

> I express my opposition to the bill against the background of tremendous sympathy for the problems of the United States' citizens who have in one way or another been harmed, many severely, in the course of war and its sometimes dehumanizing impact.
>
> But the bill in question would have the effect of voiding the bargain we made and explicitly set out in the Treaty of Peace between Japan, the United States, and forty-seven other countries. President Truman with the advice and consent of the Senate ratified the treaty and it became effective April 28, 1952.
>
> The Treaty has served us well in providing the fundamental underpinning for the peace and prosperity we have seen, for the most part, in the Asia Pacific region over the past half-century.
>
> The Treaty addresses squarely the issue of compensation for damages suffered at the hands of the Japanese. Article 14 in the treaty sets out the terms of Japanese payment ''for the damage and suffering caused by it during the war.'' The agreement provides:
>
> 1. a grant of authority to Allied Powers to seize Japanese property within their jurisdiction at the time of the treaty's effective date;

2. an obligation of Japan to assist in the rebuilding of territory occupied by Japanese forces during the war; and

3. waiver of all ''other claims of the Allied Powers and their nationals arising out of any action taken by Japan and its nationals of the war.''

Let me divert from the reading of this letter. One says ''to seize the property.'' That was done. Japanese property was seized. You constantly hear in the presentation that this is against private corporations. The treaty was against private corporations and their property and was distributed to the prisoners of war. It wasn't done enough; you and I both agree on that in a flash. I sympathize with the motivation of the distinguished Senator from New Hampshire, but we did seize the property. And we did distribute it as reparations. That ended all claims of all nationals.

The waiver of all other claims of the allied powers and their nationals, that ended it. It didn't say whether 50 years from now we can find some memo with respect to the Netherlands and whether or not they had constitutional authority. There isn't any question that our Secretary of State, John Foster Dulles, had authority. There isn't any question that the President of the United States who signed the treaty, the Congress itself, the U.S. Senate that ratified that treaty, had its authority. This is by the board what was found 50 years later by the Netherlands. Let's find out what was found by the United States of America, its President and its Senate as constitutionally binding under the treaty.

Let me go back to the letter from George P. Shultz:

The interests of Allied prisoners of war are addressed in Article 16, which provides for transfer of Japanese assets in neutral or even me jurisdictions to the International Red Cross for distribution to former prisoners and their families.

H.R. 1198 challenges these undertakings head on, as it says, ''In any action in a Federal court . . . the court . . . shall not construe section 14(b) of the Treaty of Peace with Japan as constituting a waiver by the United States of claims by nationals of the United States, including claims by members of the United States armed forces, so as to preclude the pending action.''

I read further:

I have read carefully an opinion of Judge Vaughn R. Walker of the U.S. District Court in California rendered on July 21, 2000 . . .

I ask unanimous consent that the opinion be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 1198—THE JUSTICE FOR U.S. PRISONERS OF WAR ACT OF 2001

IN RE WORLD WAR II ERA JAPANESE FORCED LABOR, SEPTEMBER 21, 2000, DECISION BY JUDGE VAUGHN R. WALKER, U.S. DISTRICT COURT, N.D. CALIFORNIA

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

Master File No MDL–1347.

In Re: World War II Era Japanese Forced Labor Litigation.

This Document Relates To:

Alfano v. Mitsubishi Corp, CD Cal No 00–3174
Corre v. Mitsui & Co., CD Cal No 00–999
Eneriz v. Mitsui & Co, CD Cal No 00–1455
Heimbuch, et al. v. Ishihara Sangyo Kaisha, Ltd, ND Cal No 99–0064
Hutchison v. Mitsubishi Materials Corp, CD Cal No 00–2796
King v. Nippon Steel Corp., ND Cal No 99–5042
Levenberg v. Nippon Sharyo, Ltd, ND Cal No 99–1554
Levenberg v. Nippon Sharyo, Ltd, ND Cal No 99–4737
Poole v. Nippon Steel Corp., CD Cal No 00–0189
Price v. Mitsubishi Corp., CD Cal No 00–5484
Solis v. Nippon Steel Corp., CD Cal No 00–0188
Titherington v. Japan Energy Corp., CD Cal No 00–4383
Wheeler v. Mitsui & Co., Ltd., CD Cal No 00–2057

On December 23, 1941, after mounting a brave resistance against an overwhelming foe, the small American garrison on Wake Island in the South Pacific surrendered to Imperial Japanese forces. James King, a former United States Marine, was among the troops and civilians taken prisoner by the invaders. He was ultimately shipped to Kyushu, Japan, where he spent the remainder of the war toiling by day as a slave laborer in a steel factory and enduring maltreatment in a prison camp by night. When captured, King was 20 years old, 5 feet 11 inches tall and weighed 167 pounds. At the conclusion of the war, he weighed 98 pounds.

James King is one of the plaintiffs in these actions against Japanese corporations for forced labor in World War II; his experience, and the undisputed injustice he suffered, are representative. King and the other plaintiffs seek judicial redress for this injustice.

I

These actions are before the court for consolidated pretrial proceedings pursuant to June 5, 2000, and June 15, 2000, orders of transfer by the Judicial Panel on Multidistrict Litigation. On August 17, 2000, the court heard oral argument on plaintiffs' motions for remand to state court and defendants' motions to dismiss or for judgment on the pleadings.

This order addresses, first, all pending motions for remand. For the reasons stated below, the court concludes that notwithstanding plaintiffs' attempts to plead only state law claims, removal jurisdiction exists because these actions raise substantial questions of federal law by implicating the federal common law of foreign relations.

Second, the court addresses the preclusive effect of the 1951 Treaty of Peace with Japan on a subset of the actions before the court, namely, those brought by plaintiffs who were United States or allied soldiers in World War II captured by Japanese forces and held as prisoners of war. The court concludes that the 1951 treaty constitutes a waiver of such claims.

This order does not address the pending motions to dismiss in cases brought by plaintiffs who were not members of the armed forces of the United States or its allies. Since these plaintiffs are not citizens of countries that are signatories of the 1951 treaty, their claims raise a host of issues not presented by the Allied POW cases and, therefore, require further consideration in further proceedings.

II

Defendants may remove to federal court ''any civil action brought in a State court of which the district courts of the United States have original jurisdiction.'' 28 USC §1441(a). ''The propriety of removal thus depends on whether the case originally could have been filed in federal court.'' *Chicago* v. *International College of Surgeons*, 522 US 156, 163 (1997).

Federal courts have original jurisdiction over cases ''arising under the Constitution, laws or treaties of the United States.'' 28 USC §1331. For purposes of removal, federal question jurisdiction exists ''only when a federal question is presented on the face of the plaintiff's properly complaint.'' *Caterpillar Inc* v. *Williams*, 482 US 386, 392 (1987). Since a defense is not part of a plaintiff's properly pleaded statement of his claim, a case may not be removed to federal court on the basis of a federal defense. *Rivet* v. *Regions Bank of La*, 522 US 470, 475 (1998).

Defendants' assertion of the Treaty of Peace with Japan as a defense to plaintiffs' state law causes of action does not, therefore, confer federal jurisdiction. Recognizing this, defendants rely on a line of cases committing to federal common law questions implicating the foreign relations of the United States.

In *Banco Nacional de Cuba* v. *Sabbatino*, 376 US 398, 425 (1964), a case in which federal jurisdiction was based on diversity of citizenship, the Supreme Court held that development and application of the act of state doctrine was a matter of federal common law, notwithstanding the general rule of *Erie R Co* v. *Thompkins*, 304 US 64, 78 (1938), that federal courts apply state substantive law in diversity cases. The court reasoned that because the doctrine concerned matters of comity between nations, ''the problems involved are uniquely federal in nature.'' Id at 424. Although the applicable state law mirrored federal decisions, the Court was ''constrained to make it clear that an issue [involving] our relationships with other members of the international community must be treated exclusively as an aspect of federal law.'' Id at 425.

Under *Banco Nacional*, federal common law governs matters concerning the foreign relations of the United States. See *Texas Indus, Inc* v. *Radcliffe Materials, Inc*, 451 US 630, 641 (1981). ''In these instances, our federal system does not permit the controversy to be resolved under state law, either because the authority and duties of the United States as sovereign are intimately involved or because the * * * international nature of the controversy makes it inappropriate for state law to control.'' Id.

If an examination of the complaint shows that the plaintiff's claims necessarily require determinations that will directly and significantly affect United States foreign relations, a plaintiff's state law claims should be removed. *Republic of Phillipines* v. *Marcos*, 806 F2d 344, 352 (2d Cir 1986). This doctrine has been extended to disputes between private parties that implicate the ''vital economic and sovereign interests'' of the nation where the parties' dispute arose. *Torres* v. *Southern Peru Copper Corp*, 113 F3d 540, 543 n8 (5th Cir 1997).

The court concludes that the complaints in the instant cases, on their face, implicate the federal common law of foreign relations and, as such, give rise to federal jurisdiction. Plaintiffs' claims arise out of world war and are enmeshed with the momentous policy choices that arose in the war's aftermath. The cases implicate the uniquely federal interests of the United States to make peace and enter treaties with foreign nations. As the United States has argued as amicus curiae, these cases carry potential to unsettle half a century of diplomacy.

After a thorough analysis, Judge Baird in the Central District of California denied remand in one of the cases now before the undersigned pursuant to the multidistrict litigation transfer order. *Poole* v. *Nippon Steel Corp*, No. 00–0189 (CD Cal March 17, 2000). The court agrees with the analysis and the conclusion in that case. (In another related case in which remand was granted, *Jeong v Onoda*

Cement Co, Ltd, 2000 US Dist LEXIS 7985 (CD Cal May 18, 2000), the court did not consider the federal common law of foreign relations as a basis for federal jurisdiction.) Judge Baird held: ''[T]his case, on its face, presents substantial issues of federal common law dealing with foreign policy and relations. * * * As such, plaintiffs may not evade this Court's jurisdiction by cloaking their complaints in terms of state law.'' The motions for remand are DENIED.

III

In addressing the motions to dismiss, the court refers again to a complaint that is representative of the actions by United States and Allied POWs, *King* v. *Nippon Steel Corp.*, No 99–5042.

As noted at the outset of this order, plaintiff King seeks redress for wrongs inflicted by his captors half a century ago. In count one of the complaint, he asserts a claim under California Code of Civil Procedure §354.6, a new law that permits an action by a ''prisoner-of-war of the Nazi regime, its allies or sympathizers'' to ''recover compensation for labor performed as a Second World War slave labor victim * * * from any entity or successor in interest thereof, for whom that labor was performed * * *.'' Cal Code Civ Pro §354.6. Count two is an unjust enrichment claim in which plaintiff seeks disgorgement and restitution of economic benefits derived from his labor. In count three, plaintiff seeks damages in tort for battery, intentional infliction of emotional distress and unlawful imprisonment. Count four alleges that defendant's failure to reveal its prior exploitation of prisoner labor to present-day customers in California and elsewhere constitutes an unfair business practice under California Business and Professions Code §17204.

Defendants move pursuant to Federal Rule of Civil Procedure 12(c) for a judgment on the pleadings, arguing: (1) plaintiff's claims are barred by the Treaty of Peace with Japan; (2) plaintiff's claims raise nonjusticiable political questions; (3) the peace treaty, the War Claims Act of 1948 and the federal government's plenary authority over foreign affairs combine to preempt plaintiff's claims and (4) because the complaint alleges injuries caused by the Japanese government, plaintiff's claims are barred by the act of state doctrine and the Foreign Sovereign Immunities Act.

These arguments, and King's countervailing positions, arise in all of the cases before the court brought on behalf of Allied POWs against Japanese corporations. The court need not address all of them. For the reasons stated below, the court concludes that plaintiffs' claims are barred by the Treaty of Peace with Japan.

A

A motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) is the proper means to challenge the sufficiency of the complaint after an answer has been filed. Depending on the procedural posture of the individual case, some defendants have filed motions pursuant to FRCP 12(c) and others have filed motions to dismiss pursuant to FRCP 12(b). The distinction in the present context is not important. In the Ninth Circuit, the standard by which the district court must determine Rule 12(c) motions is the same as the standard for the more familiar motion to dismiss under rule 12(b)(6): ''A district court will render a judgment on the pleadings when the moving party clearly establishes on the face of the pleadings [and by evidence of which the court takes judicial notice] that no material issue of fact remains to be resolved and that it is entitled to judgment as a matter of law.'' *Enron Oil Trading & Transp Co* v. *Walbrook Ins Co*, 132 F3d 526, 529 (9th Cir 1997) (citations omitted).

B

The Treaty of Peace with Japan was signed at San Francisco on September 8, 1951, by the representatives of the United States and 47 other Allied powers and Japan. Treaty of Peace with Japan, [1952] 3 UST 3169, TIAS No 2490 (1951). President Truman, with the advice and consent of the Senate, ratified the treaty and it became effective April 28, 1952. Id.

Article 14 provides the terms of Japanese payment ''for the damage and suffering caused by it during the war.'' Id at Art 14(a). For present purposes, the salient features of the agreement are: (1) a grant of authority of Allied powers to seize Japanese property within their jurisdiction at the time of the treaty's effective date; (2) an obligation of Japan to assist in the rebuilding of territory occupied by Japanese forces during the war and (3) *waiver* of all ''other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the * * *.'' Id at Art 14(a)-(b) (emphasis added).

It is the waiver provision that defendants argue bars plaintiffs' present claims. In its entirety, the provision reads: ''(b) Except as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war, and claims if the Allied Powers for direct military costs of occupation.'' Id at Art 14(b).

On its face, the treaty waives ''all'' reparations and ''other claims'' of the ''nationals'' of Allied powers ''arising out of any actions taken by Japan and its nationals during the course of the prosecution of the war.'' The language of this waiver is strikingly broad, and contains no conditional language or limitations, save for the opening clause referring to the provisions of the treaty. The interests of Allied prisoners of war are addressed in Article 16, which provides for transfer of Japanese assets in neutral or enemy jurisdictions to the International Committee of the Red Cross for distribution to former prisoners and their families. Id at Art 16. The treaty specifically exempts from reparations, furthermore, those Japanese assets resulting from ''the resumption of trade and financial relations subsequent to September 2, 1945.'' Id at Art 14(a)(2)(II)(iv).

To avoid the preclusive effect of the treaty, plaintiffs advance an interpretation of Article 14(b) that is strained and, ultimately, unconvincing. Although the argument has several shades, it comes down to this: the signatories of the treaty did not understand the Allied waiver to apply to prisoner of war claims because the provision did not expressly identify such claims, in contrast to the corresponding Japanese waiver provision of Article 19. Article 19(b) states that the Japanese waiver includes ''any claims and debts arising in respect to Japanese prisoners of war and civilian internees in the hands of the Allied Powers * * *.''

That the treaty is more specific in Article 19 does not change the plain meaning of the language of Article 14. If the language of Article 14 were ambiguous, plaintiffs' *expressio unius* argument would have more force. But plaintiffs cannot identify any ambiguity in the language of Article 14. to do so would be to inject hidden meaning into straightforward text.

The treaty by its terms adopts a comprehensive and exclusive settlement plan for war-related economic injuries which, in its wholesale waiver of prospective claims, is not unique. See, for example, *Neri v. United States*, 204 F2d 867 (2d Cir 1953) (claim barred by broad waiver provision in Treaty of Peace with Italy). The waiver provision of Article 14(b) is plainly broad enough to encompass the plaintiffs' claims in the present litigation.

C

The court does not find the treaty language ambiguous, and therefore its analysis need go no further. *Chan* v. *Korea Airlines*, 490 US 122, 134 (1989) (if text of treaty is clear, courts ''have no power to insert an amendment.''). To the extent that Articles 19(b) raises any uncertainty, however, the court ''may look beyond the written words to the history of the treaty, the negotiations, and the practical construction adopted by the parties.'' *Air France v. Saks*, 470 US 392, 396 (1985). These authorities are voluminous and therefore of doubtful utility due to the potential for misleading selective citation. Counsel for both sides have proved themselves skilled in scouring these documents for support of their positions, and that both sides have succeeded to a certain degree underscores the questionable value of such resort to drafting history. Nevertheless, the court has conducted its own review of the historical materials, and concludes that they reinforce the conclusion that the Treaty of Peace with Japan was intended to bar claims such as those advanced by plaintiffs in this litigation.

The official record of treaty negotiations establishes that a fundamental goal of the agreement was to settle the reparations issue once and for all. As the statement of the chief United States negotiator, John Foster Dulles, makes clear, it was well understood that leaving open the possibility of future claims would be an unacceptable impediment to a lasting peace:

''Reparation is usually the most controversial aspect of peacemaking. The present peace is no exception.

''On the one hand, there are claims both vast and just. Japan's aggression caused tremendous cost, losses and suffering. * * *

''On the other hand, to meet these claims, there stands a Japan presently reduced to four home islands which are unable to produce the food its people need to live, or the raw materials they need to work. * * *

''Under these circumstances, if the treaty validated, or kept contingently alive, monetary reparations claims against Japan, her ordinary commercial credit would vanish, the incentive of her people would be destroyed and they would sink into a misery of body and spirit that would make them easy prey to exploitation. * * *

''There would be bitter competition [among the Allies] for the largest possible percentage of an illusory pot of gold.''

See US Dept of State, Record of Proceedings of the Conference for the Conclusion and Signature of the Treaty of Peace with Japan 82–83 (1951) (Def Req for Judicial Notice, Exh I).

The policy of the United States that Japanese liability for reparations should be sharply limited was informed by the experience of six years of United States-led occupation of Japan. During the occupation the Supreme Commander of the Allied Powers (SCAP) for the region, General Douglas MacArthur, confiscated Japanese assets in conjunction with the task of managing the economic affairs of the vanquished nation and with a view to reparations payments. See SCAP, Reparations: Development of Policy and Directives (1947). It soon became clear that Japan's financial condition would render any aggressive reparations plan an exercise in futility. Meanwhile, the importance of a stable, democratic Japan as a bulwark to communism in the region increased.

At the end of 1948, MacArthur expressed the view that ''[t]he use of reparations as a weapon to retard the reconstruction of a viable economy in Japan should be combated with all possible means'' and ''recommended that the reparations issue be settled finally and without delay.'' Memorandum from General Headquarters of SCAP to Department of the Army (Dec. 14, 1948) at ¶8 (Def Req for Judicial Notice, Exh E).

That this policy was embodied in the treaty is clear not only from the negotiations history but also from the Senate Foreign Relations Committee report recommending approval of the treaty by the Senate. The committee noted, for example: ''Obviously insistence upon the payment of reparations in any proportion commensurate with the claims of the injured countries and their nationals would wreck Japan's economy, dissipate any credit that it may possess at present, destroy the initiative of its people, and create misery and chaos in which the seeds of discontent and communism would flourish. In short, [it] would be contrary to the basic purposes and policy of * * * the United States * * *.''

Japanese Peace Treaty and Other Treaties Relating to Security in the Pacific, S Rep No 82–2, 82d Cong, 2d Sess 12 (1952) (Def Req for Judicial Notice, Exh F). The committee recognized that the treaty provisions ''do not give a direct right of return to individual claimants except in the case of those having property in Japan,'' id at 13, and endorsed the position of the State Department that ''United States nationals, whose claims are not covered by the treaty provisions * * * must look for relief to the Congress of the United States,'' id at 14.

Indeed, the treaty went into effect against the backdrop of congressional response to the need for compensation for former prisoners of war, in which many, if not all, of the plaintiffs in the present cases participated. See War Claims Act of 1948, 50 USC §§2001–2017p (establishing War Claims Commission and assigning top priority to claims of former prisoners of war).

Were the text of the treaty to leave any doubt that it waived claims such as those advanced by plaintiffs in these cases, the history of the Allied experience in post-war Japan, the drafting history of the treaty and the ratification debate would resolve it in favor of a finding of waiver.

D

As one might expect, considering the acknowledged inadequacy of compensation for victims of the Japanese regime provided under the treaty, the issue of additional reparations has arisen repeatedly since the adoption of that agreement some 50 years ago. This is all the more understandable in light of the vigor with which the Japanese economy has rebounded from the abyss.

The court finds it significant, as further support for the conclusion that the treaty bars plaintiffs' claims, that the United States, through State Department officials, has stood firmly by the principle of finality embodied in the treaty. This position was expressed in recent congressional testimony by Ronald J. Bettauer, deputy legal advisor, as follows: ''The 1951 Treaty of Peace with Japan settles all war-related claims of the U.S. and its nationals, and precludes the possibility of taking legal action in United States domestic courts to obtain additional compensation for war victims from Japan or its nationals—including Japanese commercial enterprises.''

POW Survivors of the Bataan Death March, Hearing before the Senate Committee on the Judiciary (June 28, 2000) (statement of Ronald J Bettauer, United States Department of State) (Def Req for Judicial Notice, Exh P).

In another recent example, in response to a letter from Senator Orrin Hatch expressing ''disappointment'' with the ''fifty-five year old injustice imposed on our military forces held as prisoners of war in Japan'' and urging the Secretary of State to take action, a State Department representative wrote: ''The Treaty of Peace with Japan has, over the past five decades, served to sustain U.S. security interests in Asia and to support peace and stability in the region. We strongly believe that the U.S. must honor its international agreements, including the [treaty]. There is, in our view, no justification for the U.S. to attempt to reopen the question of international commitments and obligations under the 1951 Treaty in order now to seek a more favorable settlement of the issue of Japanese compensation.

''This explanation obviously offers no consolation to the victims of Japanese wartime aggression. Regrettably, however, it was impossible when the Treaty was negotiated—and it remains impossible today, 50 years later—to compensate fully for the suffering visited upon the victims of the war * * *.'' Letter of Jan 18, 2000, from US Dept of State to The Hon Orrin Hatch at 2.

The conclusion that the 1951 treaty constitutes a waiver of the instant claims, as stated above and argued in the brief of the United States as amicus curiae in this case, carries significant weight. See *Kolovrat* v. *Oregon*, 366 US 187, 194 (1961) (''While courts interpret treaties for themselves, the meaning given them by the departments of government particularly charged with their negotiation and enforcement is given great weight.''); *Sullivan* v. *Kidd*, 254 US 425, 442 (1921) (''[T]he construction placed upon the treaty before us and consistently adhered to by the Executive Department of the Government, charged with the supervision of our foreign relations, should be given much weight.''). The government's position also comports entirely with the court's own analysis of the treaty and its history.

Plaintiffs raise several additional arguments that bear only brief mention. First is the characterization of these claims as not arising out of the ''prosecution of the war,'' as that phrase is used in the treaty. Plaintiffs attempt to cast their claims as involving controversies between private parties.

It is particularly far-fetched to attempt to distinguish between the conduct of Imperial Japan during the Second World War and the major industry that was the engine of its war machine. The lack of any sustainable distinction is apparent from the complaints in these cases. For example, the *King* complaint alleges that a class of war prisoners were forced to work ''in support of the Japanese war effort,'' Compl ¶ 56, and pursuant to a directive from the Japanese government that the ''labor and technical skill' '' of prisoners of war ''be fully utilized for the replenishment of production, and contribution rendered toward the prosecution of the Greater East Asiatic War,' '' id at ¶ 30. Furthermore, the complaint asserts that plaintiff worked in a factory ''where motor armatures were manufactured for the war effort.'' Id at ¶ 35. These allegations quite clearly bring this action within the scope of the treaty's waiver of all claims ''arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war.'' Treaty at Art 14(b).

Plaintiffs also argue that waiver of plaintiffs' claims renders the treaty unconstitutional and invalid under international law. This position is contrary to the well-settled principle that the government may lawfully exercise its ''sovereign authority to settle the claims of its nationals against foreign countries.'' *Dames & Moore* v. *Regan*, 453 US 654, 679–80 (1981); See also *Neri*, 204 F2d at 868–69 (enforcing treaty waiver of reparations claims).

Finally, plaintiffs assert that subsequent settlements between Japan and other treaty signatories on more favorable terms than those set forth in the treaty should ''revive'' plaintiff's claims under Article 26, which provides in relevant part: ''Should Japan make a * * * war claims settlement with any State granting that State greater advantages than those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty.'' Treaty at Art 26. Without deciding whether the evidence plaintiff cities of other agreements implicates Article 26, the court finds that that provision confers rights *only* upon the ''parties to the present treaty,'' i.e., the government signatories. The question of enforcing Article 26 is thus for the United States, not the plaintiffs, to decide.

IV

The Treaty of Peace with Japan, insofar as it barred future claims such as those asserted by plaintiffs in these actions, exchanged full compensation of plaintiffs for a future peace. History has vindicated the wisdom of that bargain. And while full compensation for plaintiffs' hardships, in the purely economic sense, has been denied these former prisoners countless other survivors of the war, the immeasurable bounty of life for themselves and their posterity in a free society and in a more peaceful world services the debt.

The motions to dismiss and/or for judgment on the pleadings are GRANTED. The clerk shall enter judgment in favor of defendants in the above-captioned cases.

IT IS SO ORDERED.

Vaughn R. Walker,
United States District Judge.

Mr. HOLLINGS. Quoting, again, from the letter:

I have read carefully an opinion of Judge Vaughn R. Walker of the U.S. District Court in California rendered on September 21, 2000, dealing with claims, many of a heart-rending nature. His reasoning and his citations are incisive and persuasive to me. He writes, ''The cases implicate the uniquely federal interests of the United States to make peace and enter treaties with foreign nations. As the United States has argued as amicus curiae, there cases carry potential to unsettle half a century of diplomacy.'' Just as Judge Walker ruled against claims not compatible with the Treaty, I urge that Congress should take no action that would, in effect, abrogate the Treaty.

The chief negotiator of the Treaty on behalf of President Truman was the clear-eyed and tough-minded John Foster Dulles, who later became Secretary of State for President Eisenhower. He and other giants from the post World War II period saw the folly of what happened after World War I, when a vindictive peace treaty, that called upon the defeated states to pay huge reparations, helped lead to World War II. They chose otherwise: to do everything possible to cause Germany and Japan to become democratic partners and, as the Cold War with the Soviet Union emerged, allies in that struggle.

As Judge Walker notes in his opinion, ''the importance of a stable, democratic Japan as a bulwark to communism in the region increased.'' He says, ''that this policy was embodied in the Treaty is clear not only from the negotiations history, but also from the Senate Foreign Relations Committee report recommending approval of the Treaty by the Senate . . . and history has vindicated the wisdom of that bargain.''

This is George P. Shultz, and I quote further:

I served during World War II as a Marine in the Pacific. I took part in combat operations. I had friends—friends close to me—friendships derived from the closeness that comes from taking part in combat together, killed practically beside me. I do not exaggerate at all in saying that the people who suffered the most are the ones who did not make it at all. I have always supported the best of treatment for our veterans, especially those who were involved in combat. If they are not being adequately taken care of, we should always be ready to do more.

If you have fought in combat, you know the horrors of war and the destructive impact it can have on decent people. You also know how fragile your own life is. I recall being the senior Marine on a ship full of Marines on our way back from the Pacific Theater after 3 years overseas. We all knew that we would reassemble into assorted forces for the invasion of the Japanese home islands. As Marines, we knew all about the bloody invasion of Tarawa, the Palaus, Okinawa, Iwo Jima, and many other Islands. So we knew what the invasion of the Japanese home islands would be like.

Not long after we left port, an atomic bomb was dropped on Japan. None of us knew what that was, but we sensed it must be important since the event was newsworthy enough to get to our ships at sea. Then we heard of a second one. Before our ship reached the States, the war was over.

I have visited Japan a number of times and I have been exposed to Hiroshima and Nagasaki. Civilians there were caught up in the war. I am sympathetic toward them. I have heard a lot of criticism of President Truman for dropping those bombs, but everyone on that ship was convinced that President Truman saved our lives. Yes, war is terrible, but the treaty brought it to an end.

I can divert and express those same sentiments. I didn't get back until November. He is talking about August when those bombs were dropped in 1945. But there is no question that President Truman was the hero for dropping those bombs. But under the International Criminal Court, somebody could try to file a claim 50 years later that he was a war criminal. A kind of thinking that is going on today is that this is politically correct. I will resume reading the letter from George P. Shultz:

The Bill would fundamentally abrogate a central provision of a 50 year old treaty, reversing a longstanding foreign policy stance. The Treaty signed in San Francisco nearly 50 years ago and involving 49 nations could unravel. A dangerous legal precedent would be set.

Once again, I would say to you, where we have veterans, especially veterans of combat who are not being adequately supported, we must step up to their problems without hesitation. But let us not unravel confidence in the commitment of the United States to a Treaty properly negotiated and solemnly ratified with the advice and consent of the United States Senate.

I submit this letter to you and other members of the House of Representatives with my deep respect for the wisdom of the congressional process, and for the vision embodied in the past World War II policies that have served our country and the world so well.

Sincerely yours,

GEORGE P. SHULTZ.

The PRESIDING OFFICER. The time of the Senator has expired. The time between now and 3:15 was to have been equally divided between the Senator from South Carolina and the Senator from New Hampshire.

Mr. HOLLINGS. Let me ask—my distinguished colleague from New Hampshire, I am sure, will say a word to extend the time. My understanding in the agreement was that it was 3:15.

I just say that the distinguished Senator's amendment is clear. It says, look, Mr. Secretary of State, Mr. Attorney General of the Justice Department, you shall not defend the U.S. position. Now, come on. If there is a dispute—and there obviously is—with the Senator's amendment with respect to the right of these veterans, then let it be determined with a comprehensive review, with all the documents and everything else in a court of law. This doesn't prevent the veterans from moving forward, but it certainly prevents the United States of America, through its Department of Justice and Department of State, from defending the position of the United States under this particular treaty.

The distinguished Senator from New Hampshire could well say, wait a minute, here is this information that has come to light 50 years later. Whether that has an effect or not is to be determined. No rights have been taken away from my veteran friend here who might stand at my side and say, HOLLINGS, I want you to bring the case. Nothing prevents the case from being brought. But this amendment says no one defends this particular treaty. The Senate, which ratified the treaty, doesn't want to take the position that its ratification cannot even be commented on by this particular amendment because all funds are removed, no motion can be made, no defense can be made. On that basis alone, I will support the Senator from Hawaii in his opposition and commend him again for his courage, and I commend my friend from New Hampshire for raising this particular question because it is a serious one, but it ought to be discussed in a court of law and both sides heard fully, without saying one particular side can't be defended at all.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I wish to respond briefly to a couple of the points my colleague from South Carolina made. The argument that our former POWs have already been compensated under the War Claims Act and 1951 peace treaty is ridiculous, to be candid about it. POWs who were enslaved by private Japanese corporations received next to nothing in compensation. Many POWs received nothing—nothing, zippo.

A Federal judge who dismissed many of the lawsuits wrote in his opinion—listen to this:

The immeasurable bounty of life for themselves and their posterity in a free society services the debt.

That is what he said. If that is not a ridiculous statement, even if it did come from a judge, I have never heard one. Here it is again:

The immeasurable bounty of life for themselves [POWs] and their posterity in a free society services the debt.

It is true under the War Claims Act POWs could receive minimal compensation—a dollar a day—for their claims against the acts of powers. They could not be compensated for claims against private corporations and nationals who were not agents.

I want to make it clear to my colleagues that a treaty that is signed between the United States and another government that says that a U.S. citizen cannot sue another U.S. citizen—excuse me, another citizen in a foreign country without due process—it is wrong. You can't do that.

You cannot deny due process. John Foster Dulles realized it when they wrote the side agreement and they wrote this memorandum of understanding and then buried it. They classified it. Senator INOUYE and others have pointed out what article 14(b) says. I read it, and I agree. If article 14(b) is read alone without knowing any other background, then one could make the case these folks should not have that opportunity to proceed.

This is right out of the memorandum of understanding, and this was partially written by Dulles himself:

Following the conversation of September 3, 1951, between the Secretary of the Dutch Foreign Ministry . . . Dutch Ambassador, and others, we emphasize that the purpose of this statement was not to obligate the Japanese actually to pay out any money to the claimants. He realized fully this was an unlikely possibility. He emphasized, however, the statement he had made to the Secretary the day before that the Dutch Government was faced with a difficult legal problem; namely, without a proper interpretation agreed to by the Japanese, it would appear the Dutch Government was, by the act of signing the Japanese peace treaty, giving up without due process rights held by Dutch subjects.

That is the same issue with the United States, and Dulles realized it. You cannot sign a treaty that says we have no due process against another citizen in another country. You simply cannot do it.

Talk about sticking to the Constitution and defending the Constitution. That is exactly what I am doing, and that is exactly what John Foster Dulles and others were doing because they realized article 14(b) was wrong. Then in an effort to cover it all up to satisfy the Dutch, he buried it. He classified it and kept it classified for 50 years to keep these people from having the right to go to court. That is what he did. That is what the U.S. Government did. That is wrong, and we need to correct it. We can correct it right here today.

We cannot say we are not defending the Constitution. We are not only defending the Constitution, we are defending the rights of individuals who live under this Constitution to have due process. That is what we are doing, and that is what this debate is about.

I yield the floor, Mr. President.

Mrs. FEINSTEIN. Mr. President, I rise to express my opposition to the Smith Amendment to the Commerce-Justice-State Authorization.

I do not do so because I think that the lawsuits filed against the Japanese corporations by the former Prisoners of War who were used as slave labor during World War II should not go forward—just the opposite—but because I believe that this Amendment takes the wrong approach to this issue.

I strongly support the right of the POWs to file lawsuits against the Japanese corporations. The POWs and veterans are only seeking justice from the private companies that enslaved them, and these claims should be allowed to move forward.

In fact, Senator HATCH and I introduced legislation earlier this year, S. 1272, the POW Assistance Act of 2001, precisely because I believe that it is important for those POWs who were used as slave labor during World War II to have their day in court, and an opportunity to press their claims for remuneration and compensation.

There are serious questions about whether the 1951 Treaty between Japan and the United States has settled these claims, and these questions should be dealt with seriously. But as these lawsuits go forward, I do not think that it is right and proper to enjoin the Department of State and the Department of Justice from offering the court their opinion on the meaning and interpretation of the 1951 Treaty. That opinion—which may ultimately be determined to be incorrect—is a perfectly legitimate part of the proceedings.

I strongly support the right of the POWs to seek justice. This is a matter that belongs before the courts. But I do not think that the Smith Amendment is the right way to go, and I urge my colleague to oppose its passage.

Mr. NELSON of Florida. Mr. President, I want to express my support for amendment No. 1538 of Senators SMITH and HARKIN regarding American POWs held in Japan. I do so with much respect for those who have served and suffered horrible treatment as a result of their service. I was traveling with President Bush in Florida when the vote occurred, but had I been present, I would have voted ''nay'' to the motion to table the amendment.

We do have an international treaty with Japan to which we are bound. But, this amendment is not about what the Treaty signed 50 years ago does or does not allow. It is about due process to those Americans who suffered a grievous wrong. The point is that these brave Americans be allowed their day in court to have their case heard. Actions by the Departments of Justice and State to block such actions deprive them of fairness and due process. Congress should not be a party to such deprivations.

I support the Smith-Harkin amendment and wish to be on record as opposed to the motion to table it.

Mr. BYRD. Mr. President, during World War II, 36,000 Americans were captured and held prisoner by Japan. The story of the often horrific treatment of these prisoners is punctuated by episodes such as the Bataan Death March, where ten Americans lost their lives for every mile of the gruesome journey, and by the pictures of the emaciated soldiers who spent years in confinement on starvation rations. I cannot think of any way in which we, as a nation, could begin to repay the men who suffered through such abhorrent treatment.

The amendment before us today, offered by Senator SMITH and Senator HARKIN, however, puts in jeopardy constitutional principles that each member of the Armed Forces, and each member of this body, swore to uphold. The amendment would prevent the Department of State and the Department of Justice from defending the U.S. Government in court against lawsuits that challenge whether provisions in the Treaty of San Francisco will continue to be in force as the law of the land.

The treaty, which brought peace between Japan, the United States, and our Allies in World War II, explicitly settled all wartime reparations claims that might arise against Japan. The text of the peace treaty is very clear in this regard. Because, under Article VI of the Constitution, a ratified treaty is the supreme law of the land, it is equally clear that this treaty prohibits the Government of the United States, or its people, from seeking further reparations from the Government of Japan, or its people. This is the position that the Department of State and the Department of Justice have maintained since ratification of the treaty in 1952.

The amendment before us would prohibit those departments from arguing in court against lawsuits that violate the peace treaty. It would prevent the U.S. Government from upholding a supreme law of our land. It would prohibit our government from acting in a responsible manner in support of our international obligations. It would stop the executive branch from taking action on this issue, which affects our foreign policy. I cannot support an amendment that challenges so many of our basic constitutional principles on the importance of treaties and the conduct of foreign policy.

This is not to say that our veterans who were held prisoner by Japan must be denied compensation or restitution for the inhumane treatment they suffered. Those veterans were eligible for compensation distributed by the U.S. Government under the War Claims Act of 1948. The proponents of the amendment before us may believe that compensation was not sufficient, which may be true. There are other ways to compensate our veterans that do not tread upon constitutional principles. One proposal is in the Fiscal Year 2002 Defense Authorization bill, as reported by the Armed Services Committee last Friday.

The bill authorizes the Department of Veterans Affairs to pay $20,000 to former prisoners, or their surviving spouses, who were forced to perform slave labor while held by Japan. Such a proposal would allow those veterans to receive the compensation they seek, without challenging the legal status of a ratified treaty. There may be other proposals to compensate the veterans in question as well.

We must also consider how other countries would react to an action by Congress that would question our Nation's adherence to a 50-year-old treaty with one of our closest allies. Already this year, the United States has shown an alarming tendency toward unilateralism in regard to a number of international agreements: the Kyoto Protocol, the Anti-Ballistic Missile Treaty, the International Criminal Court, the Biological Weapons Convention, and the U.N. convention on small arms. A move to reverse a major provision of such a longstanding peace treaty would be an disconcerting confirmation, and escalation, of this trend. This is a particularly inopportune time to raise further questions about our Nation's ability to cooperate with other countries.

I urge my colleagues not to view the vote on the Smith-Harkin amendment as an up-or-down vote on our veterans. There are serious constitutional and foreign policy issues at stake, and other means to compensate these veterans have not yet been exhausted. We should take a closer look at alternative means of compensation, and reject this attempt to tie the hands of our government in discharging its constitutional duty to defend a ratified treaty.

The PRESIDING OFFICER (Mr. WYDEN). The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senator from Nebraska be given 10 extra minutes to present his statement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I thank my friend, the distinguished senior Senator from Hawaii, who is, as we have heard today, one of the most distinguished veterans of World War II, as is his colleague, the distinguished Senator from South Carolina.

I am a bit of an interloper on this issue, except to say my father spent 3 years in the South Pacific during World War II in the Army Air Corps. So I know some of what my distinguished colleagues are talking.

I am most appreciative of the efforts and the motives of the distinguished Senator from New Hampshire, Mr. SMITH. I know of his father's great sacrifice during World War II, meaning the sacrifice Senator SMITH's family made to this country. I do not tread upon this subject lightly.

I rise to oppose this amendment. The Senator from South Carolina and the Senator from Hawaii have made very significant, substantive points as to

why it is the wrong course of action, in the opinion of some, including this Senator from Nebraska.

I will say first, there is surely no way a grateful nation can ever adequately compensate or express our feelings to those brave men and women who gave so much to this country, who were the subjects of the slave labor camps, the forced marches, the unspeakable brutality, except this: We should put some of this in some perspective. What, indeed, was it that these brave men and women fought and endured for? It was freedom. It was the liberty for a nation, an individual, to have the kind of life and dignity for which America has stood for over 200 years. That is what it was about.

How do we compensate, how do we adequately thank these men and women? We cannot, of course, but we should remember this: What they fought for, what they endured, can be, in fact, recognized by knowing and understanding that the greatest legacy any of us can leave in life is a family, the world better than we found it, and accomplishing something much greater than our own self-interests. That is the most important dynamic for me as I have listened to this debate and as I have read the reasons and listened to the reasons that Senator SMITH has put forward to essentially change our treaty obligations.

Make no mistake. This is a very significant step that this body, this Congress, this Nation will take if, in fact, we vote for this amendment. Great nations honor their treaty commitments. Treaty commitments are important, and we can debate the specifics of sections and paragraphs of law and treaties, and as has been articulated rather directly and plainly this afternoon, there are various interpretations of that. But we should make it very clear that this great Nation will, in fact, live up to its commitments of our treaties, a commitment that we made 50 years ago when that treaty was signed in San Francisco, which was, as expressed here, commemorated last weekend. It is a 50-year treaty.

Was it awkward? Was it done not exactly the right way? Were parts of that treaty misclassified? Why did we classify some of it in the way we did? I suppose we could take days, weeks, and months debating that, but that is part of a smaller issue. The bigger issue really, in fact, is: Are we, in fact, going to unilaterally reinterpret the commitment we gave to 48 other nations that signed this treaty 50 years ago? That is really the issue.

American prisoners of war forced into slave labor by Japan during World War II suffered unspeakable brutality, and their treatment by Japanese overseers violated every standard of human decency. Their sacrifice and heroism now forms one of the most distinguished chapters in American history.

While we must not forget these Americans who suffered so greatly, we also must not forget our country's historic and principled decision in the aftermath of this terrible conflict. Our peace treaty with Japan was not punitive. Although the United States had defeated a brutal enemy, we chose not to claim the spoils of war. Instead, the peace treaty with Japan reflected the great humanity, vision, spirit and generosity of the American people. Referred to at the time as a ''Peace of Reconciliation,'' it looked forward to Japan's economic recovery and not backward to its defeat. Most important, it reflected the new stirrings of a great and magnanimous superpower.

In 1945, most Americans felt the terms of surrender with Japan were too lenient. By 1951, most Americans began to see Japan in a very different light—as a potential friend and ally in East Asia, not as an implacable foe. When John Foster Dulles negotiated our generous peace with Japan, waiving all reparation claims, the American public supported the treaty, and the Senate ratified it with a lopsided majority, 66–10, on March 20, 1952. The United States has stood behind this decision for 50 years. Last Saturday, on September 8, Secretary of State Powell and Japanese Foreign Minister Tanaka commemorated the 50th anniversary of the Treaty of San Francisco at San Francisco's War Memorial Opera House, and formally renewed the strategic partnership between the United States and Japan. This relationship stands as one of this country's most important—a tie of friendship and common interest that will grow stronger and become increasingly important to our strategic interest in East Asia and the world in the coming decades.

Senate amendment No. 1157, which has been offered today, would prevent the State and Justice Departments from stating our San Francisco Treaty obligations in court. This action is not insignificant. It would hamper the President's ability to conduct United States foreign policy, and it would violate the spirit, and likely the letter, of one of the most significant treaties of the 20th century. This would set a dangerous precedent. While many of my distinguished colleagues may no longer agree with the decision made by the United States in 1951, it still stands as a treaty obligation and the official United States position in U.S. court cases. We are a nation that upholds the rule of law and honors its treaty commitments.

How then should we honor and fairly compensate the Americans who suffered grievously as slave or forced labor in World War II without violating our long-held treaty obligation with Japan? Two of our World War II allies, Canada and the United Kingdom, recently provided compensation to their prisoners of war—recognizing that Japan has no obligation to do so under the Treaty of San Francisco. This is a model that we might consider using for the surviving American prisoners of war who suffered as Japanese slaves or forced laborers, without undermining our treaty obligations. Under the War Claims Act of 1948, and its 1952 amendment, the United States Government took all responsibility for compensating World War II prisoners of war. Our prisoners of war received some compensation in the decade following World War II. Senators BINGAMAN and HATCH introduced legislation, S. 1302, early last month to provide $20,000 to each veteran or civilian internee, or their surviving spouses.

The last Congress, the 106th Congress, enacted Senate Concurrent Resolution 158 calling on the Secretary of State to facilitate discussions between American prisoners of war forced into slave labor during World War II and the Japanese companies that benefitted from their enslavement. The issue of forced and slave labor has been raised with the Japanese government at a variety of levels by our State Department. The recent decision by Germany to compensate slave and forced laborers during World War II may provide a model on this issue.

Japan and the United States commemorated the 50th anniversary of the Treaty of San Francisco over the weekend. The treaty underpins and supports the United States security structure in East Asia, and forms the basis of our friendship with Japan. Treaty commitments and symbolism are important. We should not risk our reputation as a reliable treaty partner by unilaterally reinterpreting an important provision of this treaty that has stood for 50 years. Great nations are consistent. We should act appropriately.

I will oppose this amendment.

Once again, I ask my colleagues to pay careful attention to this amendment, and in the next couple of hours, if you are not aware of what this amendment does, please make yourself aware of it because if we vote for this amendment, it will be about much bigger things than the specific point of this amendment. I do not believe that is in the best interests of our country, the best interests of the world, and, quite honestly, the best interests of the very families and the legacies these brave men and women will leave behind and what they endured for us.

I ask my colleagues to oppose this amendment as we vote this afternoon and once again recognize the Senator from New Hampshire for his motives, for his intent, but in this Senator's opinion it is the wrong approach to accomplish something that is important.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I believe there is no further statement to be made with respect to the Smith amendment and that now the unanimous consent agreement takes place whereby the distinguished Senator from North Dakota will ask to set the Smith amendment aside, to be brought up at 5 p.m. with the time equally divided between 5 p.m. and 5:30 p.m., and the vote to

occur at 5:30 p.m. Until then, the agreement is the Senator from North Dakota will be recognized for him to offer an amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1542

Mr. DORGAN. Mr. President, thank you and I thank the Senator from South Carolina.

I actually have two amendments. I will talk about the first, offer the amendment following my discussion of it, and then ask that it be set aside by consent and offer the second amendment.

I will take a moment to begin discussing the first amendment. The first amendment is an amendment to increase the amount of resources we are putting in this appropriations bill to deal with trade compliance and trade enforcement. The area of international trade is a very important area, and we are losing a lot of ground despite what one hears from some in Washington, DC.

I will put up a chart which shows the trade deficits we now have. This chart shows the ballooning trade deficits year after year after year. These are the merchandise trade deficits. They have risen from $132 billion a year in 1993 to over $450 billion a year in 2000, and will likely to go even higher in the year 2001.

Our trade deficits are out of control. They are growing larger and larger and larger. Now this trade deficit comes from the following sources: In the year 2000, we had an $81 billion trade deficit with Japan; an $84 billion trade deficit with China; a $56 billion trade deficit with the European Union; a $50 billion trade deficit with Canada; and a $24 billion trade deficit with Mexico. Many of our trading partners, as we all know, have a very poor record of complying with trade agreements.

This red book, which my colleague from South Carolina frequently holds up in debate, is a book called ''Foreign Trade Barriers.'' It is a rather thick book that describes all of the trade barriers American producers and workers confront when trying to send American products abroad.

Let us talk for a moment about China, Japan, Canada, and Mexico. Do you know that the number of people at the Department of Commerce who are monitoring our trade with China has declined from 10 to 7 people between 1994 and the year 2000? We used to have 10 people monitoring our trade with China; last year we had only 7.

What do we have with China? An $84 billion trade deficit. In 1992, China agreed to eliminate import licenses. Shortly after that agreement was signed, Beijing announced a new series of import registration requirements that covered many of the same products. They have reneged on commitments to make public the rules and regulations affecting foreign trade and investment. But that is just an example of how we negotiate agreements. We just negotiated a new bilateral agreement with China. Nobody seems to ever care whether the other country complies with its half of the bargain.

With respect to China, we used to have 10 people monitoring trade with China. Now we have seven, at a time when our trade deficit with China is $84 billion.

How about Japan? With Japan, we have an $81 billion trade deficit. In 1992, we had 17 people monitoring trade with Japan with respect to trade enforcement. In 2000, it was seven. So we went from 17 people down to 7 people monitoring trade agreements with Japan. Is that moving in the right direction, with a country that has an $81 billion trade surplus with us or we a deficit with them? I do not think so.

With respect to Canada and Mexico, the number of trade monitors has gone from 33 to 13 people. Our ballooning deficit with both Canada and Mexico continues to increase. We used to have 33 people monitoring trade compliance and trade enforcement with Mexico and Canada. Last year, we had only 13.

The Senator from South Carolina has brought a bill that moves in the right direction. It is the right step. It increases these areas. I propose to further increase them to the point where we have a more robust ability to enforce and monitor these trade agreements. My amendment proposes to add $10 million for these activities. This is less than the $30 million that the Senate Budget Resolution called for, but it's a step in the right direction. I will state where I want to get the money, but first let me continue on this trade issue and why it is important.

I spoke last week about international trade and why I get so upset about it from time to time. I mentioned in the area of trade, we have problems with China, Japan, Korea, Europe, Mexico, Canada. I mentioned we have nearly 570,000 motor vehicles coming into this country from Korea every year. Do you know how many vehicles we send to Korea? A little more than seventeen hundred. Think of that.

Today in Canada, they are loading molasses with Brazilian sugar. It is called stuffed molasses. Do you know what it is? It is a scheme. It is a fraud in international trade. Stuffed molasses is a way to artificially take Brazilian sugar and move it from Canada into this country in contravention of our trade agreement. Does anybody care much about it? No, not much.

China, I could go forever on China. Japan, the same thing. I could talk forever about the trade impediments and the barriers to try to get American products into those countries or to stop unfairly subsidized products from those countries coming into our country.

I come from a State where we produce wonderful potatoes up in the Red River Valley. We produce a lot of potatoes. Some are turned into potato flakes which are used in fast food. Try to send potato flakes to South Korea. Do you know what happens when you try to send potato flakes to Korea? They impose a 300-percent tariff on potato flakes. Outrageous. And we have a huge deficit with Korea.

How about with Mexico? We have a very large deficit with Mexico. Incidentally, before NAFTA we had a tiny surplus, and then we passed a trade agreement and turned it into a huge deficit. We try to send high fructose corn syrup to Mexico, and they put the equivalent of a 33- to a 73-percent tariff on it.

The fact is, this country does not stand up for its economic interests. Too many people in this country do not seem to care. This burgeoning trade deficit will make a difference. It will be repaid someday in some way by a lower standard of living in this country. We ought to get it under control now. We ought to do it by insisting on other countries owning up to the trade agreements they have reached with us and by insisting in this country that our own trade negotiators begin to negotiate trade agreements they do not lose in the first week of the discussion.

What am I proposing? I am proposing that we reverse the trend we have regarding a reduction in the number of people enforcing our trade agreements and monitoring compliance of these agreements. As I mentioned, this number has gone from 10 people monitoring China down to 7 people; from 17 people monitoring Japan down to 7 people; from 33 people monitoring Canada and Mexico to 13 people. I am suggesting we reverse that trend.

How do we reverse it? By adding $10 million as a first step back to this appropriations bill. How would I get the money to do that? To get the money to enforce our trade laws, I propose we cut funding for something called TV Marti. TV Marti, boy, that will spark some interest among some. Let me describe what TV Marti is.

TV Marti is the basis by which we broadcast television signals into Cuba to tell the Cubans the truth. The Cubans need to know the truth. They can get a lot of Miami radio stations and from Radio Marti. I support Radio Marti. It costs $14 or $15 million a year. Having been in Cuba, I understand the Cubans listen to and appreciate the broadcasts. Good for Radio Marti. Count me as a supporter.

But nobody sees TV Marti. Each year we spend lots of money on TV Marti, despite the fact that it is absurd to do so. Here is the television picture seen on TV Marti in Havana. Does it look like snow and only snow? It does, because it is jammed. The signal does not get through. It is a jammed signal.

We spend a substantial amount of money, about $10 million a year, on TV Marti. TV Marti has 55 employees, broadcasting 4½ hours a day, from 3:30 a.m.—yes, that is right, 3:30 a.m.—until about 8 a.m. We broadcast a jammed signal, 4½ hours a day, starting at 3:30 a.m. We spend $10 million a year to broadcast a signal no one can see. That is what we do as taxpayers. Is that a

good deal? I don't think so. I think we ought to cut that and use the money to enhance our compliance in the area of international trade.

To make the rest of the case, I will describe more about TV Marti. As I said, I fully support Radio Marti. I know it is effective. TV Marti, on the other hand, is a total, colossal waste of the taxpayers' money, providing no picture to anyone, and does so at 3:30 in the morning.

Last year, we spent $10.8 million beaming TV Marti to Cuba, where the viewership was approximately zero. Since the inception, we have spent about $150 million of taxpayers' money on TV Marti. We continue to broadcast 4½ hours a day—31½ hours a week—from 3:30 a.m. until 8 a.m. What we broadcast are fuzzy lines, as I indicated before. TV Marti's broadcast to Cuba has been consistently jammed to the public. No one can view the programs.

To lessen the effects of jamming, the TV Marti signal is randomly shifted east and west of Havana during broadcast hours. Those who want to watch a snowy jammed signal that one cannot see have to catch it as a signal that moves around Havana somewhere between 3:30 in the morning and 8 a.m.

TV Marti is seen by those who would visit the visa department at our Interest Section in Havana where they play videotapes of the program. Thus, it reaches those who have already decided they want to leave Cuba. We have plenty of evidence there are people who want to leave Cuba. I don't know that we have to tell the Cubans the difference between living in the United States and in Cuba. People living in Cuba understand what is happening in Cuba.

Let me talk about the question of whether we want to spend money on something that is not effective. We broadcast TV Marti through an antenna and a transmitter mounted on a tethered balloon 10,000 feet above Cudjoe Key in Florida. This is a picture of Fat Albert. Fat Albert is the aerostat balloon which we send up to 10,000 feet which broadcasts a line of sight signal to Cuba that is jammed at 3:30 in the morning. A Cuban television set can have snow. Fat Albert, of course, is not invincible. Television is easy to jam. TV Marti is easy to jam. TV Marti's signal, according to experts, is able to be jammed by several off-the-shelf antennas and 100-watt transmitters, the power of a light bulb. The antennas cost about $5,000 each to block the signals.

Why waste money when the message can get through by radio and you can't get the message through by television signal? Transmitting by aerostat balloon is not perfect. They have to be taken up and down. They regularly require maintenance. They are affected by weather conditions.

TV Marti employs 55 people and keeps spending money even if the balloon cannot go up for various reasons. TV Marti did not broadcast from October 1999 to October 2000 because it lost its transmission balloon in a storm. Fat Albert got lost in a storm and they did not broadcast for an entire year. But they continued to operate at TV Marti at $27,000 a day.

This was not the first time that a Fat Albert-type balloon had problems at Cudjoe Key. In the early 1990s, a Fat Albert balloon broke from its cable and landed in the Everglades 70 miles away where it was recovered by a team with a helicopter. And a balloon like Fat Albert escaped in 1981—before TV Marti started, of course—and local fishermen caught it and tethered it to the bow of the boat. As the sun warmed up the blimp, it started to rise higher and higher and actually lifted the fishing boat out of the water and the poor folks in the fishing boat had to dive off the boat. So much for Fat Albert and so much for tethered balloons.

That is how we broadcast a blocked signal to Cuba. We have an aerostat balloon, Fat Albert, broadcasting a jammed signal to Havana, Cuba, at 3:30 in the morning so people with a television set are unable to see a picture. And this is paid for with U.S. taxpayers' funds.

One might be able to ask the question with a straight face, is this good public policy? Does it serve the taxpayers interests? With Radio Marti, the answer to that would be yes. Radio Marti works. The signal gets through to Cuba and people listen to it. I think it is an effective piece of public policy.

TV Marti has been supported, notwithstanding the fact it does not work, by this Congress year after year because even waste has a constituency. No more, in my judgment.

Let Congress, where we are wasting money, stop wasting money and invest that money in something that is important for this country. In this case, we have a crying need to better enforce our trade laws and make sure that other countries comply with the trade laws that they have entered into with us. Let's not see a continued degradation of our ability to comply and enforce our trade laws with China and Japan and Europe and Mexico and Canada. Let's enhance that. Let's not degrade it.

Yet, what we have seen in recent times is a substantial diminution of our ability to require others to comply with our trade laws and to enforce those trade laws.

My proposition is simple: Abolish that which is wasteful, TV Marti. And, yes, we will get people coming to the floor who say: Gosh, this would be the wrong signal to send to Fidel Castro. He doesn't get the signal nor do the Cuban people get the signal. This is not about signaling anybody except the American taxpayer that we will quit wasting money.

I am sure people will make the point: We should not give aid and comfort to Fidel Castro. I am not interested in that. I am interested in giving aid and comfort to the American taxpayer. Cuba is a country that, in my judgment, needs a new government; its people deserve a new government. The approach that we use to deal with it ought not be an approach that wastes American taxpayers' money. It ought to be an approach that is effective, investing in the things that can help us give the Cuban people some assistance. Radio Marti does that. TV Marti does not.

I hope that if we decide to abandon a failed policy, we do not get into a debate about this failed policy somehow giving comfort to Fidel Castro. It does not make any sense to me.

In 1991 and 1994, the President's Task Force on U.S. Government International Broadcasting found there was not enough of an audience for TV Marti to continue funding it. That was nearly a decade ago when that judgment was made. A decade later we are still doing it. In 1994, it was concluded it was pointless and wasteful to continue TV Marti's operations unless the viewing audience could be substantially expanded. The viewing audience in 2001 is about the same as it was in 1994, nearly zero.

It is time, in my judgment, long past the time, to use these funds in a more effective way. We should pursue a public policy that will strengthen the United States and help it with respect to its problems in international trade.

So that is my proposal. As I indicated, I know it will be controversial for some, not perhaps because I want to invest more in making sure we better enforce our trade law and have people monitoring its compliance with respect to other countries. It will be controversial because I propose abolishing the $10 million of funding for TV Marti.

Again, let me say almost everyone will concede that virtually no one in Cuba sees the signals of TV Marti. As I mentioned before, Radio Marti is effective, but TV Marti is a colossal and tragic waste of taxpayers' money. I hope my amendment will be accepted as one that is thoughtful, useful, and one that will advance this country's interests.

Mr. President, I am going to ask the amendment at the desk be called up at this point.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1542.

Mr. DORGAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funds for the trade enforcement and trade compliance activities of the International Trade Administration and to reduce funds for TV Marti)

On page 44, line 1, strike ''$347,090,000'' and insert ''$357,090,000''.

On page 44, line 6, strike ''$27,441,000'' and insert ''$32,441,000''.

On page 44, line 7, strike ''$42,859,000'' and insert ''$47,859,000''.

On page 88, line 7, strike ''and television''.

On page 88, line 9, strike ''and television''.

On page 88, line 10, strike ''$24,872,000'' and insert ''$14,872,000''.

Mr. DORGAN. Mr. President, the amendment does exactly what I described with respect to the numbers.

That is all I have to say about the amendment. If there are others who wish to speak on it, I will be happy to entertain questions or engage in a discussion with them. If not, I ask consent to offer a second amendment to this legislation. I therefore ask unanimous consent to set aside the pending amendment so I may offer my second amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Reserving the right to object, let me say a word. Will the Senator yield?

Mr. DORGAN. Perhaps the Senator from South Carolina should seek recognition, after which I will seek to be recognized.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished Senators from Florida, both of them—Senator GRAHAM, I am sure, will be here momentarily. I think he is on the way to the floor. I am double-checking that now.

The junior Senator, Senator BILL NELSON, was with the President in Florida. Maybe that is where Senator GRAHAM is also. But that is why they are not here to be heard. It is very vital to their interests to be heard.

Barring that, let me say defending Fat Albert has always been a role of this particular subcommittee. Time and again, since its institution over 15 years ago, we have had reports—the most recent one, of course, is the one referred to by my distinguished colleague from North Dakota—the Report of the Advisory Panel on Radio Marti and TV Marti.

While it found it might not be economically feasible, I read the finding:

> TV Marti's broadcasts are technically sound and contain essential information not otherwise available to the Cuban people. Persistent Cuban jamming does limit viewership on the island, however. These broadcasts could prove vital to the United States interests and to the welfare of the Cuban people now and in the future.

True it is, it comes on in the middle of the night, 3 in the morning, but then it goes on to early morning when it is generally picked up, except for that year's period when Fat Albert was down.

Our distinguished friend Larry King made himself famous. I used to be on his program when it was out on the west coast at 1 in the morning. It was only, what, 10 o'clock or 11 o'clock in California. But he came on at midnight to 3 in the morning and got so famous that we can't get him off the air now. He is on the east coast at 9 o'clock every night. I don't think he should be off the air. I think it is wonderful programming.

So my emphasis is on the timing of it. We are going to have these debates back and forth on this particular amendment. As I understand the unanimous consent agreement, we are going to vote on the Smith amendment after a half hour equally divided, from 5 to 5:30. We are going to vote at 5:30 on the Smith amendment. Then we'll have the other votes with respect to the amendment of the distinguished Senator from Idaho relative to the International Crime Commission. The Fat Albert amendment, which the Senator from North Dakota has up, is subsequent thereto.

Having the floor, I cannot pass the opportunity, because as my friend from West Virginia carries around the Constitution, I carry around the record of waste. I heard the word ''waste'' but it was in regard to about $10 million. Let's talk about billions—$1 billion a day waste.

I hold in my hand the public debt to the penny, put out by the Department of Treasury as of this morning. We are already in the red this fiscal year, which is going to end now in about 3 weeks' time, $100 billion.

That didn't happen overnight. I guess $74 billion came from that tax cut—that didn't help the economy—and the rest just followed suit. But that is another debate to be had at a different time.

But let's pay attention to the fact that the public debt is $100 billion. If anybody wants to get into this yin-yang about the public debt and the Government debt—yes, the public debt has gone down $59 billion but the Government debt has gone up $159 billion. So it is paying off your Visa card with your MasterCard. That gets people confused. But there is not any confusion on the actual figure put out by the Treasury Department of $100 billion.

Under President Bush's budget and under the CBO budget, both of them submitted within the last 3 weeks, they estimate a deficit ending the fiscal year, that is September 30—today is the 10th, 20 days from now, of $123 billion or $124 billion.

Consequently, since we ran a deficit last year of $23.2 billion, and we are going to run a deficit this year—where is the surplus that everyone talks about? I have been on the floor since January saying: Wait a minute, there is not any surplus, there is not any surplus. But everybody was talking surplus to get that tax cut. Now they are all running around saying where has the money gone?

The big waste is the interest cost, when the debt goes up, up and away, from $5.674 trillion at the end of the last fiscal year, to now, this minute, it is at $5.774 trillion. The interest costs necessarily go up. As that interest goes up, the waste goes up.

Having talked about waste, let me say a word about the current account deficit, or the deficit in the balance of trade. This is a favorite subject of mine. It used to be just $17 billion. Monitoring that $81 billion deficit in the balance of trade with Japan, that $17 billion is down to $7 billion; or that $10 billion, monitoring the $84 billion deficit in the balance of trade with the People's Republic of China, is down to $7 billion.

There is a question about this particular International Trade Commission receiving more money. I have found from some 34, almost 35 years' experience, that the International Trade Commission is a gimmick. The reason I call it a gimmick, advisedly, is through hard experience.

Time and again, corporate America has taken its trade violation case against Japan, against China etc., to the International Trade Administration in the Department of Commerce, and they have found a dumping case, that the goods are being sold at less than cost.

I have a Lexus. Let's say that Lexus costs $35,000. Go buy that same Lexus in Tokyo, Japan. Its cost is $45,000.

The Japanese article imported into this country is sold here for much less. Time and time again it is proven that it is being sold at less than cost. Take the Kodak case. What happens? That is what I call a gimmick. Then they go for a fix before the Finance Committee of the Senate to find out, even though there is dumping, if there is injury. That is the question before the International Trade Commission. And they file for injury.

It is very interesting that there is now a steel case the President is disturbed about because over 20 mills have closed down in the last 18 months with a loss of 40,000 steel jobs. Since NAFTA, the State of South Carolina has lost 48,600 textile jobs, which are just as important as the steel jobs to the economy—found so by a special hearing under President Kennedy. But time and again you go before the International Trade Commission, and that is why they don't enforce the laws.

There is no such thing as free trade.

That was a pretty good wag at the end of World War II when we had the whole industry and we were in the cold war and wanted capitalism to defeat communism. We put in the Marshall Plan. We more or less gave up our manufacturing sector in pursuit of the defeat of communism with capitalism. It has worked. Nobody is complaining about that. It has persisted in Europe, even with the fall of the Soviets, and certainly is strong and viable in the Pacific rim.

I was just in the People's Republic of China. They are on the right track. But don't misunderstand my statement. China is communist, and many human rights abuses occur there. But as the seed of capitalism takes over more and more each day, as it finally prevailed in the Soviet Union, the hope of the free world will prevail in the People's Republic of China.

We have really gone awry with respect to international trade that the distinguished Senator talks about.

I say there is no such thing as free trade. Let's go back to the earliest day when this country was built on protectionism. The debate ensued. Colonies had just won their freedom. The United Kingdom said to the fledgling colonies, you trade with us what you produce best and we will trade back with you what we produce best. Early economist David Ricardo put forth his doctrine of comparative advantage. However, the trade debate really was between Thomas Jefferson, the agriculturalist, and Alexander Hamilton, the industrialist. Hamilton wrote a booklet called ''Reports on Manufacturing.'' There is one copy left in the Library of Congress. But in a line, without reading that booklet, he told the Brits to bug off; we are not going to remain your colony and ship you our agriculture, our foodstuffs, our timber, our iron ore, and bring in the finished products from England.

As a result, the second act that passed this Congress in its entire history—the first act was for the seal—but on July 4, 1789, the second act in its history that passed Congress was an act of protectionism and a 50-percent tariff on 60 articles.

We began the United States by building up its manufacturing capacity. Lincoln kept it going at the very beginning of the War Between the States whereby we were trying to build a transcontinental railroad. They said we were going to get the steel rails from England. President Lincoln said no. He said we would build up our own steel capacity, and when we were through, we would have not only the transcontinental railroad, but we would have a steel industry.

It comes right on down the line with America's agriculture and the darkest days of the Depression when the only hope we had was hope itself. It was Roosevelt who put in the best of the best protections.

We will be passing an agriculture bill. I don't know where we are going to find the money. But you can bet your boots it will be $5 billion to $6 billion for America's agriculture. We subsidize—protect, if you please.

My point was made best by Akio Morita of Sony some 20 years ago up in Chicago when we had a conference up there, and he was addressing the emerging Third World nations. He admonished that they had to develop a strong manufacturing sector to become a nation state. He pointed at me and said: Senator, the world power that loses its manufacturing capacity will cease to be a world power.

Where are we? From 41 percent of the workforce in manufacturing down to 12—making what? Nothing.

I was sort of amazed at Alan Greenspan saying in February that we have so much productivity we must have a surplus as far as the eye can see, and so we ought to have a tax cut when the productivity has gone overseas.

We have lost 1 million manufacturing jobs in the last year in the United States of America. That is the problem that we have with respect to trade. There is no question that if we don't begin to compete—as the distinguished Senator from North Dakota wants to do with respect to these trade deficits going up, up, and away—we will finally learn the lesson that has already been given us.

In 1989, we passed a resolution to have hearings with respect to China on human rights. And the Chinese went down to New Zealand, to Australia, and over to Africa and their friends. They never had a hearing on that resolution. About 5 months ago the United States was kicked off the Human Rights Commission. Sudan and Libya remained on the commission.

The atom bomb, the aircraft carrier, forget it. It is the economy, stupid. It is the industrial power, and your money in international affairs as well as domestic politics.

We don't seem to realize that the name of the game out there is market share. The name of the game in the United States is standard of living. So we continue to add not just a minimum wage, Social Security, Medicare, Medicaid, plant closing notices, clean air and clean water, safe workplace conditions, safe machinery, and on and on. Ergonomics was the last one. I am glad we voted it down. But they think up all kinds of things here for the high standard of living, and then don't want to protect the economy of the United States.

The security of our Nation is like a three-legged stool. You have the values as a nation, the one leg; unquestioned. Everyone knows that America stands for indivisible rights and freedom. The second leg is the military; unquestioned. But the third leg is industrial capacity. Industrial capacity has been fractured.

I am glad the distinguished Senator from North Dakota brought this subject up when we have just a few minutes.

What we should be doing is paying the bill. What we should be doing is getting competitive and enforcing the laws on the books.

Does the Senator from North Dakota want to set aside his amendment and go to another amendment?

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from North Dakota.

Mr. DORGAN. Mr. President, there is nothing quite like the sight of the Senator from South Carolina in full voice in support of things he cares about passionately. Among them are trade and related issues. He is kind of like a jockey on a horse who are is running when he is moving on these issues. Then I watched him turn to the support of Fat Albert. He had the body language of someone headed toward a dental chair. There is no one, in my judgment, less capable of defending Fat Albert, based on his good record of public service, than the Senator from South Carolina.

I would only like to refer to the 1994 CRS report to Congress about TV Marti. It said TV Marti is worthless. It does not reach the population. It is easily jammed. It broadcasts at 3:30 in the morning. Nobody sees it.

I am not interested in being soft on Castro, nor am I interested in being hard on the American taxpayer. So my point is very simple: Let's get rid of wasteful spending. I understand why some have to defend Fat Albert, but Fat Albert is indefensible. So let's get rid of that $10 million and move on and invest in something that really does strengthen this country and our manufacturing center. Let's demand and insist that other countries with whom we have trade relationships own up to those trade relationships and begin to exhibit fair trade practices with this country.

Again, let me say to my friend, the Senator from South Carolina, I have always enjoyed the Senator from South Carolina when he gets a full head of steam on the issue of international trade. He is interesting to listen to and knows his stuff. I hope he agrees with me that we should increase the number of people engaged in monitoring the compliance and requiring the enforcement of our trade laws with respect to other countries. Compliance and enforcement has decreased rather than increased, and as a result, our trade deficit has dramatically ballooned.

AMENDMENT NO. 1543

Having said all that, let me now turn to my next amendment. I will be mercifully brief. I will offer this amendment because I think it is important to have this discussion and to pass a piece of legislation such as it.

This amendment deals with the Small Business Administration. Many of you will remember the disaster in the State of North Dakota when the city of Grand Forks—the Red River Valley, in fact—experienced a very large flood in 1997. The city of Grand Forks, a city of nearly 50,000 people, had to be nearly completely evacuated. It is almost an unprecedented event in this country, in the last 150 years, to have a city of that size be nearly completely evacuated as a result of a flood.

In the middle of that flood, a fire broke out in the downtown business section. So we had a raging flood of the Red River, that had required the evacuation of a city. Then, we had a roaring fire in the middle of that downtown that had been evacuated. You might remember on television the images of firefighters trying to fight a fire in the middle of a flood. It was really quite a remarkable sight.

That disaster, as other disasters in this country, prompted the Small Business Administration, and other agencies, including FEMA and HUD, to come in with some assistance. We do that in times of disaster. Our Government programs are meant to say to people who are down and out, flat on

their back, hit with a natural disaster: We are here to help you. Here is a helping hand. We want to help you during troubled times. So we did that.

One of the things we did was provide Small Business Administration low-interest loans, 4-percent loans. There were some grants and other things as well, but the centerpiece was an SBA loan to a homeowner or a business that had been dramatically flooded and was in very difficult trouble.

What I did not know at the time, and what I think many of you perhaps do not know in this Chamber, is that those loans by the SBA, including the disaster loans I am now discussing, were later packaged together and then sold to the highest bidder. Companies that are engaged to bring money together to invest in Government loans decide: We are going to now buy a package of loans from the SBA. Then they bid 50 cents on the dollar or 60 cents on the dollar, and they buy the loans from the Small Business Administration.

I never thought much about that. I suspect most people have not thought about that. The problem is when the SBA sells disaster loans, you have the potential for a second disaster for a family or business. Here is why.

The SBA, when it serviced those disaster loans itself, was always reasonably flexible in dealing with people. Oh, we want people to pay those loans back. That is for sure. But if someone got stuck in a tough situation, the SBA would work with them. For example, if a business had to sell one asset and replace it with another asset that was more efficient and if the old asset had an SBA disaster lien on it, the SBA would say: Yes, we will work with you on that; we will transfer the lien. And the business was able to deal with that.

Now these disaster loans are sold to financial companies, and the financial companies say: We are sorry, we don't intend to transfer any liens. We are sorry, there is no flexibility here. We are not going to do what the SBA did for you.

I will give you an example—there are many—but I will offer an example of a woman in Grand Forks, ND. This is one of many letters I have received:

> I'm another flood victim trying to find a way to transfer the current loan I have from the SBA to another property. My SBA loan was sold to [blank—I will not name the company—] and I've been told by them they don't transfer loans, period. So I am out of luck. Personal circumstances made it necessary for me to sell my property. And I need this low interest rate in order to afford another property to get back on my feet.

She had the disaster. The disaster still hurts, but something happened in her circumstance where she had to sell that property and replace it with another property because of family circumstances. In the past, the SBA always would have said: Yes, we will work with you to transfer the lien, as long as we still have a lien on the property. The new investors—now that the loans have been sold—say: We're sorry, we won't change the interest rate on you. We won't change the terms of the loan. But there is no flexibility. Any changes at all might cost you a huge fee. And in some cases they say: There's no fee because there are no changes. We have no flexibility.

So I have talked to the head of the SBA. I had a visit with him, in fact, on Friday of this past week. He understands there can be some problems in these areas. He told me he is going to try to put an advisory panel together to see if they can work on individual cases. But I really believe we ought not be selling disaster loans. I do not object to selling other loans, if they want loan processing to be done by someone else in ordinary circumstances, but I do not believe disaster loans represent ordinary circumstances. I believe disaster loans ought to be serviced by the SBA. That way, the SBA controls and maintains the policies with respect to how these loans are treated.

My preference is that the SBA go ahead and sell whatever loans they want, except disaster loans. The SBA, I believe, has a responsibility and an obligation to service those disaster loans.

CBO tells me there is no scoring on this amendment.

So I am offering the amendment. I do not know whether a copy of my amendment is at the desk. If not, I will send it to the desk at this point.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

> The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1543.

Mr. DORGAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To prohibit the sale of disaster loans authorized under section 7(b) of the Small Business Act)
>
> At the appropriate place, insert the following:
>
> **SEC. . PROHIBITION ON SALE OF DISASTER LOANS.**
>
> Notwithstanding any other provision of law, no amount made available under this Act may be used to sell any disaster loan authorized by section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to any private company or other entity.

Mr. DORGAN. Mr. President, I will not continue further. I have been appreciative of the efforts by the Senators from South Carolina and New Hampshire to allow me to offer these amendments. I know they will set them aside to proceed with other things on the bill.

I will continue to work with those in the authorizing committee on a couple of these issues. But it is my hope we will be able to consider both pieces of legislation favorably. I know one of them is—or can be—controversial; it should not be. As I said, even waste has a constituency, I guess, in Congress and perhaps in some parts of the country. But I think, to the extent we can—especially as we suffer an economic downturn in this country—when we see waste, we really ought to eliminate it. On behalf of the American taxpayer, we ought to take action. So my hope is that the Senate will find its way to be supportive of both amendments I have offered.

Mr. President, I understand there will be a request to set these aside. I will be happy to work with the chairman and the ranking member to see if we can find a way to clear one or both of these amendments as we proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I want to hear momentarily from the Small Business Administration with respect to the handling of these disaster loans. The position of the distinguished Senator from North Dakota is very appealing. It sounds logical to me.

On the other hand, think of it for a second, and you understand that SBA is selling these particular loans and taking the funds and leveraging even more SBA loans. Because of some of the wrongs that may have occurred with the private sector purchasing the loans, as well as other administrative problems, I want to hear from the Small Business Administration.

I am not trying to put it off, but I will learn quite shortly. I know there will be opposition to Fat Albert. There are a lot of people on a diet, but not Fat Albert.

Mr. DORGAN. Mr. President, if the Senator from South Carolina will yield, my hope is that as he continues to consider this issue, he will be the last to come to the aid of Fat Albert, having heard my discussion about Government waste and knowing his position on Government waste. My hope is he will be the last in line to be supportive of the aerostat balloon called Fat Albert, a balloon that broadcasts a signal no one can see at 3:30 in the morning.

Mr. HOLLINGS. 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. HOLLINGS. 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. HOLLINGS. Mr. President, as I understand the pending business, and I ask the Chair to confirm, at 5 o'clock we come back to the Smith-Harkin amendment relative to compensation for the POWs, Japanese prisoners of war, with the time equally divided between Senator SMITH and Senator INOUYE, 15 minutes per side.

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLINGS. I suggest the absence of a quorum, with the time to be equally allocated to both Senator SMITH and Senator INOUYE.

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. SMITH of New Hampshire. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, it is my understanding we have the vote on the Smith amendment at 5:30. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. SMITH of New Hampshire. I say to my colleagues who are also here to speak, I will be very brief in deference to those on both sides who wish to speak.

I want to say what the Smith amendment does. It says:

> None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

All this says is that no funds in this act will be used to block that lawsuit.

That is it. We are not making any editorial comment on the merits or demerits of the lawsuit or who should win it. I have personal feelings about who should win it. I believe the Ameican POWs should win the lawsuits. That is up to the courts. All we want to do is let that process proceed.

I also want to make it very clear that this amendment does not abrogate the 1951 peace treaty with Japan. I repeat, It does not abrogate the 1951 peace treaty with Japan. It merely limits the State and Justice departments from interfering in the veterans' lawsuits.

Why does it not do it? Because article 26 makes it very clear that if the Japanese should enter into any agreement that is more advantageous, then the same terms apply to all the signatories to the treaty. That is what it says. Should Japan make a war claims settlement with any state granting that state greater advantage than those provided by the present treaty, those same advantages shall be extended to the parties to the present treaty.

Did that happen? The answer is, yes, it did—right here in an agreement that was written between the Japanese Government and the Dutch. The point is it did happen.

We are not violating the treaty. Article 26 is part of the treaty. We are simply complying with the treaty.

The bottom line is we are not only not abrogating it, but we are complying with the treaty. This is about whether or not we are going to side with Japanese companies or American war heroes. That is the bottom line. That is the issue. As Senator HOLLINGS said a while back, this is about the Constitution and about the treaty; it is not. We are complying with the treaty with this amendment.

This is about siding with Japanese companies in this lawsuit or with American war heroes.

That is the issue. We are not even doing that. We are just allowing the process to move forward because American war heroes can have their day in court. That is all we are doing. The treaty allows for that very clearly.

As I indicated in my previous remarks today, John Foster Dulles, when he did the background and memorandum of understanding and wrote some of this language, understood it, too. Then this was classified for 50 years.

We didn't know about it. The lawyers who are trying to present these lawsuits on behalf of American war heroes—the greatest generation—didn't have access to this information until it was declassified a year ago. That is what this is about, pure and simple. There is nothing complicated.

You are either for allowing American war heroes who were in the Bataan Death March and who were forced into slave labor camps to have their day in court—you don't even have to be for them winning, as I happen to be, and as I know many others are. You just have to be for allowing them their day in court as is prescribed under that 1951 treaty, period. That is what it is about. You are either for that or you are for the Japanese companies that basically forced them into slave labor.

That is the difference. That is what we are talking about in this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I believe all of us will agree that the atrocities committed and the inhumane treatment of our war prisoners cannot be condoned and cannot in any way be justified. We condemn those atrocities. It is not a question of Japanese corporations versus American heroes. What is involved is the Constitution of the United States. Article II makes it very clear that treaties are to be negotiated by the President or the executive branch of this country—not by any State, nor by any individual, nor by the Senate. It will be by the executive branch. There is no question about that.

The document that my dear friend from New Hampshire has referred to which was arranged by our then-Secretary of State, John Foster Dulles, should be praised and not condemned. I would like to explain.

I believe the references to this arrangement is a bit misleading. I say so most respectfully. This arrangement which was engineered by Secretary Dulles was simply a side agreement designed to address a domestic issue for the Dutch and thereby enabling the Dutch to sign on as a signatory to the treaty of peace in San Francisco.

It does not in any way change the terms of the treaty. My colleagues from New Hampshire and Iowa have read the documents. But somehow we have slid over certain words. If I may, very carefully I will quote from their document.

> However, the Japanese Government points out that under the treaty allied nationals will not be able to obtain satisfaction regarding such claims. Although, as the Netherlands government suggests, there are certain types of private claims by allied nationals which the Japanese Government might wish voluntarily to deal with.

We have somehow skimmed over that word ''voluntarily.''

At this moment, Mr. President, if you wanted to sue me and I said to you, I voluntarily open myself up to you, we need not go to court, no one is going to fuss over that. If at this moment a prisoner of war of the United States should decide that he wants to sue the Japanese Government or a Japanese national notwithstanding the treaty, and if that Japanese national or the Japanese Government should say, yes, they voluntarily expose themselves, we don't have to break the treaty. But if the Japanese Government or the Japanese national should resist and challenge that claim, then I say the executive branch of the Government of the United States should have every right to intervene in such a suit because it does impact upon the treaty of San Francisco.

I think we should read this again:

> There are certain types of private claims by allied nationals which the Japanese Government might wish voluntarily to deal with.

This amendment is not necessary. If you want to sue the Japanese Government or its national at this moment, and the Government and the national said to you, yes, they will voluntarily enter into an agreement with you to compensate you for whatever claims you may have, no one is going to complain. But this amendment will without question impact upon the treaty. It will abrogate the treaty. Then other countries will begin to doubt our good word. Is our word good? Are the promises made by the United States good? We are constantly criticizing other nations for violating, if I may say, provisions of treaties.

This is very simply an attempt on the part of the United States to violate a provision of a treaty. I hope that my colleagues will not lead us down this very dangerous path. If we violate, how can we be critical of other nations violating provisions of their treaties? So I hope this matter will be settled. And accordingly, if I may, Mr. President, I move to table the Smith amendment.

The PRESIDING OFFICER. The motion is premature while time remains.

Mr. INOUYE. I assumed the Senator had finished.

Mr. SMITH of New Hampshire. Senator HARKIN wishes to speak.

Mr. INOUYE. I am sorry.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. How many minutes do we have?

The PRESIDING OFFICER. Six minutes.

Mr. HARKIN. Mr. President, first of all, we are not abrogating any treaties with this amendment. How could we abrogate a treaty with an amendment that simply says: No moneys can be expended by the State Department Attorney General to go into court opposing our POW cases against private Japanese companies? That is all we are saying. Again, we have done this time and time and time again in the history of this country. This is not something new.

We have the power to do that. We have the power of the purse strings. We are not abrogating the treaty. We are just saying that the U.S. Government cannot go into court using taxpayer money to oppose the POWs who are filing these lawsuits.

If the court upholds the treaty and says that they cannot get anything, that they have already been compensated, well, that's the end of it. I guess they can appeal it to the Supreme Court of the United States, but if the courts find, as my friend from Hawaii says, that this treaty holds and would be abrogated, and we can't do that, then that is the end of the case, but at least the POWs will have had their day in court.

That is all we are asking with this amendment. We are not abrogating any treaties; we are simply trying to uphold the rule of law and our own private citizens' rights.

Let's keep in mind whom we are talking about: 30,000 men who served their country in unbearable conditions in Japanese prisoner-of-war camps. Now we are talking about at least 700 of them—some from my own State of Iowa—seeking some long-delayed justice. They have gone to court to demand compensation from the Japanese companies that used them as slave laborers.

And who were these companies? Mitsubishi, Mitsui, Nippon Steel. These are not tiny, little companies that are going to go broke because they might have to pay these people some back wages and compensation for what they endured during those war years.

I think it is unconscionable that our own State Department has intervened in the courts to keep them from pressing their case. That is not right. It is not fair.

So, No. 1, this amendment does not, in any way, undermine the treaty. Let the court decide that. All we are saying is, the State Department cannot use our taxpayers' money—the very taxes paid by these former POWs—to go into court to keep them from seeking redress.

No. 2, this does not violate a separation of powers. We have, time and time again, used the power of the purse strings to say that the Attorney General cannot intervene in certain court cases. That is nothing new. We have done that before.

No. 3, they have said the POWs have already been compensated by the United States. Well, I talked to three POWs from Iowa who were slave laborers in Japan during the war, and not one of them got paid. So I do not know whom they are talking about, but they did not get a dime.

No. 4, it has been said this opens up the United States to lawsuits from other countries. Again, the United States was known to treat our POWs more decently. Many of the German POWs who worked here in the cotton fields were indeed paid for their work when they worked in the United States as POWs.

Again, we can get wrapped up in all these details, but let's keep in mind what we are talking about. We are talking about men who survived on a cup of rice a day. The one person I knew in Iowa, who is still alive, went from 160 pounds down to 68 pounds in 3 years working in a Japanese auto parts factory and then in the lead mines in Japanese occupied territory.

Again, these survivors and their families should at least give them their day in court. That is all we are asking. Mitsubishi, they have a lot of money. Nippon Steel, they can hire the best lawyers if they want to argue this case.

Mr. President, I ask unanimous consent to have printed in the RECORD the number of former POWs in various States who would be affected by this class action suit: 1,454 in California, 200 in Arizona, 200 in Colorado, 150 in Georgia, 150 in Illinois—I am not going to read the whole list, but I ask to have that list printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE BY STATE LISTING OF SURVIVORS AND THEIR FAMILIES WHO WOULD BENEFIT OR WOULD BE AFFECTED BY THE CLASS ACTION SUIT

Arizona: 200.
California: 1,454
Colorado: 200.
Georgia: 150.
Illinois: 150.
Louisiana: 140.
Maryland:, 1,154.
New York: 240.
Virginia: 189.
Oregon: 250.
Texas: 972.
Washington: 350.
Wisconsin: 106.
Ohio: 100.
North Carolina: 100.
Pennsylvania: 100.
Massachusetts: 100.

Mr. HARKIN. Mr. President, again, let's keep in mind that all the Smith-Harkin amendment says is: Do not use taxpayers' money to have the State Department come into court to fight our former POWs who are seeking compensation from Japanese companies that never paid them. That is all we are asking. If the judge and the Supreme Court of the United States find that they cannot abrogate that treaty, that is the end of it, but at least give them their day in court.

Let's not turn our backs on them. They suffered long enough. It is time they get their just compensation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, just a unanimous consent request.

I ask unanimous consent that Senator WAYNE ALLARD be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The sponsors' time has expired.

Who yields time?

The Senator from Hawaii.

Mr. INOUYE. Mr. President, as I indicated earlier this afternoon, it was certain that this debate would become a highly emotional one. A few of us were involved in that ancient war, and we know what the Bataan Death March was all about. We do not condone that; we condemn it. We are not here to justify or provide a rationale for the actions taken by the Japanese troops; far from it. But we are here to maintain the integrity of our country and our treaties.

Yes, we have provided provisions in the appropriations bill stopping our Departments from suing on certain issues, but never on a treaty. This one will break a treaty.

So, Mr. President, I hope my colleagues will go along in support of my motion to table.

Mr. SMITH of New Hampshire. Mr. President, before the motion is made, I have one more unanimous consent request.

I ask unanimous consent that Senator BEN CAMPBELL also be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. INOUYE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The opposition has 2 minutes remaining.

Mr. INOUYE. I yield back the remainder of our time and move to table the Smith amendment.

Mr. HOLLINGS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Missouri (Mrs. CARNAHAN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Florida (Mr. NELSON), the Senator from Michigan (Ms. STABENOW), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. KYL) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 58, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—34

Akaka	Fitzgerald	Mikulski
Biden	Gregg	Murkowski
Bond	Hagel	Nelson (NE)
Byrd	Helms	Nickles
Carper	Hollings	Reed
Chafee	Inouye	Reid
Cleland	Jeffords	Rockefeller
Corzine	Kohl	Sarbanes
Daschle	Levin	Stevens
Dodd	Lott	Thompson
Enzi	Lugar	
Feinstein	McConnell	

NAYS—58

Allard	DeWine	Lincoln
Allen	Domenici	Miller
Baucus	Dorgan	Murray
Bayh	Durbin	Roberts
Bennett	Ensign	Santorum
Bingaman	Feingold	Schumer
Boxer	Frist	Sessions
Breaux	Graham	Shelby
Brownback	Gramm	Smith (NH)
Bunning	Grassley	Smith (OR)
Burns	Harkin	Snowe
Campbell	Hatch	Specter
Cantwell	Hutchinson	Thomas
Clinton	Hutchison	Thurmond
Cochran	Inhofe	Voinovich
Collins	Johnson	Warner
Conrad	Kennedy	Wellstone
Craig	Landrieu	Wyden
Crapo	Leahy	
Dayton	Lieberman	

NOT VOTING—8

Carnahan	Kyl	Stabenow
Edwards	McCain	Torricelli
Kerry	Nelson (FL)	

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1538) was agreed to.

Mr. SMITH of New Hampshire. I move to reconsider the vote.

Mr. NICKLES. 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. I rise very briefly to give my colleagues some bad news and some good news. The bad news is the house of my colleague, Senator JEAN CARNAHAN, was struck by lightening Saturday evening. It suffered serious damage from a fire and also from water.

I spoke with Senator CARNAHAN. She is in Rolla, MO. There are about 30 good friends helping her retrieve her belongings and to work with insurance companies. It is a real mess and she is therefore unable to attend this vote.

The record should show because of this grave, unfortunate circumstance, she did not vote. The good news is she sounded to be in good spirits, no one was hurt, and she expects to return to this body as soon as she can complete arrangements in Rolla. I thank the Chairman, and I thank my colleagues.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, we made some good progress this afternoon. Aside from this particular vote, we have three amendments pending, two by the distinguished Senator from North Dakota, Mr. DORGAN, on both the aerostat of TV Marti and the Small Business Administration amendment.

We have the amendment by the Senator from Idaho, Mr. CRAIG, relative to the International Criminal Court. There being no further debate, as I understand it, I am waiting to check with the leadership on both sides of the aisle on how they intend to continue, but we will meet early in the morning and I am asking all Senators, please, if they have any amendments, get ready and let us bring them up and let us see if we can move along like we did today.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1536

Mr. DODD. Mr. President, I want to be heard on the Craig amendment, unless there is some reason why I cannot. Is that in order?

The PRESIDING OFFICER. The Senator from Connecticut is recognized on the Craig amendment.

Mr. DODD. I thank the President, and I thank my colleagues.

Mr. President, I rise to speak in opposition to the amendment offered by my good friend from Idaho. I do so because it goes back a long time. As a matter of revealing past history, I take great pride in the fact that the person at whose desk I now stand and in whose chair I now sit from time to time was the executive trial counsel at the Nuremberg trials. I was about a year old, a year and 2 months old, when my father went off to Nuremberg as a young lawyer and became an executive trial counsel at the end of those historic trials at the end of World War II.

I remember vividly growing up with my father and others of his generation arguing most strongly that had there been in the 1920's or 1930's criminal courts of international justice the tragedies of World War II might have been avoided.

He never said it would have been absolutely because obviously that would be an impossibility to predict, but there was no place, there was no forum in which the civilized world could gather, in a sense, to denounce or to indict a madman such as Adolf Hitler.

As a result of the world's silence, in many ways, through the 1930's, the events and the tragedies in the latter part of that decade, of course, the events of the first part of the 1940's occurred. So after World War II, there were many highly responsible individuals in this country and elsewhere who argued most strongly for the establishment of such a court. In fact, it was the United States that led the way to establish a United Nations system. It was the Eisenhower administration.

In fact, some of the strongest conservatives of that era argued very strongly that it was in the interest of the United States, in our own self-interest, as the leader of free peoples around the globe to have some place where we could indict those who would commit the horrors and tragedies of human rights violations.

So it is somewhat ironic—in a way sadly so—that we find ourselves at the outset of the 21st century with the United States apparently leading the charge to see to it that no such organization should ever come into existence.

Let me quickly say to my colleagues, I do not at all support the present configuration or proposal on an international criminal court. It is tremendously flawed as a proposal. It is very much in our interest, as a nation, to be at the table to help fashion this court.

Ultimately we may vote against it. We may try to see to it that it does not become established. However, there is a great risk that it will become established. In the absence of our participation, it could end up being a lot worse—for us, for men and women in uniform in this country, for the interests of the United States in an ever-shrinking global community.

I am deeply concerned, as I am now told the administration is as well, with this amendment as presently proposed. As I understand it, the Craig amendment bars the United States from using funds in support of the International Criminal Court or to continue to participate in meetings of the Preparatory Commission which is working to finalize matters relating to the Court.

I think this is a dangerous amendment in many ways. I have proposed language which we have not yet considered in the Foreign Relations Committee dealing with one of the major concerns being raised about the establishment of a criminal court; that is, the vulnerabilities of our men and women in uniform.

The legislation that I have drafted is gathering wide-range support. The administration itself finds an awful lot included in the bill that they would like to support. We are working with them to fashion something to meet their support.

The adoption of this amendment, however, is a major setback, in my view, in this effort. As currently drafted, the Craig amendment forecloses one of the options the Bush administration is currently reviewing with respect to how to remain actively engaged internationally in support of the rule of law.

It is my understanding that the Bush administration strongly opposes, in fact, what our good friend and colleague from Idaho is suggesting with this amendment. Under existing law, the administration is currently prohibited from expending funds in support of the Court. That is the law today. That was adopted in 1999. The law has left the door open for the Bush administration to determine whether or not it wishes to participate in the work of the Preparatory Commission. It makes all the sense in the world to be so involved. The structure of the Preparatory Commission is such that it is

charged with finalizing the details of the implementing language of the Court in resolving outstanding definitions, ambiguities, and difficulties with the Rome statute.

The Craig amendment closes the door with respect to the possibility of U.S. participation in the Preparatory Commission. This, in my view, is very shortsighted since there are a number of issues which we would want to and should work to resolve or clarify, even if we never decide to become a party to the treaty.

Clearly, I am hopeful President Bush will choose to stay part of the Preparatory Commission process, but the decision as to whether or not to do so is up to him, not up to the Congress. Frankly, to prohibit the President from participating in the Preparatory Commission is probably a violation of the President's constitutional treaty power to conduct negotiations with other states on behalf of our own Nation. Moreover, I think this amendment sends a terrible signal just as the international community gathers in New York to listen to President Bush address the United Nations for the first time since coming to office. What message will they derive from yet another U.S. unilateral rejection of internationalism? Perhaps they will take it as a signal that we in the United States no longer intend to be leaders in the international advocacy of the rule of law and human rights.

How ironic, how truly ironic that is. How quickly we seem to have forgotten the Holocaust and the international community's decision to convene the Nuremburg trial of the leading Nazi war criminals following World War II, or that this war crimes tribunal was largely an American initiative. Justice Robert Jackson's team drove the process of the drafting of the indictments, the gathering of the evidence, and the conducting of that extraordinary trial. The trial was a landmark in the struggle to deter and punish crimes of war and genocide, setting the stage for the Geneva and Genocide Conventions.

The surrender of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia is a strong reminder that war crimes are not a thing of the distant past. At Nuremberg Justice Jackson said: It is common to think of our own time as standing at the apex of civilization. The reality is that in the long perspective of history, the present century will not hold an admirable position, unless its second half is to redeem its first.

My father, Thomas Dodd, served as executive trial counsel at the trials at Nuremberg, among his proudest accomplishments as a human being. But it was also part of the common theme that rang through a lifetime of public service. He believed that America had a special role to make the rule of law relevant in every corner of the globe. I believe my father was correct, that Justice Jackson was correct, and those who came after that generation, the reason they fought so hard at the trials and subsequently was that they believed that had there been a forum, a place for the rule of law where natural law could reside, we might very well have avoided the Holocaust and other such events that gripped the midpart of the 20th century.

I believe my father would have endorsed President Clinton's decision to sign the Rome statute last December on behalf of the United States. President Clinton did so, knowing full well much of the work remained to be done before the United States would ever become a party to the U.N. convention establishing an international criminal court.

The Bush administration is currently reviewing its options with respect to the Rome statute and with respect to the ongoing preparatory work that will make the Court operational only once 60 parties have ratified it. If the Craig amendment is adopted, it will foreclose the Bush administration from opting to stay engaged as a participant in the work of the Preparatory Commission in order to protect U.S. interests and interact with friends and allies on these matters.

Let there be no doubt; at some date in the future an international criminal court will come into existence; 36 states have already ratified the treaty, including all members of the European Community. For the United States to be totally on the sidelines as the last details of procedures are hashed out is clearly contrary to our national self-interests. There may also be times when, on a case-by-case basis, the United States may want to assist in the prosecution of foreign war criminals, particularly those cases where the crimes are against American citizens.

We just debated, ironically, a proposal dealing with the war crimes of World War II. I think but for the treaty of San Francisco, it would have been adopted 100 to 0. As related in the persuasive arguments of DAN INOUYE and others, we believe treaties are important and should not be violated. How ironic that we find ourselves in this particular matter, depriving ourselves of the opportunity to be able to fight hard where war crimes are committed, and, in fact, U.S. citizens may be the victims because we will not allow the option to be involved in the Preparatory Commission of such a court.

Elie Wiesel has warned that legislation of this kind would erase America's Nuremberg legacy by ensuring that the United States will never again join the community of nations to hold accountable those who commit war crimes and genocide. A vote to shut the door forever on the International Criminal Court and bar the United States from being engaged, ironically, may be read by some as a signal that the United States accepts immunity from the world's worst atrocities. What a terrible possibility.

It is a sad day, as we embark on the 21st century, that the U.S. Senate, the great bastion of debate on international matters of such importance and weight, might vote to deprive us of even being involved in the Preparatory Commission considering an international court of criminal justice where human rights and genocide matters can be debated, where those who commit those crimes can be brought to the bar of justice.

I urge my colleagues to think more carefully about this vote. I accept there are problems with the Rome treaty as currently written. I would not support it. If the Rome treaty came to this Chamber as written, I would vote against it. But that is not the case. There is work to be done. We ought to be engaged in that work. That is why I introduced legislation before the August recess to protect U.S. interests until we can successfully work out our differences on this issue.

I hope the Foreign Relations Committee will hold hearings on this legislation as soon as possible.

This bill, the American Citizens Protection and War Criminal Prosecution Act of 2001—the American Citizens Protection Act, would both protect America's Nuremberg legacy while at the same time safeguarding the rights of American citizens who might be brought before foreign tribunals even if we are not a party to them. This bill calls for active U.S. diplomatic efforts to ensure that the ICC functions properly mandates the assertion of U.S. jurisdiction over American citizens and bars the surrender of U.S. citizens to the ICC once the U.S. has acted.

The Bush administration is currently studying this and other approaches to issues related to the ICC. We should permit that review to continue and give the President the flexibility to decide how best to serve U.S. interests in this important area.

The world is a global village in this new millennium. The U.S. must strike the right balance between protecting our citizens and our men and women in the armed forces who may be traveling or deployed abroad, and preserving United States leadership and advocacy of universal adherence to principles of international justice and the rule of law.

For those reasons, I urge my colleagues to reject the Craig amendment and let existing law stand with respect to limitations on funding in support of the ICC at this time.

This is no time for us to be walking away from a responsibility which we have shouldered proudly for the past half century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise to speak on the Craig amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALLEN. Mr. President, I rise in support of the amendment of our colleague, Senator CRAIG of Idaho, of which I am a cosponsor. I listened very

carefully to the eloquent words of the Senator from Connecticut, Mr. DODD, and his arguments in opposition to this amendment. In my view, the proposed International Criminal Court is a threat to the sovereignty of the United States and our individual God-given rights that are protected in the Constitution of the United States and in the constitutions and laws of several states. President Clinton, in my view, made a serious mistake when he signed the Rome treaty in the waning days of his administration. That treaty, which would establish a permanent international criminal court, creates a number of undesirable, unprecedented challenges for the people of the United States. The ICC will have the power to investigate and prosecute a series of international criminal offenses such as crimes against humanity, heretofore enforceable only in national courts or tribunals of limited application which have broad international support, such as the Nuremberg trials, which Senator DODD brought up.

Obviously, everyone here thinks the Nazis should be prosecuted.

We do support, obviously, the tribunal that is trying Milosevic right at this moment. The International Court in The Hague is the proper approach, which does not impinge upon our sovereignty.

Senator DODD, in arguing against this amendment, did mention he would oppose the Rome treaty as written if we were going to be voting on it at this moment. But if the Senate were to ratify this ill-advised treaty, this International Criminal Court would have the authority to try to punish Americans for alleged offenses abroad or in the United States, and that Court will be entirely unaccountable for its actions.

This International Criminal Court, in fact, would be in a position to punish individual American officials for the foreign policy and military actions of the United States and would not offer even minimum guarantees afforded in the Bill of Rights to any defendants before it.

At the heart of the ICC is an independent prosecutor accountable to no one. The international prosecutor is empowered to enforce justice as that prosecutor sees fit. If the international prosecutor believes that a local trial in our U.S. courts has been inadequate, he or she is authorized to indict an alleged human rights abuser and demand a new international trial. The international prosecutor may think a local pardon or an amnesty or a finding of not guilty was improper. That international prosecutor can ignore that finding.

What this authority symbolizes is the theory that all nations, including constitutional democracies, should surrender their sovereignty to the altar of international control.

Control of our own courts is one of our most cherished internal decisions about justice and order in our civilization. The United States was founded on the basic principle that the people of the States and our country have the right to govern themselves and chart their own course. The elected officials in the United States, as well as our military and citizenry at large, are ultimately responsible to the legal and political institutions established by our Federal and State constitutions, which reflect the values and the sovereignty of the American people.

The Rome treaty would erect an institution in the form of the ICC that would claim authority superior to that of the Federal Government and the States and superior to the American voters themselves. This Court would assert the ultimate authority to determine whether the elected officials of the United States as well as any other American citizen have acted unlawfully on any particular occasion.

In this, the Rome treaty is fundamentally inconsistent with the first tenet of our American Republic, that anyone who exercises power must be responsible for its use to those subject to that power. In our country, the Government derives its just powers from the consent of the people. That is foundational and fundamental.

The values of the ICC's prosecutor and judges are unlikely to be the same values of those of the United States. The Rome treaty has been embraced by many nations with legal and political traditions dramatically different from those of our own. This includes such states as Cambodia, Iran, Haiti, Nigeria, Sudan, Syria, and Yemen, all of which have been implicated in torture or extrajudicial killings or both.

Even our closest allies, including European states following the civil law system, begin with a very different assumption about the powers of courts and the rights of the accused. Nevertheless, if it is permitted to be established, the ICC will claim the power to try individual Americans, including U.S. service personnel and officials acting fully in accordance with U.S. law and our interests. The Court itself would be the final arbiter of its own power, and there would be no appeal from its decisions.

In 1791, Thomas Jefferson, our country's first Secretary of State, said:

> No court can have jurisdiction over a sovereign nation.

Last year this Congress prohibited the use of taxpayers' money to support the International Criminal Court. I say, let's put another lock on that door by adopting this amendment, the Craig amendment, and let's put a lock on the door to the Preparatory Commission as well.

In closing, I quote again from Mr. Jefferson. Thomas Jefferson said:

> It is the right of every nation to prohibit acts of sovereignty from being exercised by any other within its limits.

I urge my colleagues to join me in exercising this right and supporting this amendment to protect the sovereignty of the American people.

I yield the floor.

Mr. LEAHY. Mr. President, I rise today to voice my strong opposition to the Craig amendment to the International Criminal Court (ICC). While I have great respect for the Senator from Idaho, I believe it is unnecessary, damaging to the cause of international justice, and would further erode our standing with our European allies.

Even the Bush administration, which has no intention of sending the Rome treaty to the Senate for its advice and consent, opposes the Craig amendment.

Since the Rome treaty was approved over two years ago, it has been signed by more than 120 nations including all of the European Union members, all of our NATO allies except Turkey, as well as Israel, and Russia.

Joining our friends and allies, President Clinton signed the Rome treaty late last year, a decision which I wholeheartedly supported, as the ICC represents a significant step forward in bringing to justice those responsible for committing the most heinous crimes.

Throughout the negotiations on the ICC, the United States got almost everything it wanted and was able to obtain important safeguards to prevent American soldiers from being subjected to politically-motivated actions by the Court.

There is room for improving the treaty, and that is precisely why I oppose the Craig amendment. The Craig amendment would prevent our diplomats from being at the table during the ongoing Preparatory Commissions on the ICC.

While this may make some feel good, the practical effect would be self-defeating. It would put us in a far worse position to advance U.S. interests within the ICC and obtain additional protections, ensure that the safeguards we already obtained operate effectively, and make sure that the Court serves its intended purpose of prosecuting crimes against humanity.

I do support the International Criminal Court. But, again, this vote is not about whether you support it or not. We already have a prohibition against the expenditure of U.S. funds for the ''use by or support of'' the ICC, unless the U.S. ratifies the treaty, which it is not going to do any time soon.

The issue is whether we will participate in discussions on the procedures of the court, or whether we are going to tie the hands of the administration by preventing the United States from even sitting at the table.

And, both the Clinton and Bush administrations have stated that they would not submit the Treaty to the Senate for consideration.

While some may want to ''block'' the treaty, this is very unlikely to be possible. The EU is already engaged in a campaign to obtain the ratifications that are needed to reach the required number of 60.

Blocking the International Criminal Court from coming into existence is likely to require a head-to-head confrontation with our European allies

and over 80 countries outside of Europe that have signed the Treaty but not yet ratified.

Because the reality is that the Court will come into existence and have jurisdiction over non-parties, our best strategy is to remain engaged with the ICC to shape a Court that best represents our interests and values.

Irrespective of one's views on the ICC, it makes no sense to bury our heads in the sand and hope for the best. That is precisely what the Craig amendment will do and one of the major reasons why I strongly oppose it.

The other reason that I oppose the Craig amendment is the long-term harm that it could have on U.S. efforts to prosecute war criminals. Year after year, Senator MCCONNELL and myself, alternating as chairman and ranking member of the Foreign Operations Subcommittee, have struggled to find enough money to help support the efforts of the international tribunals for the former Yugoslavia, Rwanda, and Sierra Leone.

Moreover, we may now be asked to contribute millions of dollars to support a tribunal to prosecute crimes of genocide by the Khmer Rouge in Cambodia, if the tribunal there meets international standards of justice.

The negotiations on these tribunals often takes years and involves endless wrangling over costs, over the laws and rules that will be applied to the proceedings, and over whether to even establish an ad hoc tribunal in the first place.

One of the primary goals of the ICC is to have a permanent forum to prosecute these heinous crimes wherever they may occur, and our allies have embraced the ICC for precisely this reason.

Once the ICC comes into existence, and our allies and the Security Council will no longer support establishing new ad hoc tribunals—which at that point could be unnecessary and duplicative—what will the United States do?

No longer help with the prosecution of war criminals, because we do not support the ICC? That would be ridiculous for a country whose Bill of Rights is a beacon of hope for victims of human rights abuses around the world.

Clearly, we all want to protect U.S. interests within the ICC. This amendment does not do that. In fact, it makes things worse by not even allowing our negotiators to be in the room while important issues are being discussed and could ultimately hinder our efforts to prosecute war criminals.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I checked with several Senators interested in this amendment as well as its proponent, Senator CRAIG. If there is no other question, we need to move these amendments along as best we can.

I think we are ready for a voice vote.

I urge the question on the Craig amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment in the second degree.

The amendment (No. 1537) was agreed to.

Mr. GREGG. Mr. President, I urge the question on the underlying amendment, as amended.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment, as amended.

Mr. GREGG. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the amendment in the first degree.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendment is agreed to.

The amendment (No. 1536), as amended, was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I thank the distinguished Chair, and thank my colleagues from New Hampshire and Virginia.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the budget Committee's official scoring for S. 1215, the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for Fiscal Year 2002.

The Senate bill provides $38.627 billion in discretionary budget authority, which will result in new outlays in 2002 of $26.026 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $38.747 billion in 2002. The Senate bill is within its Section 302(b) allocation for budget authority and outlays. Once again, the committee has met its target without the use of any emergency designations.

I again commend Chairman BYRD and Senator STEVENS, as well as Senators HOLLINGS and GREGG, for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process.

I ask unanimous consent that a table displaying the budget committees scoring of this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1215, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION, 2002

[Spending comparisons—Senate-Reported Bill (in millions of dollars)]

	General purpose	Defense	Conservation	Mandatory	Total
Senate-reported bill:					
Budget Authority	37,772	604	251	572	39,199
Outlays	37,885	660	202	581	39,328
Senate 302(b) allocation:*					
House-passed:					
Budget Authority	37,534	567	440	572	39,113
Outlays	37,913	632	360	581	39,486
President's request:					
Budget Authority	37,178	465	284	572	38,499
Outlays	38,016	538	259	581	39,394
SENATE-REPORTED BILL COMPARED TO:					
Senate 302(b) allocation:*					
Budget Authority	0	0	(133)	0	(133)
Outlays	0	0	0	0	0
House-passed:					
Budget Authority	238	37	(189)	0	86
Outlays	(28)	28	(158)	0	(158)
President's request:					
Budget Authority	594	139	(33)	0	700
Outlays	(131)	122	(57)	0	(66)

Notes: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions. For enforcement purposes, the budget committee compares the Senate-reported bill to the Senate 302(b) allocation.

*The 2002 budget resolution includes a "firewall" in the Senate between defense and nondefense spending that will become effective once a bill is enacted increasing the discretionary spending limit for 2002. Because the firewall is for budget authority only, the appropriations committee did not provide a separate allocation for defense outlays. This table combines defense and nondefense outlays together as "general purpose" for purpose of comparing the Senate-reported outlays with the subcommittee's allocation.

MOUNTAIN VIEW HOUSE

Mr. GREGG. Mr. President, I would like to briefly mention to Senator HOLLINGS an EDA project that is of significant importance to employment in a section of New Hampshire that has traditionally experienced high levels of unemployment. The project is the Mountain View House. This project was inadvertently left out of the Senate Report, but it would be my hope that the Economic Development Administration would consider an application for the Mountain View House within applicable procedures and guidelines

and provide a grant if warranted. Will you join with me in urging the EDA to consider this vital initiative in New Hampshire?

Mr. HOLLINGS. I would certainly join with the Senator from New Hampshire in recognizing and supporting the Mountain View House project. I will work with my colleague during conference to include this project in the committee report.

INS INSPECTORS AT PORT OF DETROIT

Mr. LEVIN. Mr. President, I would like to thank the chairman for addressing in this bill the severe INS staffing shortages at certain land border ports of entry. I would also like to thank him for recognizing and addressing the severe shortage of INS inspectors at Detroit's port of entry on the U.S.-Canadian border, which includes the Ambassador Bridge and the Detroit-Windsor Tunnel. I am pleased this bill provides $25,408,000 for 348 additional land border inspectors and specifically indentifies the Detroit bridge and tunnel port of entry as being understaffed by a whopping 151 people. I appreciate the efforts of this Committee to address the significant INS staffing shortages on the Detroit-Canadian border and that a portion of the increase in INS inspectors funded by this bill will be allocated to address the Detroit shortfall.

I wish to seek clarification from the chairman of the Commerce-Justice-State Appropriations Subcommittee as to whether a significant portion of the funding provided for additional INS inspectors by this bill will be allocated to address the Detroit shortfall. The Ambassador Bridge is the most heavily traveled bridge and the most heavily traveled tunnel on the U.S.-Canadian border. Total traffic at the bridge has nearly doubled over the past 14 years. According to data compiled by the Bridge and Tunnel Operator's Association, in 1999 more than 12,000,000 auto and commercial vehicles crossed the Ambassador Bridge and more than 9,500,000 auto and commercial vehicles passed through the Detroit-Windsor Tunnel.

Ms. STABENOW. Mr. President, I too would like to express my thanks to the distinguished chairman for increasing INS staffing levels to address the past under funding of land border inspectors, and to also seek clarification concerning the Detroit Port of Entry. The committee notes that the Detroit Port of Entry, which includes the Ambassador Bridge and the Detroit-Windsor Tunnel, requires a total of 175 personnel yet is currently staffed at only 23 inspectors. That leaves the port understaffed by 151 inspectors, the third worst staffing level at a U.S. port of entry as a percentage of total workload. This is a serious concern, particularly because the Detroit Port is the nation's busiest northern border crossing, and has resulted in unnecessary traffic congestion and delays. I appreciate the committee having recognizing the Port of Detroit as one of the nation's ports of entry most in need of these additional inspectors and look forward to more efficient INS inspections at the Detroit-Canada border once these additional inspectors are in place. Is it the intent of the chairman, that a significant number of these additional INS inspectors would go to the Detroit Port of Entry?

Mr. HOLLINGS. Mr. President, the Senators from Michigan are correct. This committee recognizes the problems faced at the Port of Detroit and its shortfall of 151 INS land border inspectors, and it is the committee's intent that a significant number of these additional INS inspectors funded in our bill will help fill that shortfall.

CLEARMADD, UNIVERSITY OF GEORGIA

Mr. CLELAND. Mr. President, I have previously brought to your attention the important capabilities of the Center for Leadership in Education and Applied Research in Mass Destruction Defense (CLEARMADD). This Center, to be supported by a consortium of institutions including the University of Georgia, the Medical College of Georgia, and the Savannah River Ecology Laboratory in South Carolina, has available substantial expertise regarding the threat posed domestically from weapons of mass destruction (WMD). In recent years, concerns have increased about the potential for terrorists or foreign states to use biological, nuclear or chemical weapons to inflict mass casualties in the United States. As a nation, we are only just beginning to develop an adequate response capability for such an attack. The consequences of the use of WMD in the United States would be catastrophic, particularly in terms of the ability of our health care system to respond. While other programs have focused on research and training to assist first responders in the event of a WMD, very little has been done to develop proper curriculum and training, including advanced degrees, for medical responders including doctors, nurses, emergency room personnel, pharmacists, toxicologists, and veterinarians. The experts assembled with CLEARMADD have significant capability to provide such curriculum development and training for these so-called second responders.

I understand that a total of $364 million is included in the Senate version of the Fiscal Year 2002 Commerce-Justice-State appropriations bill for the Office of State and Local Domestic Preparedness Support (OSLDPS) of the Department of Justice to assist with training in the U.S. to respond to potential terrorist attacks. This is an increase of more than $100 million over funding for Fiscal Year 2001. It is my view that the programs and expertise of CLEARMADD fit well within the OSLDPS mission and I believe funds should be found within the Fiscal Year 2002 budget of OSLDPS to take advantage of CLEARMADD's expertise to help develop model curricula and training programs to assist local health care professionals.

Mr. HOLLINGS. I appreciate the gentleman from Georgia, Mr. CLELAND, bringing CLEARMADD to my attention. There is a significant need for training of health professionals in the event of a chemical or biological attack. From what I have learned, CLEARMADD has significant capabilities in this regard, and is clearly a program that could provide significant assistance in helping achieve the mission of the OLSDPS. I will continue to work with Senator CLELAND to see that the Department of Justice takes advantage of the expertise within the CLEARMADD consortium and finds ways to include CLEARMADD within the overall programs of the DOJ anti-terrorism program.

Mr. CLELAND. I thank the Senator for his support and attention to this matter and I look forward to working with you in the future on this issue of mutual interest.

HARTSFIELD ATLANTA INTERNATIONAL AIRPORT INS OFFICERS

Mr. CLELAND. Mr. President, we have discussed on previous occasions the compelling need for additional Immigration and Naturalization Service (INS) officers assigned to Hartsfield Atlanta International Airport. The present staffing of 78 positions to handle 2.8 million arriving international passengers per year at Hartsfield is consistently generating extremely long lines, and is damaging the reputation of Hartsfield as an international gateway. The desired INS 45-minute processing time limit is being exceeded frequently with lines overflowing the inspection hall into the adjoining concourse. The 95 passengers per inspector during peak periods do not match the annual growth rate of 16 percent. As a result of the 1996 Olympics Games, Hartsfield has more than an adequate number of processing booths. Yet, today, at least 75 percent of those booths go unused on any given day. Hartsfield now has more arriving international passengers from Latin America and Africa, who require longer processing times, than from Europe. Overall, the airport has experienced a 108 percent increase in international flight arrivals from 1994 to 2000.

Mr. HOLLINGS. I appreciate the fact that the Senator from Georgia brought this matter to my attention. In fact, the fiscal year 2002 Commerce/Justice/State Appropriations bill includes 348 additional inspectors for the Nation's newest and busiest airports. These inspectors will help alleviate the long lines at several airports, including airports in the Southeast which have experienced tremendous growth over the last few years. The airports in my own home state of South Carolina illustrate this need as airlines and increasing numbers of passengers require more flights with fewer delays.

Mr. CLELAND. I applaud the chairman's decision to boost the number of INS inspectors for this next fiscal year. I would like to bring to the Senator's attention that of the 150 new INS inspectors placed at various points of

entry last year, Hartsfield received no new positions. There are other notable disparities. For example, Atlanta conducts 70 percent more inspections than Boston, but has only 30 percent more inspectors. The number of passengers processed annually per inspector in Atlanta is 35,782. In comparison, Miami has a higher ratio of inspectors per passenger than Atlanta, and, as a consequence, the average inspector in Miami processes 10,000 fewer passengers each year. Honolulu inspects less passengers than does Atlanta, but has twice as many inspectors. And because Hartsfield generates between $18 million and $19 million in user fees each year with less than $8 million spent at Hartsfield there is concern that the Atlanta Airport is subsidizing inspections at other airports in the Nation.

In addition, the airlines serving Hartsfield are planning major expansions in their international service. Furthermore, recent census data reflects tremendous population growth in metro Atlanta over the past 10 years. This dynamic population increase, second only to that of New York, will cause ever greater demand for international travel. Given the time it takes to hire and train new inspectors, it is critical that INS address the shortfall at Hartsfield now, or we will lose our ability to attract international passengers, and the economic development of the region will suffer.

Mr. HOLLINGS. As chairman of the Commerce Committee, I am very aware of the increase in the number of flight delays at the Nation's airports. We have held numerous hearings on the increase in domestic and foreign travel and it is clear that additional INS agents are needed at the Nation's busiest airports. United States airports have experienced significant growth over the last several years and additional INS agents are needed to address the increased demand not only at the Atlanta airport but throughout the Nation's airports, including in my home State of South Carolina. I will continue to work with Senator CLELAND to ensure that the nation's business airports, Hartsfield Atlanta International Airport, receive the additional INS agents that it needs.

Mr. CLELAND. Mr. President, I thank you for your support and attention to this matter and I look forward to working with you in the future on this issue of national importance.

VOTE EXPLANATION

Mr. EDWARDS. Mr. President, I was unavoidably detained and therefore was unable to cast my vote on the motion to table the Smith-Harkin amendment No. 1538 to H.R. 2500. Had I been present, I would have voted against the motion to table.

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. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for a period not to extend beyond 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CRIME VICTIMS ASSISTANCE ACT OF 2001

Mr. LEAHY. Mr. President, on March 26, 2001, my friend Senator KENNEDY and I introduced S. 783, the Crime Victims Assistance Act of 2001. This legislation represents the next step in our continuing efforts to afford dignity and recognition to victims of crime. Among other things, it would enhance the rights and protections afforded to victims of Federal crime, establish innovative new programs to help promote compliance with State victim's rights laws, and vastly improve the manner in which the Crime Victims Fund is managed and preserved.

Senator KENNEDY and I first introduced the Crime Victims Assistance Act in the 105th Congress, and we reintroduced it in the 106th Congress. Like many other deserving initiatives, however, this much-needed legislation took a back seat to the debate over a proposed victims' rights constitutional amendment. I have on several occasions noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, I must note again that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered.

This year, we have a golden opportunity to make significant progress toward providing the greater voice and rights that crime victims deserve. The Crime Victims Assistance Act of 2001 enjoys broad support from victims groups across the country, including the National Center for Victims of Crime, the National Organization for Victim Assistance, and the National Association of Crime Victim Compensation Boards. Regardless of their views on the proposed constitutional amendment, these organizations recognize that our legislation can make a difference in the lives of crime victims right now.

When I spoke about the Crime Victims Assistance Act earlier in the year, I expressed the hope that Democrats and Republicans, supporters and opponents of a constitutional amendment, would join me in advancing this bill through Congress. This should be a bipartisan effort, and in this closely divided Senate, it must be a bipartisan effort. I want to thank our eight Democratic cosponsors: Senators CORZINE, DASCHLE, FEINGOLD, HARKIN, JOHNSON, KERRY, MURRAY, and SCHUMER. And I want once again to urge my friends on the other side of the aisle to step up to the plate and support this important victims' legislation.

When it comes to recognizing the rights of victims of crime, there is no majority, no minority, and no middle ground. As Americans, we share the common desire to help victims and provide them the greater voice and rights that they deserve. The Crime Victims Assistance Act proposes some basic, common-sense reforms to our federal crime victims laws, and would help provide the resources necessary to assist the states in giving force to their own locally-tailored statutes and constitutional provisions. What a shame if this legislation stalls again this year, because we could not work together on an issue on which we share so much common ground.

EXPORT ADMINISTRATION ACT

Mr. SPECTER. Mr. President, I think it is important to state my reasons for voting against S. 149, the Export Administration Act. I do so because I think there is too much deference to commercial interests at the expense of limiting exports which may threaten national security.

I cast my vote late in the rollcall when there were 77 votes in favor of the bill, which eventually turned out to be an 85 to 14 vote, so that I knew the bill was going to pass by overwhelming numbers.

Legislation on this subject is of great importance and is long overdue. I was tempted to vote in favor of the bill on the proposition that the best frequently is the enemy of the good. Had my vote been decisive so that it might have been a matter of having a bill which vastly improved the current situation, which is the absence of legislation, then I might have voted differently. I think the number of negative votes are important as a protest signal that this subject should be monitored closely and perhaps reviewed sooner rather than later.

For example, my concerns about the elevation of commercial interests over potential national security risks are illustrated by the foreign availability and mass market status this Act provides controlled items. The foreign availability component of the act would make the U.S. Government unable to control the sale of items that are also manufactured by other countries. Such lack of control would allow U.S. firms to sell anthrax to Saddam Hussein because of anthrax's dual-use in vaccine production. Additionally, the mass-market status in this bill would enable export of controlled items without a license if the item were mass produced for different industrial uses. An example of this mass-market status would be glass and carbon fibers that can be used in the manufacture of both golf clubs and also ballistic missiles.

These are only illustrations of problems which, I believe, should yet be corrected in conference or in later legislation.

Mr. JOHNSON. I am very pleased that S. 149, the Export Administration Act of 2001, passed the U.S. Senate by such an overwhelming bipartisan vote of 85–14. This important law reforms our export controls of dual-use items to reflect the vast geopolitical, technological and commercial changes that have occurred since the old law was enacted back in 1979. While we must remain ever-vigilant to protect our nation from security threats, we must at the same time recognize that our security depends in large measure on a vibrant economy, and in particular on our ability to continue innovating in the high technology sector. Ensuring that American producers have the ability to participate in the global marketplace is critical to this effort.

The hard work that contributed to the overwhelming support for S. 149 cannot be overstated, and I was especially gratified by the spirit of cooperation that dominated the discussion. This bill, and the quality of its provisions, owe a great deal to the thoughtful participation of a variety of players on both sides of the aisle. In some cases, too many cooks spoil the broth. In this case, however, a variety of players made very thoughtful improvements to the bill. I extend my thanks and gratitude to the core group of sponsors, which included Senator MIKE ENZI, Republican of Wyoming, Chairman PAUL SARBANES from Maryland, Senator PHIL GRAMM from Texas, and also to so many others contributed to an improved final product.

In particular, I would be remiss in not mentioning the important and dedicated efforts of Senator MARK DAYTON, my Democratic colleague from Minnesota. Senator DAYTON and his staff worked tirelessly to ensure that S. 149 protects the interests of the agricultural community relative to export controls. While there are many legitimate reasons to restrict the export of certain items abroad, especially where the export of such items could pose a threat to America's national security, there is to my mind absolutely no acceptable logic for imposing restrictions on the export of food.

The export of food can never pose a national security threat to this Nation, and Senator DAYTON, along with his Republican colleague from Kansas Senator PAT ROBERTS, put together an amendment that eliminated the possibility that this government ever restrict the export of food for a purported national security threat. I look forward to continuing to work with Senator DAYTON on agricultural issues, and I know that the farm community is grateful to the Senator for his work in this area. I also wish to commend Senator DAYTON's staff, in particular Jack Danielson, Sarah Dahlin and Lani Kawamura.

Mr. KYL. Mr. President, a consensus emerged during the 1990s with regard to the national security of the United States. That consensus was and remains that the proliferation of weapons of mass destruction—nuclear, chemical and biological—and their means of delivery constitute the most important threat to our national security. There is also widespread acknowledgment that a number of rogue nations, and particularly China, represent the new national security challenge for the United States.

Yet, this body, the U.S. Senate, is about to pass with overwhelming support a major piece of legislation that stands in direct contradiction to the objectives of U.S. national security policy—to limit the spread of weapons of mass destruction and their means of delivery.

This is not hyperbole; it is a simple statement of fact. I acknowledge that the administration has endorsed S. 149. A campaign pledge has been kept. But the long-term ramifications of the vote we are about to take should not be underestimated. S. 149 received the strong opposition of the former chairmen, now ranking members, of each committee and subcommittee with responsibility for national security. It can in no way be considered to represent a prudent balance between commerce and national security. It is, in fact, heavily weighted in favor of the former, with scant regard for the latter.

The list of exports with which we have traditionally been concerned, the Commerce Control List, has 2,400 items on it. It is important to note that exports of these items are licensed, not prohibited. Contrary to the rhetoric of some, it also is not the shopping list of someone making a Sunday trip to Radio Shack. It is, rather, a compilation of esoteric items that have military applications, including for the construction of nuclear weapons and ballistic and cruise missiles. The amount of commerce at issue is minuscule relative both to the amount of U.S. exports and to the size of the gross domestic product. Restrictions or limitations on the export of items on the Commerce Control List do not now, nor have they ever had a deleterious effect on the U.S. economy, or on U.S. competitiveness. They do, however, represent the regulatory manifestation of our national security requirements and the role our moral values should play in the conduct of foreign and trade policies.

Some of us who oppose this bill support permanent normal trade relations with China. And, yet, we oppose this bill. We oppose it because it will, by design, open the door to the export without government oversight of the very items and technologies that contribute to the threats to our security that justifies a defense budget of over $300 billion per year. When we debate national missile defense over the months ahead, we should not hesitate to reflect on the connection between what we do here today, and what those of us who support missile defenses hope to do tomorrow.

NICS—KEEPING GUNS OUT OF CRIMINAL HANDS

Mr. LEVIN. Mr. President, the Brady law mandated the establishment of the National Instant Criminal Background Check System to allow federally licensed gun sellers to establish whether a prospective gun buyer is disqualified from purchasing a firearm. The NICS system is working. In its first 25 months of operation, more than 156,000 felons, fugitives and others not eligible to purchase a gun have attempted to do so and have been denied by an FBI NICS check. At the same time, NICS has not placed unreasonable constraints on law abiding citizens' ability to buy a gun. In fact, the Department of Justice reports that more than 7 out of 10 NICS background checks are completed immediately and 95 percent are completed within 2 hours.

But I'm concerned that recent action by Attorney General Ashcroft could limit the effectiveness of NICS and hamper law enforcement efforts to keep guns out of the hands of criminals. Regulations issued in January allowed the FBI to keep NICS data for 90 days following a check. The 90-day period is critical to law enforcement's ability to audit the NICS system for errors, search for patterns of illegal or false sales, such as purchasers using fake ID's, and screen for gun dealers who may abuse the system. But in June, the Attorney General announced plans to reduce the length of time that law enforcement agencies can retain NICS data to 24 hours. The 24-hour period is insufficient and would severely restrain law enforcement's ability to target illegal purchasers and corrupt gun sellers.

After reviewing Attorney General Ashcroft's action, I decided to cosponsor S. 1253, a bill introduced by Senators KENNEDY and SCHUMER to maintain the 90-day period for law enforcement to retain NICS data. The bill takes a common sense approach to keeping guns out of the hands of criminals without compromising the privacy rights of law-abiding citizens. It is a good bill and the right remedy to the Attorney General's regrettable action.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 25, 1994 in Dana Point, CA. A man allegedly beat two gay men and threatened to kill them after yelling anti-gay slurs. Bradley Jason Brown, 22, was charged with assault with a deadly weapon and committing a hate crime.

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.

RECENT ELECTIONS IN EAST TIMOR

Mr. FEINGOLD. Mr. President, I rise today to congratulate the people of East Timor on the success of their recent Constituent Assembly elections.

On August 30, 2001, the people of East Timor voted to elect a new Constituent Assembly. That Assembly will begin meeting almost immediately to adopt a new constitution and to establish the framework for future elections and a transition to full independence next year. The vote was conducted on the second anniversary of the violent 1999 independence referendum. In that earlier referendum, nearly 98 percent of eligible voters risked their lives to vote for independence from Indonesia. Last week, the people of East Timor demonstrated their continuing commitment to democracy by turning out again in force to elect the women and men who will lead them now to full democracy and independence. Final voter turnout in this recent election was reported at more than 91 percent, in a territory-wide poll that was both peaceful and orderly.

After 25 years of occupation by Indonesia, and a much longer period of colonization by Portugal, many ordinary men and women walked for hours and lined up before dawn to vote for the first time for their own political leaders. Clearly, many difficult decisions and fractious debates now lie ahead for the 24 women and 64 men who have been entrusted by their election to the Constituent Assembly to establish a sound legal framework for independent governance. It is my fervent hope that the same spirit of civic participation and tolerance that guided this most recent election will continue to guide the elected representatives of the Constituent Assembly as they establish a new democratic system to promote the cause of peace, independence, and prosperity in East Timor.

The United Nations must also be credited for organizing a successful election and establishing a firm foundation for future independent governance. As U.N. Secretary-General Kofi Annan has noted, it is in many respects the conviction with which the people of East Timor have embraced democracy that continues to strengthen the commitment of the world community to their cause. I commend the United Nations Administration in East Timor, UNTEAT, for their dedication in implementing this important mission and for their success in organizing this recent election.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 7, 2001, the Federal debt stood at $5,772,587,811,775.31, five trillion, seven hundred seventy-two billion, five hundred eighty-seven million, eight hundred eleven thousand, seven hundred seventy-five dollars and thirty-one cents.

One year ago, September 7, 2000, the Federal debt stood at $5,680,707,239,455.93, five trillion, six hundred eighty billion, seven hundred seven million, two hundred thirty-nine thousand, four hundred fifty-five dollars and ninety-three cents.

Twenty-five years ago, September 7, 1976, the Federal debt stood at $625,934,000,000, six hundred twenty-five billion, nine hundred thirty-four million, which reflects a debt increase of more than $5 trillion, $5,146,653,811,775.31, five trillion, one hundred forty-six billion, six hundred fifty-three million, eight hundred eleven thousand, seven hundred seventy-five dollars and thirty-one cents during the past 25 years.

ADDITIONAL STATEMENTS

U.S. NAVAL SEA CADET CORPS BIRTHDAY

• Mrs. HUTCHISON. Mr. President, the Congress of the United States recognizes with extreme pleasure the U.S. Naval Sea Cadet Corps on its thirty-ninth anniversary of their Congressional Charter of September 10, 1962.

A non-profit training and education organization for young men and women, the U.S. Naval Sea Cadet Corps has consistently provided, in conjunction with the Navy and Coast Guard, an outstanding opportunity for our country's youth to sample military life and experience the challenges and rewards of the maritime services. Over 8600 Cadets ages 11 to 17, led by 2,000 adult volunteers, across the United States and overseas participate with active forces in a wide variety of maritime training activities.

The Sea Cadet program is applauded in developing not only interest and skill in seamanship and aviation, but also instilling in America's young people a sense of patriotism, personal courage, self-reliance and those qualities which mold strong moral character and self-discipline, all in an anti-drug, anti-gang environment. Many of our former and current military leaders established their roots and love the Naval services as a Sea Cadet.

On behalf of my colleagues in the United States Senate and the United States House of Representatives, I offer our heartfelt appreciation and respect to all the members of ''our'' U.S. Naval Sea Cadet Corps.

To Volunteers and Cadets: ''Bravo Zulu''—Well Done!•

IN RECOGNITION OF HAIFA FAKHOURI

• Mr. LEVIN. Mr. President, I rise today to ask my Senate colleagues to join with me in honoring dedicated activist and respected community leader Dr. Haifa Fakhouri. Dr. Fakhouri will be named a Lady of Charity by the Pontifical Institute for Foreign Missions (PIME Missionaries) at the 43rd Knights of Charity Award Dinner in Dearborn, Michigan on October 11, 2001.

The Knights of Charity Award is presented each year to men and women who clearly exemplify ''Unity in Family Life with Person-to-Person Charity.'' This award is given to those whose words and actions promote the ideals of charity, friendship, love and interfaith and intercultural collaboration.

Dr. Fakhouri clearly exemplifies these ideals. Since coming to America from Jordan in 1968, she has become one of the most respected leaders of the Arab-American community. Her most well known and far reaching achievement was helping to found, and serve as President and CEO of the Arab-American and Chaldean Council (ACC), the largest community based human services agency in the nation, serving the Arabic and Chaldean speaking population of southeast Michigan. Founded in Detroit in 1979, the ACC has quickly grown to offer 36 outreach centers and over 50 specialized programs to the Arab/Chaldean community in Detroit and the surrounding area.

Under Dr. Fakhouri's leadership, the ACC has adopted goals and ideals that closely match those of the Knights of Charity Award. The ACC is dedicated to building community cooperation and coordination, increasing cross cultural understanding and raising the level of the community's general well-being. Because Dr. Fakhouri has been so successful in guiding the ACC towards achieving these goals, she has received recognition from numerous state and national organizations. For example, she has served as Special Advisor to the United Nations on the role and status of women and population policies in the Middle East Region, and she has received the 1999 Governor's Community Leadership Award, the 1999 Michigander of the Year Award and many others.

Dr. Fakhouri's leadership, vision and compassion have made her one of the nation's greatest community activists. Her dedication to serving others have made her an invaluable part of the southeast Michigan community. I know that my Senate colleagues will join me in congratulating her on being named a Lady of Charity.•

25TH ANNIVERSARY OF THE HISTORY MUSEUM FOR SPRINGFIELD-GREENE COUNTRY

• Mr. BOND. Mr. President, this month the History Museum for Springfield-Greene County will celebrate its 25th

anniversary. It is an honor and a privilege to rise today on the floor of the United States Senate to recognize this institution's longevity and its role in preserving the history of Springfield and Greene County.

Some twenty-five years ago I was able to play a role in the founding of this museum while I was serving as Governor of Missouri. The Museum was then called the Bicentennial Historical Museum in honor of our Nation's 200th birthday. Over the years, the name has changed but the goal and purpose of the museum has remained the same, preserving the history and heritage of the city of Springfield and Greene County. History is our window to the past and helps us to remember just how far we have come as a nation and as a community. The museum contains permanent exhibits beginning with the earliest settlement in the region, continuing on through the Civil War, and into the twentieth century. The museum also changes exhibits throughout the year which examine other areas of Greene County's history.

The museum is a private, not-for-profit organization that is open to public at no charge. The museum is funded through private contributions, memberships, grants, and gift shop sales. The staff, management, and volunteers who operate this facility are to be congratulated for their tireless efforts and innovation which make the museum an important part of the community. The museum is an invaluable tool for students and teachers to learn the historical significance of the area.

The History Museum for Springfield-Greene County is a valuable asset to the Springfield area. I ask that the Members of the Senate join me in recognizing and honoring the twenty-fifth anniversary of the History Museum for Springfield-Greene County.●

NATIONAL ASSISTED LIVING WEEK

● Mr. WYDEN. Mr. President, today I draw the Senate's attention to National Assisted Living Week. The National Center for Assisted Living is sponsoring National Assisted Living Week this week to highlight the significance of this service and the hope that it can provide seniors.

Assisted living is a long term care alternative for seniors who need more assistance than is available in retirement communities, but do not require the heavy medical and nursing care provided by nursing facilities. Approximately one million of our Nation's seniors have chosen the option of assisted living in this country. This demonstrates a tremendous desire by seniors and their families to have the kind of assistance that they need in bathing, taking medications or other activities of daily living in a setting that truly becomes their home.

This year's theme of National Assisted Living Week is ''Sharing the Wisdom of Generations,'' and it is intended to recognize the value of sharing insights and experiences between assisted living residents, their families, volunteers and assisted living staff. I think that it is appropriate because it highlights the variety of options assisted living can provide to meet different needs of patients.

Oregon has led our Nation in the concept of assisted living. My State spends more State health dollars to provide assisted living services than any other in our Nation. Assisted living has taken different directions in different States, and I believe offering these choices for consumers is important to provide security, dignity and independence for seniors.

Assisted living will become even more important for seniors and their families as our nation experiences the demographic tsunami of aging baby boomers. It is important for us to continue to support options that allow seniors and their families a choice of settings in order to assure that they get the level of care that they need.●

CONGRATULATING LT. STEVE YOUNG

● Mr. VOINOVICH. Mr. President, I am honored to stand before you today and congratulate Lieutenant Steve Young, his family and friends on his well-deserved nomination as President of the National Fraternal Order of Police, FOP. As you may know, the 86 year-old Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, improving the working conditions and advocating the safety of its 298,000 members in over 2,000 local lodges throughout the United States.

I am confident that with his 25 years of membership in the FOP and his current position as a Lieutenant in the Marion Police Department in my State of Ohio, Lt. Young is an outstanding choice to lead the National Fraternal Order of Police. Prior to being named National President, Lt. Young has proudly and effectively served as both National Vice President and Ohio's State President.

Further, he has become something of an expert in helping to ensure police officers' pension plans throughout the country. He also helped to create the Ohio Labor Council to improve the effectiveness of negotiations between management and labor in police forces, a model that has since been utilized in 14 other States.

I know that Lt. Young will use his new position to further ensure fair and equal treatment to our nation's true heroes, police officers, on the job and to expand the FOP's involvement throughout the Nation. I wish Lt. Young the best of luck and extend my congratulations to him once again here before Congress. I know he will do an excellent job.●

THE HEART FAILURE SOCIETY OF AMERICA

● Mr. WELLSTONE. Mr. President, the Heart Failure Society of America (HFSA) is a non-profit professional organization headquartered in St. Paul, MN, that represents the first organized effort by heart failure experts from the Americas to provide a forum for all those interested in heart failure research and patient care.

Today, the Heart Failure Society of America is convening here in our Nation's capital with over 2,000 cardiologists, cardiac surgeons, internists, family practitioners, research scientists, pharmacologists, nurses, pharmacists and other allied health care professionals who treat heart failure patients for the HFSA 5th Annual Scientific Meeting. At this forum, preeminent professionals will unveil and review the latest developments in heart failure research and clinical practice.

Heart failure is a progressive condition in which the heart muscle weakens and gradually loses its ability to pump enough blood to supply the body's needs and is frighteningly common but underrecognized. Heart failure affects nearly 5 million Americans. As more people survive heart attacks and are being left with weakened hearts, heart failure is the only major cardiovascular disorder on the rise. An estimated 400,000 to 700,000 new cases of heart failure are diagnosed each year. The number of deaths in the United States from this condition has more than doubled since 1979, averaging 250,000 annually. In comparison, the death rate from coronary heart disease has dramatically dropped statistically over a similar time period. An estimated $8 to $15 billion is spent each year on the costs of hospitalization due to heart failure, which is twice the amount spent for all forms of cancer. While there is currently no known cure for heart failure, new treatment approaches may help patients live more normal and fulfilling lives and benefit from a decreased risk of hospitalization.

The HFSA was founded in 1994 by a small, dedicated group of academic cardiologists who recognized that heart failure was on the rise, but that there was no venue for researchers, trainees and clinicians to share ideas about combating the disease. We owe them a debt of gratitude for providing the impetus for exploring further research and treatment which might not otherwise have occurred. The Heart Failure Society of America is seen by government, industry and the medical community as the authoritative organization on heart failure. The Senate first commended the HFSA and its work in the area of heart failure in February of last year, designating the week surrounding Valentine's Day each year as ''National Heart Failure Awareness Week.'' these medical professionals are dedicated to enhancing the quality and duration of people's lives.

We are pleased to welcome this group of distinguished individuals to Washington and recognize their extraordinary public service.●

IN RECOGNITION OF THE HONORABLE DENNIS W. ARCHER

● Mr. LEVIN. Mr. President, I rise today to acknowledge the achievements of an accomplished jurist, distinguished public servant and committed civic leader from my home state of Michigan, the Honorable Dennis Wayne Archer, Mayor of Detroit. On October 11, 2001, Mayor Archer will be inducted as a Knight of Charity by the Pontifical Institute for Foreign Missions (PIME Missionaries) at the 43rd Knights of Charity Award Dinner in Dearborn, Michigan. This award is a fitting tribute for a man who has dedicated his life to the service of others.

The Knights of Charity Award is presented each year to men and women who clearly exemplify ''Unity in Family Life with Person-to-Person Charity.'' This award is given to those whose words and actions promote the ideals of charity, friendship, love and interfaith and intercultural collaboration.

Mayor Archer spent the first five years of his career teaching learning disabled students in the Detroit Public School system. During this time, Mr. Archer was also a student, studying and attending classes after work to earn his law degree. Mr. Archer quickly established himself as one of the finest legal minds in Michigan and in 1985 he was appointed Associate Justice of the Michigan Supreme Court by Governor James Blanchard. The next year he was elected to an eight-year term, which he served with distinction.

Elected Mayor of Detroit in 1993, Dennis Archer soon became known nationwide for the innovative approach he brought to city government. Nearing the end of his second for year term, Detroit under the leadership of Mayor Archer has successfully reduced crime, balanced budgets, lowered taxes, improved public services and attracted over $14 billion in new investment, with another $3 billion projected for this year. Mayor Archer has received numerous honors in recognition of his achievement, including being named President of the National League of Cities in 2001, Public Official of the Year in 2000 by Governing magazine, one of the 25 most dynamic mayors in America by Newsweek magazine, President of the National Conference of Democratic Mayors and one of the 100 most Influential Black Americans by Ebony magazine.

As a native Detroiter, I can personally attest to Mayor Archer's leadership and his commitment to those he serves. Through his hard work, dedication and creativity, he has truly improved the City of Detroit and the lives of those who live there. I know that my Senate colleagues will join me in congratulating Mayor Archer on being named a Knight of Charity.●

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 12:51 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 and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2833. An act to promote freedom and democracy in Viet Nam.

H.J. Res. 51. Joint resolution approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

At 5:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (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.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar.

H.J. Res. 51 Joint resolution approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

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–3646. A communication from the Vice President for Legal Affairs, General Counsel and Corporate Secretary, transmitting, pursuant to law, the Annual Report for 2000 under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC–3647. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting , pursuant to law, a report entitled ''Information Collection Budget of the United States Government, Fiscal Year 2001''; to the Committee on Governmental Affairs.

EC–3648. A communication from the District of Columbia Auditor, transmitting, a report entitled ''Audit of the People's Counsel Agency Fund for Fiscal Year 1999''; to the Committee on Governmental Affairs.

EC–3649. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to law, a report relative to Reports, Testimony, Correspondence, and Other Publications for June 2001; to the Committee on Governmental Affairs.

EC–3650. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list, received on August 15, 2001; to the Committee on Governmental Affairs.

EC–3651. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Correction of Administrative Errors; Lost Earnings Attributable to Employing Agency Errors'' received on August 16, 2001; to the Committee on Governmental Affairs.

EC–3652. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Methods of Withdrawing Funds from the Thrift Savings Plan'' received on August 16, 2001; to the Committee on Governmental Affairs.

EC–3653. A communication from the District of Columbia Auditor, transmitting, a report entitled ''Audit of the Public Service Commission Agency Fund for Fiscal Year 1999''; to the Committee on Governmental Affairs.

EC–3654. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the Commercial Activities Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–3655. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List, received on August 24, 2001; to the Committee on Governmental Affairs.

EC–3656. A communication from the District of Columbia Auditor, transmitting, a report entitled ''Comparative Analysis of Actual Cash Collections to Revised Revenue Estimates Through the Third Quarter of Fiscal Year 2001''; to the Committee on Governmental Affairs.

EC–3657. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to law, the report of the lists of the General Accounting Office for July 2001; to the Committee on Governmental Affairs.

EC–3658. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–3659. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–127, ''Approval of the Extension of the Term of the Franchise of Comcast Cablevision Act of 2001''; to the Committee on Governmental Affairs.

EC–3660. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–129, ''American Sign Language Recognition Act of 2001''; to the Committee on Governmental Affairs.

EC–3661. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 14–122, ''Closing of a Public Alley in Square 529, S.O. 01–1183, Act of 2001''; to the Committee on Governmental Affairs.

EC–3662. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–121, ''Closing and Dedication of Streets and Alleys in Squares 5920 and 5928, S.E., S.O. 00–89, Act of 2001''; to the Committee on Governmental Affairs.

EC–3663. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–120, ''Ed Murphy Way, N.W., Act of 2001''; to the Committee on Governmental Affairs.

EC–3664. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act, ''Mental Health Service Delivery Reform Act of 2001''; to the Committee on Governmental Affairs.

EC–3665. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–109, ''Nominating Petitions Signature Amendment Act of 2001''; to the Committee on Governmental Affairs.

EC–3666. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–107, ''Technical Amendment Act of 2001''; to the Committee on Governmental Affairs.

EC–3667. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–117, ''New York Avenue Metro Special Assessment Authorization Act of 2001''; to the Committee on Governmental Affairs.

EC–3668. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–118, ''Special Signs Temporary Amendment Act of 2001''; to the Committee on Governmental Affairs.

EC–3669. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Annual Animal Welfare Enforcement Report for Fiscal Year 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3670. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Foreign Futures and Options Transactions'' (17 CFR Part 30) received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3671. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon; Decreased Assessment Rate'' (Doc. No. FV01–924–1IFR) received on August 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3672. A communication from the Congressional Review Coordinator , Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Scrapie in Sheep and Goats; Interstate Movement Restrictions and Indemnity Program'' (Doc. No. 97–093–5) received on August 22, 2001 ; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3673. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Parts 1, 5, 15, 36, 37, 38, 40, 41, 100, 166, 170, and 180—A New Regulatory Framework for Trading Facilities, Intermediaries and Clearing Organizations'' (RIN3038–AB63) received on August 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3674. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Parts 41 and 140—Exemption for Certain Brokers or Dealers From Provisions of the Commodity Exchange Act and CFTC Regulations'' (66 FR 43083) received on August 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3675. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Performance of Notice Registration Processing Functions by Natural Futures Association With Respect to Certain Securities Brokers and Dealers'' received on August 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3676. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Parts 3 and 170—Notice Registration as a Futures Commission Merchant or Introducing Broker for Certain Securities Brokers or Dealers'' received on August 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3677. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluazinam; Pesticide Tolerance'' (FRL6797–3) received on August 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3678. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, a report entitled ''Labeling of Natural or Regenerated Collagen Sausage Casings'' (RIN0583–AC80) received on August 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3679. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Fruits and Vegetables'' (Doc. No. 00–006–2) received on August 28, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3680. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fludioxonil; Pesticide Tolerances for Emergency Exemptions'' (FRL6797–5) received on August 30, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3681. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Payments for Commercial Citrus Tree Replacement'' (Doc. No. 00–037–3) received on August 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3682. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis in Cattle; State and Area Classifications; Oklahoma'' (Doc. No. 01–016–2) received on September 4, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3683. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Buprofezin; Pesticide Tolerances'' (FRL6796–6) received on September 4, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3684. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyriproxyfen; Pesticide Tolerance for Emergency Exemptions'' (FRL6798–6) received on September 4, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3685. A communication from the Acting Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 2001 Fisheries'' (RIN0648–AN70) received on July 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3686. 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 'Other Rockfish' Fishery in the Western Regulatory Area, Gulf of Alaska'' received on August 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3687. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Pelagic Longline Fishery; Sea Turtle Protection Measures; Emergency Rule'' (RIN0648–AP31) received on August 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3688. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Part 1—Recordkeeping Amendments to the Daily Computation of the Amount of Customer Funds Required to be Segregated'' (RIN3038–AB52) received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3689. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Part 140—Delegation of Authority to Disclose and Request Information'' received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3690. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Part 1—Fees for Reviews of the Rule Enforcement Programs of Contract Markets and Registered Futures Associations'' received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3691. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Parts 1 and 30—Treatment of Customer Funds'' received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3692. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act of 1974; System of Records; Biennial Publication'' received on August 15,

2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3693. 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 ''Pacific Halibut Fisheries; Primary Sable Fishery'' (RIN0648–AP26) received on August 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3694. A communication from the General Counsel of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Child-Resistant Packaging for Certain Over-The-Counter Drug Products'' (RIN3041–AB92) received on August 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3695. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Niagara River, Tonawanda, NY'' ((RIN2115–AA97)(2001–0070)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3696. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Pixcataqua River, ME'' ((RIN2115–AE47)(2001–0064)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3697. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Jamaica Bay and Connecting Waterways, NY'' ((RIN2115–AE47)(2001–0063)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3698. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Chemical Testing'' (RIN2115–AG00) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3699. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Marine Shipboard Electrical Cable Standards'' (RIN2115–AF89) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3700. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; McArdle Bridge Dredge Operations—Boston, Massachusetts'' ((RIN2115–AA97)(2001–0065)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3701. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Fort Lauderdale, Florida'' ((RIN2114–AA97)(2001–0067)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3702. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Milwaukee Harbor, Milwaukee, WI'' ((RIN2115–AA97)(2001–0068)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3703. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Middle Bass Island, Lake Erie, Ohio'' ((RIN2115–AA97)(2001–0069)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3704. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Firstar Fireworks Display, Milwaukee Harbor'' ((RIN2115–AA97)(2001–0061)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3705. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Manitowoc Fourth of July 2001, Manitowoc, Wisconsin'' ((RIN2115–AA97)(2001–0062)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3706. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: South Shore Frolics Fireworks Display, Milwaukee Harbor'' ((RIN2115–AA97)(2001–0063)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3707. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Cleveland Harbor, Cleveland, OH'' ((RIN2115–AA97)(2001–0064)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3708. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Fireworks Display, Columbia River, Vancouver, Washington'' ((RIN2115–AA97)(2001–0056)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3709. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Fireworks Display, Columbia River, Astoria, Oregon'' ((RIN2115–AA97)(2001–0057)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3710. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Fourth of July Celebration, Weymouth, Massachusetts'' ((RIN2115–AA97)(2001–0059)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3711. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Mississippi River, Iowa and Illinois'' ((RIN2115–AE47)(2001–0067)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3712. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: State Road AIA (North Bridge) Drawbridge, Atlantic Intracoastal Waterway, Fort Pierce, Florida'' ((RIN2115–AE47)(2001–0068)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3713. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Illinois Water, Illinois'' ((RIN2115–AE47)(2001–0069)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3714. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Sail Detroit and Tall Ship Celebration 2001, Detroit and Saginaw River, MI'' ((RIN2115–AA97)(2001–0055)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3715. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Lake Michigan, Chicago, IL'' ((RIN2115–AA97)(2001–0066)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3716. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Maumee River, Toledo, OH'' ((RIN2115–AA97)(2001–0058)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3717. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Lower Grand, LA'' ((RIN2115–AE47)(2001–0065)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3718. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Massalina Bayou, Florida'' ((RIN2115–AE47)(2001–0066)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3719. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; City of Lynn Fireworks, Lynn, Massachusetts'' ((RIN2115–AA97)(2001–0060)) received on August 20 , 2001; to the Committee on Commerce, Science, and Transportation.

EC–3720. A communication from the Attorney/Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to

law, the report of a rule entitled ''Motorcycle Braking Requirements'' (RIN2127–AH15) received on August 20 , 2001; to the Committee on Commerce, Science, and Transportation.

EC–3721. A communication from the Regulations Officer of the Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Controlled Substances and Alcohol Use and Testing'' (RIN2126–AA58) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3722. 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 ''Fisheries of the Northeastern United States; Summer Flounder, Scup, Black Sea Bass, Loligo Squid, Illex Squid, Atlantic Mackerel, Butterfish, and Bluefish Fisheries; Framework Adjustment 1'' (RIN0648–AO91) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3723. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of a Class E Enroute Domestic Airspace Areas, Las Vegas, NY; Confirmation of Effective Date'' ((RIN2120–AA66)(2001–0137)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3724. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Emergency Medical Equipment; Docket No. FAA–2000–7119 (8–22/8–23); Correction'' ((RIN2120–AG89)(2001–0002)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3725. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Digital Flight Data Recorder Resolution Requirements; Request for Comments'' (RIN2120–AH46) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3726. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to Chandler Municipal Airport Class D Surface Area; Chandler, AZ'' ((RIN2120–AA66)(2001–0142)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3727. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to Glendale Municipal Airport Class D Surface Area; Glendale, AZ'' ((RIN2120–AA66)(2001–0141)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3728. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to Phoenix Goodyear Municipal Airport Class D Surface Area; Phoenix, AZ'' ((RIN2120–AA66)(2001–0139)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3729. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification to Phoenix Deer Valley Municipal Airport Class D Surface Area; Phoenix, AZ'' ((RIN2120–AA66)(2001–0140)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3730. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100 and –200 Series Airplanes'' ((RIN2120–AA64)(2001–0440)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3731. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 10–10, –15, –30, and –30F Series Airplanes; and Model MD–10–10F, and –30F Series Airplanes'' ((RIN2120–AA64)(2001–0441)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3732. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–300 Series Airplanes Modified by Supplemental Type Certificate SA5765NM or SA5978NM'' ((RIN2120–AA64)(2001–0438)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL:

S. 1412. A bill to protect the property rights guaranteed by the fifth amendment to the Constitution by requiring Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts; to the Committee on Governmental Affairs.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 1413. A bill to amend the Consolidated Farm and Rural Development Act to permit borrowers and grantees to use certain rural development loans and grants for other purposes under certain circumstances; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAIG:

S. 1414. A bill to provide incentives for States to establish and administer periodic testing and merit pay programs for elementary school and secondary school teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. DODD):

S. 1415. A bill to amend the Internal Revenue Code of 1986 to enhance book donations and literacy; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CLELAND (for himself, Mrs. CLINTON, Mr. COCHRAN, and Mrs. MURRAY):

S. Res. 158. A resolution honoring the accomplishments and unfailing spirit of women in the 20th century; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 119

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 119, a bill to provide States with funds to support State, regional, and local school construction.

S. 145

At the request of Mr. THURMOND, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 312

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) 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. 486

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 550

At the request of Mr. DASCHLE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 550, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 554

At the request of Mrs. MURRAY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 653

At the request of Mr. BAYH, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 653, a bill to amend part D of title IV of the Social Security Act to provide grants to States to encourage media campaigns to promote responsible fatherhood skills, and for other purposes.

S. 677

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 677, a bill to amend the

Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 685

At the request of Mr. BAYH, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 685, a bill to amend title IV of the Social Security Act to strengthen working families, and for other purposes.

S. 710

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 790

At the request of Mr. BROWNBACK, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 826

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 826, a bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the medicare program for bone mass measurements.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 948

At the request of Mr. LOTT, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 948, a bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes.

S. 952

At the request of Mr. GREGG, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1006

At the request of Mr. HAGEL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1006, a bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. 1009

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1009, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such diseases.

S. 1030

At the request of Mr. CONRAD, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1030, a bill to improve health care in rural areas by amending title XVIII of the Social Security Act and the Public Health Service Act, and for other purposes.

S. 1075

At the request of Mr. BIDEN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1075, a bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

S. 1111

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1111, a bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes.

S. 1140

At the request of Mr. FEINGOLD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1220

At the request of Mr. BREAUX, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1220, a bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track.

S. 1232

At the request of Mr. MCCONNELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1232, a bill to provide for the effective punishment of online child molesters, and for other purposes.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. 1275

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes.

S. 1286

At the request of Mrs. CARNAHAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1298

At the request of Mr. HARKIN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1298, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1327

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1327, a bill to amend title 49, United States Code, to provide emergency Secretarial authority to resolve airline labor disputes.

S. 1397

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1397, a bill to ensure availability of the mail to transmit shipments of day-old poultry.

S. 1400

At the request of Mr. KYL, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1400, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for aliens to present a border crossing card that contains a biometric identifier matching the appropriate biometric characteristic of the alien.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL:

S. 1412. A bill to protect the property rights guaranteed by the fifth amendment to the Constitution by requiring Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts; to the Committee on Governmental Affairs.

Mr. HAGEL. Mr. President, America's property owners are increasingly pressured by more and more burdensome government regulations and restrictions. Federal agencies should comply with state and local laws on property rights, and ensure that our Nation's policies are implemented with minimal impact on property owners. Today, I am reintroducing legislation that would help enforce the U.S. Constitution's guarantee of private property rights.

The Private Property Rights Act would help protect land owners in two ways. First, the bill would require the Federal Government to conduct an economic impact analysis prior to taking any action that would inhibit or restrict the use of private property. For the first time, the government would be forced to determine in advance how its actions will impact the property owner.

Second, when government does take private property or restricts land use, the bill would allow landowners to plead their case in a Federal District Court instead of forcing them to the U.S. Court of Federal Claims. This means property owners could appeal any Federal taking of their property in their home state, rather than Washington, D.C.

This bill has won the endorsement of the Nebraska Cattlemen, the Nebraska Farm Bureau, and the Defenders of Property Rights. Their letters of support are being submitted for the RECORD.

The Private Property Rights Act is commonsense legislation that will return some justice to the system by reining in regulatory agencies, as well as giving the property owner a voice in the process. This is the fair thing to do. This is the right thing to do.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 6, 2001.

Hon. CHUCK HAGEL,
U.S. Senate,
Washington, DC.

DEAR SENATOR HAGEL: The Nebraska Cattlemen applaud you for reintroducing property rights protection legislation, The Private Property Rights Act of 2001, in the 107th Congress. The Association supported similar legislation (S. 246) in the 106th Congress and extends their support for your efforts again this year.

The Private Property Rights Act of 2001 addresses a phenomenon of federal and state government growth over the past three decades—regulatory programs that creep into areas and activities they were never envisioned to impact at their creation. Wetland regulations and endangered or threatened species designations are just two examples of how ''regulatory creep'' has begun to affect almost every agricultural activity. A little closer to home, recent efforts by EPA to identify the sun as a source of pollution in the Platte River may only be overshadowed by more recent efforts to list the prairie dog as a species threatened with extinction.

Considering these examples, it has never been more important for federal agencies to be required to conduct an analysis of the effects of their actions on property rights. As found in The Private Property Rights Act of 2001, agency actions critical to public safety or law enforcement would be exempt from this requirement. Finally, and most critically, the legislation provides affected property owners an opportunity to seek relief form federal agencies whose actions result in a taking of private property rights through a federal district court in their state—instead of forcing them into the Federal Claims Court in Washington, DC.

The Private Property Rights Act of 2001 is a solid solution to a growing problem—the increased impact that federal regulations have on property rights guaranteed by the Fifth Amendment to the U.S. Constitution. The Nebraska Cattlemen support this legislation and thank you for again taking a leadership role on this important issue.

Sincerely,

GREG RUEHLE,
Executive Vice President,
Nebraksa Cattlemen.

NEBRASKA FARM BUREAU FEDERATION,
Lincoln, NE, September 7, 2001.

Hon. CHUCK HAGEL,
Russell Senate Building,
Washington, DC.

DEAR SENATOR HAGEL: On behalf of the Nebraska Farm Bureau Federation, I would like to offer our strong support for your bill titled ''Private Property Rights' Act of 2001''

As Nebraska's largest farm organization, we have been a long time supporter of legislative efforts to protect property rights for landowners. For years farmers and ranchers have seen their property rights erode through various government actions and regulations. The problem is only exacerbated by the fact the government has failed to provide full and equitable compensation for the loss of the use of property due to government actions.

Your bill would take a giant step forward by providing some protection for landowners' property rights. By requiring federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts, the bill would certainly help prevent or reduce the loss of private property rights. Government should be forced to determine in advance how its actions would impact the property owner and this bill would put those necessary requirements in place.

In Nebraska, the Endangered Species Act and wetland regulations have decreased the use or value on many privately held acres by farmers and ranchers. This legislation would go a long way towards putting some fairness back into the system by making agencies think twice before they act on rules that impact private property rights and by giving property owners a voice in the process.

Nebraska farmers and ranchers appreciate your support for private property rights and your introduction of this bill.

Sincerely,

BRYCE P. NEIDIG,
President.

DEFENDERS OF PROPERTY RIGHTS,
Washington, DC, September 6, 2001.

Re: Introduction of the Private Property Fairness Act.

Hon. CHUCK HAGEL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR HAGEL: It has come to the attention of our organization that you are to shortly re-introduce the Private Property Fairness Act of 1999 [formerly S. 246]. As this country's only public interest legal foundation dedicated exclusively to the protection of private property rights, Defenders of Property Rights commends your efforts to pass this valuable piece of legislation. We would be happy to assist you in your efforts to pass this piece of legislation.

As you noted when you introduced S. 246 on January 20, 1999, ''. . . the law of takings is not yet settled to the satisfaction of most Americans.'' Our membership includes scores of individual property owners across this nation—in courts from coast to coast—whose constitutionally protected rights to ownership, use and enjoyment of property are or have been unconstitutionally denied them, we can attest to the accuracy of your observation. Sadly, Defenders of Property Rights can report that there are fewer 'satisfied' Americans now, than when we began our efforts nearly a dozen years ago. We can state without exaggeration that while individual cases of regulatory takings of property without just compensation are increasing, the operative effect of regulations now threatens the very existence of entire regions of rural America.

Like you, Defenders of Property Rights acknowledges the need for the rational application of this nation's environmental laws to protect our natural resources. However, when government policy and regulation unconstitutionally deprive individuals or businesses of their private property rights, then just and adequate compensation is constitutionally required. However, as you correctly noted in your January 20, 1999 statement, the cost of bearing too many of the impacts of regulatory takings are shouldered by the few. And, you rightly stated, ''This is not fair.'' We could not agree more. We would also add that it is not constitutional.

We believe that enactment of the successor to The Private Property Fairness Act would arrest the continued diminishment of what the Framers of our Constitution considered a fundamental right—property rights. Additionally, we believe that your legislation will impose reasonable restraints on governmental agencies that will add a measure of calculated seriousness to their decisions to destroy private property. Finally, we are encouraged to note that your bill would dramatically increase the forums available to private property owners who seek redress when their property rights are diminished or taken.

In short, Defenders of Property Rights is delighted to register its support for your proposed legislation. The fundamental importance of property rights is one of the animating principles of our form of government. Moreover, we are enormously encouraged by your leadership on this important issue. We look forward to working with you on this valuable piece of legislation.

Yours truly,

NANCIE G. MARZULLA,
President.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 1413. A bill to amend the Consolidated Farm and Rural Development Act to permit borrowers and grantees to use certain rural development loans

and grants for other purposes under certain circumstances; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LUGAR. Mr. President, I rise to introduce legislation amending the Consolidated Farm and Rural Development Act to allow the Secretary of Agriculture to approve changes to the original purpose for which a USDA Rural Development grant or loan was made when requested by a recipient.

The Rural Community Advancement Program, as established under the Con Act, consists of separate accounts to provide funding for rural community facilities, rural waste and water utilities, and rural business and cooperative development. In the 1996 Farm Bill, we provided State Directors of Rural Development with the authority to transfer up to 25 percent of funds allocated to one of those accounts for a State in a fiscal year to any of the other accounts for which funds were allocated for the State in that fiscal year. This flexibility allows a State to adjust funding among the accounts to meet changing circumstances. For example, in a given year a State may have greater demand for financial assistance for rural community facilities than for rural business development, and the authority we granted in 1996 would allow a State the flexibility to address that change in demand.

The flexibility provided by the 1996 Farm Bill, however, extended only to prospective funding. It did not cover changes to loan and grant purposes needed by a community after a loan or grant has been made. Any post-award change to the grant or loan purpose would require return to USDA of any unspent grant or loan funds, or reimbursement to the Federal Government for its proportionate financial interest in any property acquired with the loan or grant funds.

Communities in Pennsylvania, Oregon, and Oklahoma have faced this dilemma when they have sought to provide space in grant-funded industrial parks to businesses that were too large to qualify under the terms of their Rural Business Enterprise Grant but that otherwise would have been eligible for a Rural Development Business and Industry loan. An Indiana community has unused property in its grant-funded industrial park that it now would like to use for a critically needed police station and water tower. USDA has no authority to allow any of these communities to change the authorized use for the land for which the grant or loan originally was made.

The measure I offer today would allow the Secretary to approve these types of requests. Under the bill, a community could request the Secretary to approve a change in the rural development purpose for previously awarded grants and loans to another rural development purpose authorized under the Con Act. A change in purpose could be requested only for property acquired with such funds, or for the proceeds from sale of property acquired with such funds.

This measure would not require the Secretary to approve requests. It simply allows the Secretary to be fair and reasonable in considering requests by communities to alter the original purpose of the grant or loan. The beneficiary of such a change would not reap any financial windfall from such a change at the expense of the Federal government. The Federal government would retain its financial interest in any property used for the new purpose approved by the Secretary.

We all know how the needs of communities change over time due to economic development and demographic change. This measure allows the Secretary to be fair and reasonable in considering requests by communities to alter the original purpose of a grant or loan in response to such changes. I am hopeful my colleagues will join me in supporting this legislation.

By Mr. CRAIG:

S. 1414. A bill to provide incentives for States to establish and administer periodic testing and merit pay programs for elementary school and secondary school teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAIG. Mr. President, I rise today to introduce the Parent and Teacher Achievement Act of 2001. We spent much of the spring debating the Federal Government's role in education, and in the end we passed a bill which gives a lot of money to the education establishment. Now, however, it is time to work on a policy that addresses what we can do for parents and teachers, and how we can let them keep some of their money so they can start improving education from the ground up.

This bill has many important provisions, but the most important is the tax credit for parents and relatives to use for education expenses. They can use this credit for any expenses they incur when they spend money on their children's education, such as school supplies, computers, private tutors, or other such expenses. This credit can also be used by parents who home school as well as to help offset tuition at private schools. This is not a voucher program nor is it a government subsidy for private schools. This tax credit is simply the Federal Government recognizing that parents know best how to educate their children. As education researcher Andrew Coulson has said, ''. . . parents have consistently made better education choices for their own children than state-appointed experts have made on their behalf.'' The Federal Government should not penalize them by taxing the money parents spend to further that education. It should be pointed out that this credit would also apply to relatives of students if they contribute money towards educational expenses. We all know that grandparents and aunts and uncles do a lot to contribute to children's education. It is only appropriate to recognize those efforts, too.

The idea of the type of tax credit contained in this bill has been picking up steam recently, and many think tanks, such as the Cato Institute, the Mackinac Center, and the Buckeye Institute, have issued reports on tuition tax credits which clearly illustrate their benefits. A tax credit of this type has also begun to be enacted in the real world. Arizona has had an education tax credit for a few years, and it has proven to be remarkably successful. The Canadian province of Ontario also recently enacted a tax credit of this type.

Of course, a tax credit is only available to people who pay taxes, but my bill also benefits low income individuals. To address the needs of these people, I have included a provision in this bill which would give individuals or corporations a tax credit when they donate money to organizations which give scholarships to lower income students. This would allow funds to go to private organizations so they award scholarships, while avoiding any church/state entanglements which concern so many who oppose vouchers. The state of Arizona has had success with this program, too.

Another important tax component contained in this bill is one which allows teachers to take a credit for money spent on school supplies for their students. Nobody goes into teaching to get rich; they do it because they recognize their job is one of the most important in this Nation, preparing our youth for the future. And though teachers do not receive lavish salaries, many of them spend considerable sums for school supplies for their students. It is only fair that the Federal Government should not tax this money. The bill also contains a provision that would allow teachers and other school staff a tax deduction for expenses they incur while improving their education or job skills. Our teachers need to be the best trained teachers in the world, and we should encourage this all we can.

The final section of this bill would empower teachers by allowing the Secretary of Education to give grants to States and school districts which set up merit pay systems in schools and implement teacher testing programs, as long as those states also have a continuing education requirement as part of their teacher certification process. It also has a provision which clarifies any Department of Education regulations and says that federal funds can be used for merit pay systems and for teacher testing programs. If States and school districts find the need to use their funds for these programs, the Federal Government should not tie them up in red tape and prevent them from meeting their needs as they see them. We all know that local educators have a much better view of the needs they encounter, and we in Washington

should give them as much freedom as possible to meet those needs.

By enacting this bill, the U.S. Senate will be making a firm commitment to helping parents and teachers achieve education success. Parents in this country need to have as much freedom as possible to choose the ways in which their children will be educated, and this bill is a modest step in that direction. To complement the efforts of parents, though, we need to have teachers who are the most qualified and the most able to meet the needs of the children parents send to them every day. Encouraging states to implement merit pay and teacher testing, and allowing teachers to have a credit for their educational expenses, will go a long way towards making this a reality.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1414

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Parent and Teacher Achievement Act of 2001''.

SEC. 2. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part F;

(2) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and

(3) by inserting after part D the following:

"PART E—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

"SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

''(a) STATE AWARDS.—From funds made available under subsection (b) for a fiscal year, the Secretary shall make an award to each State that—

''(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years;

''(2) has an elementary school and secondary school teacher compensation system that is based on merit; and

''(3) requires elementary school and secondary school teachers to earn continuing education credits as part of a State recertification process.

''(b) AVAILABLE FUNDING.—Notwithstanding any other provision of law, the amount of funds that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 2001, except that no funds shall be available to carry out this section for any fiscal year for which—

''(1) the amount appropriated to carry out this title exceeds $600,000,000; or

''(2) each of the several States is eligible to receive an award under this section.

''(c) AWARD AMOUNT.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

''(d) USE OF FUNDS.—Funds provided under this section may be used by States to carry out the activities described in section 2207.

''(e) DEFINITION OF STATE.—In this section, the term 'State' means each of the 50 States and the District of Columbia.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2001.

SEC. 3. TEACHER TESTING AND MERIT PAY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State may use Federal education funds—

(1) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(2) to establish a merit pay program for the teachers.

(b) DEFINITIONS.—In this section, the terms ''elementary school'' and ''secondary school'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

SEC. 4. NONREFUNDABLE CREDIT FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

"SEC. 25C. CREDIT FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified elementary and secondary education expenses (within the meaning of section 530(b)(4)) with respect to one or more qualifying students which are paid or incurred by the individual during such taxable year.

''(b) LIMITATIONS.—

''(1) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $1000 per qualifying student.

''(2) MAXIMUM TUITION EXPENSES.—The tuition expenses which may be taken into account in determining qualified elementary and secondary education expenses for any taxable year shall not exceed $500 per qualifying student.

''(c) QUALIFYING STUDENT.—For purposes of this section, the term ''qualifying student'' means a dependent (within the meaning of section 152) or a relative of the taxpayer who is enrolled in school (as defined in section 530(b)(4)(B)) on a full-time basis. For purposes of the preceding sentence, the term 'relative' means an individual bearing a relationship to the taxpayer which is described in any of paragraphs (1) through (8) of section 152(a).

''(d) DENIAL OF DOUBLE BENEFIT.—No deduction or exclusion shall be allowed under this chapter for any expense for which credit is allowed under this section.

''(g) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25B the following new item:

''Sec. 25C. Credit for elementary and secondary school expenses.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 5. CREDIT FOR CONTRIBUTIONS FOR THE BENEFIT OF ELEMENTARY AND SECONDARY SCHOOLS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by adding at the end the following new section:

"SEC. 30B. CREDIT FOR CONTRIBUTIONS FOR THE BENEFIT OF ELEMENTARY AND SECONDARY SCHOOLS.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 75 percent of the qualified charitable contributions of the taxpayer for the taxable year.

''(b) MAXIMUM CREDIT.—

''(1) INDIVIDUALS.—In the case of a taxpayer other than a corporation, the credit allowed by subsection (a) for any taxable year shall not exceed $500 ($1,000 in the case of a joint return).

''(2) CORPORATIONS.—In the case of a corporation, the credit allowed by subsection (a) shall not exceed $100,000.

''(c) QUALIFIED CHARITABLE CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified charitable contribution' means, with respect to any taxable year, the aggregate amount allowable as a deduction under section 170 (determined without regard to subsection (d)(1)) for cash contributions to a school tuition organization.

''(2) SCHOOL TUITION ORGANIZATION.—

''(A) IN GENERAL.—The term 'school tuition organization' means any organization which—

''(i) is described in section 170(c)(2),

''(ii) allocates at least 90 percent of its gross income and contributions and gifts to elementary and secondary school scholarships, and

''(iii) awards scholarships to any student who is eligible for free or reduced cost lunch under the school program established under the Richard B. Russell National School Lunch Act.

''(B) ELEMENTARY AND SECONDARY SCHOOL SCHOLARSHIP.—The term 'elementary and secondary school scholarship' means any scholarship excludable from gross income under section 117 for expenses related to education at or below the 12th grade.

''(d) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any contribution for which credit is allowed under this section.

''(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

''(B) the tentative minimum tax for the taxable year.

''(3) CONTROLLED GROUPS.—All persons who are treated as one employer under subsection (a) or (b) of section 52 shall be treated as 1 taxpayer for purposes of this section.

''(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.''.

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 30B. Credit for contributions for the benefit of elementary and secondary schools.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 6. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal

Revenue Code of 1986 (relating to other credits), as amended by section 4(a), is amended by adding at the end the following new section:

"SEC. 30C. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

''(a) ALLOWANCE OF CREDIT.—In the case of an eligible educator, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified elementary and secondary education expenses which are paid or incurred by the taxpayer during such taxable year.

''(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $1,000.

''(c) DEFINITIONS.—

''(1) ELIGIBLE EDUCATOR.—The term 'eligible educator' means an individual who is a teacher, instructor, counselor, principal, or aide in a school (as defined in section 530(b)(4)(B)) for at least 900 hours during a school year.

''(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—The term 'qualified elementary and secondary education expenses' means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible educator in the classroom.

''(d) SPECIAL RULES.—

''(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.

''(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

''(B) the tentative minimum tax for the taxable year.

''(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by section 4(b), is amended by adding at the end the following new item:

''Sec. 30C. Credit to elementary and secondary school teachers who provide classroom materials.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 7. ADJUSTED GROSS INCOME DETERMINED BY TAKING INTO ACCOUNT PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain trade and business deductions of employees) is amended by adding at the end the following:

''(D) PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—The deductions allowed by section 162 which consist of expenses, not in excess of $1,500, paid or incurred by an eligible educator (as defined section 30C(c)(1)) by reason of the participation of the educator in professional development courses which are related to the curriculum and academic subjects in which the educator provides instruction or to the students for which the educator provides instruction and which are part of a program of professional development which is approved and certified by the appropriate local educational agency (as defined by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subparagraph).''.

(b) SPECIAL RULES.—Section 62 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(d) SPECIAL RULES.—A deduction shall be allowed under subsection (a)(2)(D) for expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. DODD):

S. 1415. A bill to amend the Internal Revenue Code of 1986 to enhance book donations and literacy; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation designed to clarify and enhance the charitable contribution tax deduction for donations of excess book inventory for educational purposes. I am pleased to be joined in this effort by my good friends and colleagues Senators BAUCUS and DODD. This proposal would simplify a complex area of the current law and eliminate significant roadblocks that now stand in the way of corporations with excess book inventory to donating those books to schools, libraries, and literacy programs, where they are much needed.

Unfortunately, our current tax law contains a major flaw when it comes to the donation of books that are excess inventory for publishers or booksellers. The tax benefits for donating such books to schools or libraries are often no greater than those of sending the books to the landfill. And, since it is generally cheaper and faster for a company to simply send the books to the dump, rather than go through the trouble and cost of finding donees, and of packing, storing, and shipping the books, it often ends up being more cost effective and easier for companies to truck the books to a landfill or recycling center.

While there are provisions in the current law where a larger deduction is available for the donation of excess books, many companies have found that the complexity and uncertainty of dealing with the requirements, regulations, and possible Internal Revenue Service challenges of the higher deduction serve as a real disincentive to making a contribution.

This is a sad situation, when one considers that many, if not most, of these books would be warmly welcomed by schools, libraries, and literacy programs.

The heart of the problem is that under the current law, the higher deduction requires that the donated books be used only for the care of the needy, the sick, or infants. This requirement makes it difficult for schools to qualify as donees and also frequently prohibits libraries and adult literacy programs from receiving such deductions. This is because these schools, libraries, and literacy programs often serve those who are not needy or are over the age of 18. Further complicating the issue, the valuation of donated book inventory has been the subject of ongoing disputes between taxpayers and the IRS. The tax code should not contain obstacles that provide disincentives to charitable donations of books that can enhance learning.

The bill we are introducing today addresses the obstacles of donating excess book inventory by providing a simple and clear rule whereby any donation of book inventory to a qualified school, library, or literacy program is eligible for the enhanced deduction. This means that booksellers and publishers would receive a higher tax benefit for donating the books rather than throwing them away and would thus be encouraged to go to the extra trouble and expense of seeking out qualified donees and making the contributions.

My home State of Utah, like the rest of the Nation, has a problem with illiteracy. According to the National Institute for Literacy, between 21 and 23 percent of the adult population of the United States, about 44 million people, are only at Level 1 literacy, meaning they can read a little but not well enough to fill out an application, read a food label, or read a simple story to a child. Another 25 to 28 percent of the adult population, or between 45 and 50 million people, are estimated to be at Level 2 literacy, meaning they can usually can perform more complex tasks such as comparing, contrasting, or integrating pieces of information but usually not higher level reading and problem-solving skills. Literacy experts tell us that adults with skills at Levels 1 and 2 lack a sufficient foundation of basic skills to function successfully in our society.

While this bill is not a cure-all for the tragedy of illiteracy, it will increase access to books, both for adults and for children. Our tax code should not encourage the destruction of perfectly good books while schools, libraries, and literacy programs go begging for them.

The Senate is already on record in unanimous support of this bill. During the floor debate on the Economic Growth and Tax Relief Reconciliation Act of 2001, I offered this proposal as an amendment, which was accepted without opposition. Unfortunately, the provision was dropped in the conference with the House.

The Joint Committee on Taxation estimates this provision to decrease revenues to the Treasury by $246 million over a ten year period. This estimate helps demonstrate the extent of the value of the books that are currently being discarded that could be utilized to help America's adults and children.

I hope our colleagues will join us in supporting this bill. It is wrong for our

tax code to encourage book publishers to send books to the landfill instead of to the library. Let's correct this problem.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1415

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

SECTION 1. CONTRIBUTIONS OF BOOK INVENTORY.

(a) IN GENERAL.—Section 170(e)(3) of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY FOR EDUCATIONAL PURPOSES.—

''(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether or not—

''(I) the donee is an organization described in the matter preceding clause (i) of subparagraph (A), and

''(II) the property is to be used by the donee solely for the care of the ill, the needy, or infants.

''(ii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term 'qualified book contribution' means a charitable contribution of books, but only if the contribution is to an organization—

''(I) described in subclause (I) or (III) of paragraph (6)(B)(i), or

''(II) described in section 501(c)(3) and exempt from tax under section 501(a) which is organized primarily to make books available to the general public at no cost or to operate a literacy program.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act.

Mr. DODD. Mr. President, I rise with my colleagues Senator HATCH and Senator BAUCUS to introduce a measure to encourage book publishers to donate excess inventory to schools, libraries, and literacy programs.

Currently, because of the TAX CODE's treatment of such donations, and the cost of shipping books to schools and libraries, often it is more economical for publishers to destroy books than to donate them. That is as shocking as it is unacceptable.

Both the House and Senate versions of the education bills that currently are in conference authorize nearly $1 billion dollars for grants to State and local educational agencies for pre-reading or reading programs for children from pre-kindergarten through 3rd grade. I think it goes without saying that programs to teach kids to read won't work unless they can provide kids with access to books. You can't learn to read if you don't have anything to read.

That is why measures such as this, and the provision in the Senate's education bill to help school libraries acquire up-to-date books and to remain open for longer hours, are essential to the success of the reading programs in both bills. This provision will increase children's access to books, introduce them to whole new worlds of knowledge, and enable them to read more at school, in libraries, and at home.

This is important, because in a recent study of 15 countries, the United States was 12th in the percentage of 13-year-olds who read for fun. Of course, reading for fun is valuable for its own sake, but it also is an important indicator of academic achievement. For example, students who read on their own do better on both math and reading tests.

So, I believe that this provision is exactly the sort of good bipartisan tax and public policy that we ought to be promoting in the Senate, and I ask my colleagues to join Senators HATCH, BAUCUS, and myself in supporting this bill.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 158—HONORING THE ACCOMPLISHMENTS AND UNFAILING SPIRIT OF WOMEN IN THE 20TH CENTURY

Mr. CLELAND (for himself, Mrs. CLINTON, Mr. COCHRAN, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 158

Whereas women should be celebrated for the unparalleled strides made during the 20th century in education, professional careers, legal rights, politics, military service, religion, sports, and self-reliance;

Whereas at the dawn of the 20th century, women in the United States were denied their constitutional right to equal protection of the law, including the right to vote;

Whereas the women's suffrage movement, the largest grassroots political movement in the Nation's history, involved approximately 2,000,000 women and took more than 70 years of petitions, referenda, speeches, national and State campaigns, demonstrations, arrests, and hunger strikes;

Whereas women won the right to vote throughout the United States with the ratification of the 19th amendment to the Constitution in 1920, and by the end of the century women were voting in larger numbers than men in some national elections;

Whereas women represent an increasing percentage of the population awarded college and postgraduate degrees;

Whereas women are increasingly owning businesses and working to narrow the pay gap between women and men;

Whereas in World War I, women were only allowed to serve in the Army as nurses, and approximately 10,000 of the 30,000 women that served in World War I served as volunteers overseas, with no rank and no benefits;

Whereas during the 20th century, women served the Nation proudly and capably in the Armed Forces, including duty in World War I, World War II, Korea, Vietnam, Panama, Libya, the Persian Gulf, Bosnia, Kosovo, and in supportive roles during all of these conflicts;

Whereas women now serve in all ranks and branches of the Armed Forces as pilots, intelligence specialists, drill instructors, specialists, technicians, soldiers, airmen, and marines on the battlefields, and as sailors aboard Navy and Coast Guard ships at sea;

Whereas the 20th century saw women in new roles as justices on the Supreme Court, members of the President's Executive Cabinet, and Members of Congress;

Whereas women's contributions have become invaluable as Federal, State, and local legislators, Governors, judges, Cabinet officers, county commissioners, mayors, city council members, and directors of Federal, State, and local agencies;

Whereas women made significant strides in the 20th century, yet as we enter the 21st century women continue to face inequality;

Whereas women are disparately excluded from health care research, clinical trials, and treatment;

Whereas women continue to be underrepresented in science and technology careers;

Whereas women are often paid only 72 cents for each 1 dollar paid to men for the same work;

Whereas women are disproportionately affected by poverty and elderly women are generally more dependent on the social security program under title II of the Social Security Act; and

Whereas women can reflect upon the opportunities created during the 20th century and look toward even greater accomplishments in the 21st century: Now, therefore, be it

Resolved, That the Senate—

(1) honors and commends the accomplishments and unfailing spirit of women in the 20th century;

(2) recognizes the crucial roles of women in our communities as mothers, wives, and family caregivers;

(3) recognizes the disparity in equality that women still face;

(4) reaffirms the need to prevent and punish violence against women so that women may be safe from domestic violence, sexual assault, elder abuse, and violence in the workplace;

(5) recognizes that women should have equal access to health care and inclusion in research and clinical trials;

(6) recognizes the need for equality in vocational and academic education;

(7) recognizes that the pay gap should be closed;

(8) commits to preserving the social security program under title II of the Social Security Act and the medicare program under title XVIII of such Act; and

(9) pledges to make the 21st century the ''Century of Equal Opportunity for Women''.

Mr. CLELAND. Mr. President, I rise today to submit a resolution recognizing the 21st century as the ''Century of Equal Opportunity for Women.''

This proposal recognizes that as we enter the 21st century, it is essential that we note the great strides made by women in the 20th century as well as recognizing fundamental inequalities still faced by women as we begin the 21st century. The need for this resolution comes from the important requirement to acknowledge past achievements but to also address specific areas where further improvements are needed in order to ensure that women are given equal opportunity.

Unfortunately, women continue to face challenges and disparities in areas like health care and wages. This resolution acknowledges inequities such as the pay gap and challenges us to see that these issues are addressed so that

women may have not just more opportunities, but equal opportunities. The measure is supported by the American Association of University Women. I, along with co-sponsors Senators CLINTON, COCHRAN, and MURRAY, urge our colleagues to support this resolution and recognize the 21st century as the ''Century of Equal Opportunity for Women.''

AMENDMENTS SUBMITTED AND PROPOSED

SA 1533. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

SA 1534. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1535. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, supra.

SA 1536. Mr. CRAIG (for himself, Mr. MILLER, Mr. HELMS, Mr. SMITH, of New Hampshire, Mr. ALLEN, Mr. CRAPO, Mr. LOTT, Mr. NICKLES, Mr. SANTORUM, Mr. BENNETT, Mr. ALLARD, Mr. KYL, Mr. BOND, and Mr. INHOFE) proposed an amendment to the bill H.R. 2500, supra.

SA 1537. Mr. CRAIG proposed an amendment to amendment SA 1536 proposed by Mr. CRAIG to the bill (H.R. 2500) supra.

SA 1538. Mr. SMITH, of New Hampshire (for himself, Mr. HARKIN, Mr. WARNER, Mr. INHOFE, Mr. COCHRAN, Mr. ALLARD, Mr. CAMPBELL, and Mr. JOHNSON) proposed an amendment to the bill H.R. 2500, supra.

SA 1539. Mr. WELLSTONE (for himself, Mr. HELMS, Mr. KOHL, Mr. FEINGOLD, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1540. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1541. Mr. CRAIG (for himself, Mr. CRAPO, Mr. BENNETT, Mr. ALLEN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1542. Mr. DORGAN (for himself and Mr. KERRY) proposed an amendment to the bill H.R. 2500, supra.

SA 1543. Mr. DORGAN proposed an amendment to the bill H.R. 2500, supra.

SA 1544. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1545. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1546. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1547. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1533. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert the following: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $93,433,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,136,000 shall be expended for the Department Leadership Program: *Provided further*, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: *Provided further*, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, $22,500,000, to remain available until expended.

LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary office-automation expenses of organizations funded under the headings ''Salaries and Expenses'', General Legal Activities, and ''Salaries and Expenses'', General Administration, and of the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, and the Community Relations Service, $34,600,000, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $204,549,000, to remain available until expended.

PORT SECURITY

For expenses necessary for counter-terrorism, counter-narcotics, and other law enforcement activities at United States seaports, including Great Lakes ports, $39,950,000, to remain available until expended, to be available only for facilities, equipment, and supplies occupied or used by federal law enforcement agencies, including the United States Customs Service.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $45,813,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, $88,884,000, of which $87,166,000 shall be available only for prisoner movements handled by the Justice Prisoner and Alien Transportation System: *Provided*, That the Trustee shall be responsible for overseeing construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $46,006,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $8,836,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $527,543,000: *Provided*, That of the funds made available in this appropriation, $2,612,000 shall remain available until expended only for courtroom technology: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for representation expenses.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $130,791,000: *Provided*, That, notwithstanding any other provision of law, not to exceed $130,791,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year

2002 appropriation from the general fund estimated at not more than $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,260,353,000; of which not to exceed $2,500,000 shall be available until September 30, 2003, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That of the amount made available under this heading, $6,000,000 shall be available only to procure, operate, and maintain gunfire surveillance equipment to support gun prosecution initiatives in high crime areas: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, the Attorney General shall transfer to the Department of Justice Working Capital Fund, unobligated, all unexpended funds appropriated by the first heading of chapter 2 of title II of division B of Public Law 106–246 and by section 202 of division A of appendix H.R. 5666 of Public Law 106–554: *Provided further*, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: *Provided further*, That the fourth proviso under the heading ''Salaries and Expenses, United States Attorneys'' in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106–113 shall apply to amounts made available under this heading for fiscal year 2002: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,539 positions and 9,607 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $154,044,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $154,044,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,130,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $644,746,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended.

In addition, for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, $18,145,000, to remain available until expended.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $25,812,000, to remain available until expended.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

For necessary expenses to procure replacement aircraft, $53,050,000, to remain available until expended, shall be available only for the purchase of two long-range, wide body aircraft.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service, but not including expenses otherwise provided for in appropriations available to the Attorney General, $724,682,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $156,145,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,269,000 and, in addition, up to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $22,949,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $1,996,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund of claims covered by the Radiation Exposure Compensation Act as in effect on June 1, 2000, $10,776,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $336,966,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,354 passenger motor vehicles, of which 1,190 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $3,425,041,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2003; of which not less than $485,278,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further*, That of the amount made available under this heading, $53,000 shall be available only to reimburse Acadian Ambulance & Air Med Services for costs incurred during the December 1999 prison riot in St. Martin Parish Correctional Center, St. Martin Parish, Louisiana.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $44,074,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of,

the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,477 passenger motor vehicles, of which 1,354 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, $1,489,779,000; of which $33,000,000 for permanent change of station shall remain available until September 30, 2003; of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2003; of which not to exceed $50,000 shall be available for official reception and representation expenses.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not less than 3,165 passenger motor vehicles, of which not less than 2,211 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, $3,176,037,000; of which not to exceed $400,000 for research shall remain available until expended; of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training; of which not to exceed $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided,* That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $1,153 per pay period during the calendar year beginning January 1, 2002: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed 30 permanent positions and 30 full-time equivalent workyears and not to exceed $4,300,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further,* That the latter two aforementioned offices shall be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis and such augmentation may not exceed 10 full-time equivalent workyears.

CONSTRUCTION

For planning, purchase of construction vehicles, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $205,015,000, to remain available until expended, of which $3,000,000 shall be available only to comply with Occupational Safety and Health Administration programs.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 685, of which 610 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $3,786,228,000: *Provided,* That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further,* That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of FPS, furnish health services to individuals committed to the custody of FPS: *Provided further,* That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2003: *Provided further,* That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further,* That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $899,797,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided,* That labor of United States prisoners may be used for work performed under this appropriation: *Provided further,* That, of the amount made available under this heading, $66,524,000, to remain available until expended, shall be transferred to, and merged with, funds in the ''Immigration and Naturalization Service, Construction'' appropriations account, to be available only for the construction of detention facilities: *Provided further,* That not to exceed 10 percent of the funds appropriated to ''Buildings and Facilities'' in this or any other Act may be transferred to ''Salaries and Expenses'', Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $200,738,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102–534 (106 Stat. 3524).

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counterterrorism programs, $364,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); and the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''), $2,089,990,000 (including amounts for administrative costs, which shall be transferred to

and merged with the ''Justice Assistance'' account), to remain available until expended as follows:

(1) $400,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, Guam shall be considered a ''State'', the Commonwealth of Puerto Rico shall be considered a ''unit of local government'' as well as a ''State'', for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which:

(a) $80,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers, and

(b) $19,956,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728;

(2) $265,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended;

(3) $35,000,000 shall be available for the Cooperative Agreement Program;

(4) $35,191,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(5) $7,982,000 for the Tribal Courts Initiative;

(6) $578,125,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which $78,125,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(7) $11,975,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(8) $2,296,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(9) $184,937,000 for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, of which:

(a) $1,000,000 shall be for the Bureau of Justice Statistics for grants, contracts, and other assistance for domestic violence federal case processing study,

(b) $5,200,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research and evaluation of violence against women, and

(c) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended;

(10) $64,925,000 for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act;

(11) $39,945,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(12) $4,989,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;

(13) $998,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(14) $3,000,000 for grants to States and units of local government to improve the process for entering data regarding stalking and domestic violence into local, State, and national crime information databases, as authorized by section 40602 of the 1994 Act;

(15) $10,000,000 for grants to reduce Violent Crimes Against Women on Campus, as authorized by section 1108(a) of Public Law 106–386;

(16) $40,000,000 for Legal Assistance for Victims, as authorized by section 1201 of Public Law 106–386;

(17) $5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40801 of the 1994 Act;

(18) $15,000,000 for the Safe Havens for Children Pilot Program as authorized by section 1301 of Public Law 106–386;

(19) $7,500,000 for Education and Training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106–386;

(20) $68,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act: *Provided*, That States that have in-prison drug treatment programs, in compliance with Federal requirements, may use their residential substance abuse grants funds for treatment, both during incarceration and after release;

(21) $4,989,000 for demonstration grants on alcohol and crime in Indian Country;

(22) $898,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(23) $50,000,000 for Drug Courts, as authorized by title V of the 1994 Act;

(24) $1,497,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(25) $1,995,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(26) $249,450,000 for Juvenile Accountability Incentive Block Grants except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105–119, but all references in such provisions to 1998 shall be deemed to refer instead to 2002, and Guam shall be considered a ''State'' for the purposes of title III of H.R. 3, as passed by the House of Representatives on May 8, 1997; and

(27) $1,298,000 for the Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act:

Provided, That funds made available in fiscal year 2002 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further*, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed'' program activities, $58,925,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government, engaged in the investigation and prosecution of violent crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act'') (including administrative costs), $1,019,874,000, to remain available until expended; of which $150,962,000 shall be available to the Office of Justice Programs to carry out section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $35,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $35,000,000 is for DNA testing as authorized by the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546), of which $35,000,000 is for the State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, and improvements to the State and local forensic general science capabilities to reduce State and local DNA convicted offender sample backlog and for awards to State, local, and private laboratories, and of which $17,000,000 is for the National Institute of Justice for grants, contracts, and other agreements to develop school safety technologies and training; of which $510,524,000 is for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, of which $190,291,000 shall be available for the COPS hiring program, of which $180,000,000 shall be available for school resource officers, of which $31,315,000 shall be used to improve tribal law enforcement including equipment and training, of which $25,444,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''), as amended, of which $30,000,000 shall be used for Police Corps education, training, and service as set forth in sections 200101–200113 of the 1994 Act, and of which $20,662,000 shall be used to provide training and technical assistance; of which $155,467,000 shall be used for a law enforcement technology program, of which $7,202,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, ''Salaries and Expenses'' appropriations account to be available only to maintain or establish not more than 4 regional computer forensic labs in affiliation with the Federal Bureau of Investigation Laboratory Division, of which $1,005,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, ''Salaries and Expenses'' appropriations account to be available only to expand the Violent Criminal Apprehension Program to include sexual assault, of which

$350,000 shall be transferred to, and merged with, funds in the ''Salaries and Expenses'', General Legal Activities appropriations account to be available only for equipment to connect Interpol to the National Law Enforcement Telecommunications System, and of which $4,000,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, ''Salaries and Expenses'' appropriations account to be available only to maintain or establish not more than 4 regional mitochondrial DNA forensic labs in affiliation with the Federal Bureau of Investigation Laboratory Division; of which $48,393,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug ''hot spots''; of which $99,780,000 for a prosecution assistance program to reimburse State, county, parish, or municipal governments only for Federal costs associated with the prosecution of criminal cases declined by local U.S. Attorneys' offices, of which $49,780,000 shall be for a national program to reduce gun violence, and of which $50,000,000 shall be for the Southwest Border Prosecutor Initiative; of which $16,963,000 shall be for a police integrity program; of which $22,851,000 is for the Safe Schools Initiative; and of which $14,934,000 shall be for an offender re-entry program: *Provided*, That of the amount provided for Public Safety and Community Policing Grants, not to exceed $32,812,000 shall be expended for program management and administration: *Provided further*, That of the prior year balances available in this program, $46,000,000 shall be available for the direct hiring of law enforcement officers through the Universal Hiring Program: *Provided further*, That Section 1703(b) and (c) of the 1968 Act shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796 d.d. et seq.).

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (''the Act''), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $320,026,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) notwithstanding any other provision of law, $6,847,000 shall be available for expenses authorized by part A of title II of the Act, $88,804,000 shall be available for expenses authorized by part B of title II of the Act, and $55,691,000 shall be available for expenses authorized by part C of title II of the Act: *Provided*, That $26,442,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $11,974,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $9,978,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $15,965,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $130,767,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which $12,472,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which $25,000,000 shall be available for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training; and of which $15,000,000 shall be available for the Safe Schools Initiative: *Provided further*, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $8,481,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $2,395,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Section 124 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, is repealed.

SEC. 103. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 104. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 105. Section 286(q)(1)(A) of the Immigration and Nationality Act of 1953, as amended, is further amended by striking ''6'' and inserting ''96''.

SEC. 106. Notwithstanding any other provision of law, $1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SEC. 107. Section 11231 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105–33, is amended—

(1) in the catchline of paragraphs (a)(1) and (2), by striking ''of Parole Commission'';

(2) in subsections (a) and (c), by replacing ''United States Parole Commission'' and ''Parole Commission'', each place they currently appear, with ''agency established under section 11233'';

(3) in paragraph (a)(1), by replacing ''one year after date of enactment of this Act'' with ''September 30, 2002'', by replacing ''Board of Parole of the District of Columbia'' with ''United States Parole Commission'', by striking ''exclusive'', and by replacing all the matter from ''felons,'' to the period, inclusive, with ''felons.'';

(4) by replacing all the matter after the catchline of paragraph (a)(2) with ''Not later than September 30, 2002, the agency established under section 11233 shall assume all powers, duties, and jurisdiction transferred to the United States Parole Commission by this paragraph as in effect on January 1, 2001.''; and

(5) in subsection (c), by replacing all the matter from ''Columbia,'' to the period, inclusive, with ''Columbia.''.

SEC. 108. In instances where the Attorney General determines that law enforcement-, security-, or mission-related considerations mitigate against obtaining maintenance or repair services from private sector entities for equipment under warranty, the Attorney General is authorized to seek reimbursement from such entities for warranty work performed at Department of Justice facilities and, notwithstanding any other provision of law, to credit any payment made for such work to any appropriation charged therefore.

SEC. 109. Section 286(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1356(e)(1)) is amended to read as follows:

''(1)(A) Except as provided in subparagraph (B), the Attorney General is authorized to charge and collect a fee in the amount of $3 for each individual with respect to whom immigration inspection services or preinspection services are provided in connection with the arrival in the United States of the individual as a passenger on a commercial vessel, if the passenger's journey originated in any of the following:

''(i) Mexico.

''(ii) Canada.

''(iii) A State, territory, or possession of the United States.

''(iv) Any adjacent island (within the meaning of section 101(b)(5)).

''(B) The authority of subparagraph (A) does not apply to immigration inspection services or preinspection services provided at a designated port of entry in connection with

the arrival of a passenger by means of a Great Lakes international ferry, or by means of any vessel that transits the Great Lakes or its connecting waterways, if the ferry or other vessel operates on a regular schedule.''.

SEC. 110. Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is amended—

(1) in paragraph (1), by amending the first sentence to read as follows: ''Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

''(A) entered the United States without inspection; or

''(B) is within one of the classes enumerated in subsection (c) of this section, may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence.''; and

(2) by amending paragraph (3)(B) to read as follows:

''(B) One-half of any remaining portion of such fees remitted under such paragraphs shall be deposited by the Attorney General into the Immigration Examination Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r).''.

SEC. 111. Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)), is amended by striking the period at the end and inserting '', and for a Victim Notification System.''.

This title may be cited as the ''Department of Justice Appropriations Act, 2002''.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and employment of experts and consultants as authorized by 5 U.S.C. 3109, $30,097,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $49,386,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $347,090,000, to remain available until expended, of which $3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $66,820,000 shall be for Trade Development, $27,441,000 shall be for Market Access and Compliance, $42,859,000 shall be for the Import Administration, $193,824,000 shall be for the United States and Foreign Commercial Service, and $13,146,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $68,893,000, to remain available until expended, of which $7,250,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, $341,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,557,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,381,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $62,515,000, to remain available until September 30, 2003.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $168,561,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $348,529,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $14,054,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $43,466,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $2,358,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended,

$15,503,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided,* That not to exceed $3,097,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further,* That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further,* That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further,* That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $856,701,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided,* That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in fiscal year 2002 appropriation from the general fund estimated at $0: *Provided further,* That during fiscal year 2002, should the total amount of offsetting fee collections be less than $856,701,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: *Provided further,* That an additional amount not to exceed $282,300,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2002, to remain available until expended: *Provided further,* That from amounts provided herein, not to exceed $5,000 shall be made available in fiscal year 2002 for official reception and representation expenses.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $8,238,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $343,296,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $105,137,000, to remain available until expended: *Provided,* That the Secretary of Commerce is authorized to enter into agreements with one or more nonprofit organizations for the purpose of carrying out collective research and development initiatives pertaining to 15 U.S.C. 278k paragraph (a), and is authorized to seek and accept contributions from public and private sources to support these efforts as necessary.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $204,200,000, to remain available until expended, of which not to exceed $60,700,000 shall be available for the award of new grants.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $43,893,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, $2,267,705,000, to remain available until expended: *Provided,* That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further,* That in addition, $68,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further,* That in addition, not to exceed $3,000,000 shall be derived by transfer from the fund entitled ''Coastal Zone Management'': *Provided further,* That of the amounts made available to the National Marine Fisheries Service, not less than $29,000,000 shall be for Alaskan Steller sea lion research: *Provided further,* That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: *Provided further,* That of the amount provided under this heading, for expenses necessary to carry out ''NOAA Operations, Research and Facilities sub-category'' in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, $33,650,000 to remain available until expended, for the purposes of discretionary spending limits: *Provided further,* That not to exceed $54,255,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: *Provided further,* That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 42 personnel: *Provided further,* That of the amount provided to the National Marine Fisheries Service, a total of $6,000,000 shall be provided to the National Oceanic and Atmospheric Administration Office of General Counsel: *Provided further,* That the National Marine Fisheries Service shall be obligated for payment of all fisheries-related reimbursable work performed by the National Oceanic and Atmospheric Administration Office of General Counsel: *Provided further,* That the Secretary may proceed as he deems necessary to have the National Oceanic and Atmospheric Administration occupy and operate its research facilities which are located at Lafayette, Louisiana: *Provided further,* That the R/V FAIRWEATHER shall be homeported in Ketchikan, Alaska: *Provided further,* That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: *Provided further,* That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

In addition, there is hereby established the Business Management Fund of the National Oceanic and Atmospheric Administration, which shall be available without fiscal year limitation for expense and equipment necessary for the maintenance and operations of such services and projects as the Administrator of the National Oceanic and Atmospheric Administration determines may be performed more advantageously when centralized: *Provided,* That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the divisions and offices of the National Oceanic and Atmospheric Administration: *Provided further,* That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Business Management Fund as of the close of the completed fiscal year, shall be prepared each year and submitted to Congress: *Provided further,* That notwithstanding 31 U.S.C. 3302, the Business Management Fund may be credited with advances and reimbursements from applicable appropriations of the National Oceanic and Atmospheric Administration and from funds of other agencies or entities for services furnished pursuant to law: *Provided further,* That any inventories, equipment, systems, real property and other assets over $25,000, pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize the Business Management Fund: *Provided further,* That the National Oceanic and Atmospheric Administration Business Management Fund shall be authorized to create an initial cash corpus of $5,000,000 from deobligations and continued funding as may be or become available from deobligations: *Provided further,* That the Business Management Fund shall provide for centralized services at rates which return in full all expenses of operation and services, including depreciation or full overhead costs of fund plant and equipment, plus an amount equal to projected inflation, amortization of automated data processing software and hardware systems, and an

amount not to exceed four percent necessary to maintain an operating level in the fund as determined by the Administrator: *Provided further,* That full implementation of the Business Management Fund will be phased in over a period not less than three years nor more than five fiscal years.

There is hereby established the following organizational structure for the Business Management Fund of the National Oceanic and Atmospheric Administration: *Provided,* That the overall responsibility for the National Oceanic and Atmospheric Administration Business Management Fund lies with the Administrator of the National Oceanic and Atmospheric Administration: *Provided further,* That general management of the National Oceanic and Atmospheric Administration's Business Management Fund may be delegated by the Administrator to the Chief Financial Officer/Chief Administrative Officer of the National Oceanic and Atmospheric Administration.

PROCUREMENT, ACQUISITION AND CONSTRUCTION (INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $939,610,000, to remain available until expended: *Provided,* That unexpended balances of amounts previously made available in the ''Operations, Research, and Facilities'' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: *Provided further,* That of the amount provided under this heading for expenses necessary to carry out the ''NOAA Procurement, Acquisition, and Construction sub-category'' in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, the Coastal and Estuarine Land Conservation Program, $83,410,000 to remain available until expended, and to be for conservation spending category activities pursuant to Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided further,* That of the above amounts, $60,000,000 shall be for the ''Coastal and Estuarine Land Conservation Program'': *Provided further,* That none of the funds provided in this Act or any other Act under the heading ''National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'' shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses to carry out the ''NOAA Pacific Coastal Salmon Recovery sub-category'' in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, the Endangered Species Act-Pacific Salmon Recovery, the Columbia River Hatcheries, the Columbia River Facilities, Pacific Salmon Treaty Implementation, $133,940,000, to remain available until expended, and to be for conservation spending category activities pursuant to Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the Operations, Research, and Facilities account to offset the costs of implementing such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $952,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $191,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $8,000 for official entertainment, $42,062,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $21,176,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided,* That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 207. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: *Provided,* That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further,* That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further,* That such fund shall provide services on a competitive basis: *Provided further,* That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2002 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: *Provided further,* That such amounts retained in the fund for fiscal year 2002 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further,* That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further,* That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 208. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the ''National Institute of Standards and Technology, Construction of Research Facilities'', $5,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina, $6,000,000 is appropriated to the Thayer School of Engineering for the nanocrystalline materials and biomass research initiative, $3,000,000 is appropriated to the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies, and $4,000,000 is appropriated for the Institute for Politics.

SEC. 209. (a) Notwithstanding any other provision of law, the total amount of funds that may be transferred into the ''Working Capital Fund'' in fiscal year 2002, or in any fiscal year thereafter, may not exceed $117,000,000.

(b) All transfers of funds to or from the Working Capital Fund in fiscal year 2002 and any fiscal year thereafter shall be subject to section 605, without regard to the amount of the reprogramming or the purpose of the funds so reprogrammed.

(c) Of the amounts available under this section for salaries of the staff of the Department of Commerce, the amount obligated for that purpose before December 15, 2001, may not exceed $29,250,000.

(d)(1) Not later than December 15, 2001, the Secretary of Commerce shall submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth the proposed disbursements from the Working Capital Fund during fiscal year 2002.

(2) Of the proposed disbursements in the report under paragraph (1)—

(A) not more than $40,000,000 of the proposed disbursements may be for the Commerce Administrative Management System; and

(B) not more than $15,000,000 of the proposed disbursements for that System may be from or attributable to the National Oceanic and Atmospheric Administration.

(3) Disbursements from the Working Capital Fund in fiscal year 2002 may not be made until 15 days after the date on which the report is submitted under paragraph (1).

(4) Any modification of a proposed disbursement from the Working Capital Fund previously specified in the report under paragraph (1) shall be treated as a reprogramming of funds to which section 605 applies, without regard to the amount of the modification or the purpose of the disbursement, as so modified.

(5)(A) If a disbursement from the Working Capital Fund in fiscal year 2002 will require any bureau or organization in the Department of Commerce to incur costs not previously specified in the report under paragraph (1), the disbursement may not be made until 15 days after the date on which such bureau or organization submits to the Committees on Appropriations of the Senate and House of Representatives a Memorandum of Agreement providing for such bureau or organization to incur such costs.

(B) Each Memorandum of Agreement under this paragraph shall specify the provision of statute providing authority for the disbursement concerned.

(e) Amounts in the ''Advances and Reimbursements'' account may not be used to assess or collect costs or charges against or from any bureau or organization of the Department of Commerce unless the costs or charges are incurred for a project has been approved as a request for reprogramming under section 605.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 2002''.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $39,988,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $7,530,000, of which $4,460,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $19,372,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $13,054,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $3,559,012,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects: *Provided,* That, of the amount made available under this heading, $33,000, shall be transferred to, and merged with, funds in the ''Salaries and Expenses, United States Marshals Service'' appropriations account in title I of the Act, to be available only for court operations in Lander, Wyoming.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,692,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $463,756,000, of which $257,710,000 is for federal defender organizations, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $50,131,000, to remain available until expended: *Provided,* That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $209,762,000, of which not to exceed $10,000,000 shall remain available until expended for security systems and contract costs for court security officers, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General: *Provided,* That, of the amount made available under this heading, $3,580,000, to remain available until expended, shall be transferred to, and merged with, funds in the ''Narrowband Communications'' appropriations account in title I of this Act, to be administered by the Department of Justice Wireless Management Office and to be available only for the conversion to narrowband communications and for the operations and maintenance of legacy radio systems.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $58,212,000, of which $3,000,000 shall only be available, by grant, for caption training, and of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $19,742,000; of which $1,800,000 shall remain available through September 30, 2003, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $26,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $8,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title

28, United States Code, $11,327,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Section 140 of Public Law 97–92 (28 U.S.C. 461 note; 95 Stat. 1200) shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 305. Of the unexpended balances transferred to the Commission on Structural Alternatives in Federal Appellate Courts, $400,000 shall be transferred to, and merged with, funds in the ''Federal Judicial Center, Salaries and Expenses'' appropriations account to be available only for distance learning.

This title may be cited as this ''Judiciary Appropriations Act, 2002''.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,088,990,000: *Provided*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the ''Emergencies in the Diplomatic and Consular Service'' appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That of the amount made available under this heading, $7,800,000 shall be available only to provide language, security, leadership and management, and professional training: *Provided further*, That of the amount made available under this heading, $6,000,000 to remain available until expended, shall be transferred to, and merged with, funds in the ''Narrowband Communications'' appropriations account in title I of this Act, to be administered by the Department of Justice Wireless Management Office and to be available only for the conversion to narrowband communications and for the operations and maintenance of legacy radio systems: *Provided further*, That of the amount made available under this heading, $694,190,000 shall be available only for information resource management: *Provided further*, That of the amount made available under this heading, $9,000,000 shall be available only for the East-West Center: *Provided further*, That, notwithstanding any other provision of law, not to exceed $335,000,000 of offsetting collections derived from fees collected under the authority of section 104(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) during fiscal year 2002 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: *Provided further*, That any fees received in excess of $335,000,000 in fiscal year 2002 shall not be available for obligation and shall be returned to the General Fund: *Provided further*, That notwithstanding any other provision of law, a citizen of the United States approved by the Department of State to serve as Deputy Director General of the World Intellectual Property Organization shall, while serving in such position, be deemed an employee in a foreign area within the meaning of 5 U.S.C. Section 5923, and qualify for a living quarters allowance as authorized by 5 U.S.C. 5923(2): *Provided further*, That a citizen of the United States approved by the Department of State to serve as Deputy Director General of the World Intellectual Property Organization shall, while serving in such position, be deemed as an employee approved for transfer to an international organization within the meaning of 5 U.S.C. Section 352, and eligible to continue participating in the retirement, health benefit, group life insurance, and other benefit programs as provided in that section: *Provided further*, That advances for services authorized by 22 U.S.C. 3620(c) may be credited to this account, to remain available until expended for such services: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action: *Provided further*, That of the amounts made available under this heading, $5,000,000 shall be available only for the reimbursement costs incurred by the State of Hawaii for security expenses relating to the May 2001 Asian Development Bank Meeting: *Provided further*, That of the amount made available under this heading, $45,419,000 shall only be available to implement the 1999 Pacific Salmon Treaty Agreement, of which $20,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, of which $20,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund, and of which $5,419,000 shall be for a direct payment to the State of Washington for obligations under the 1999 Pacific Salmon Treaty Agreement.

In addition, not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $409,363,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $210,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $28,427,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $242,000,000, to remain available until expended: *Provided*, That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $9,000,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $10,000,000, to remain available until September 30, 2003.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized, $405,391,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction, $661,560,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $5,465,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and

merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $612,000, as authorized: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $17,044,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $135,629,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,091,348,000: *Provided,* That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further,* That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further,* That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $773,182,000, of which 15 percent shall remain available until September 30, 2003: *Provided,* That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $7,452,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $24,154,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $6,879,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $20,780,000: *Provided,* That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,000,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2002, to remain available until expended: *Provided,* That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2002, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $14,000,000: *Provided,* That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $31,000,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, $414,752,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,872,000, to remain available until expended.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $16,900,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department

of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. There is hereby enacted into law S. 787 of the 107th Congress (as introduced on April 26, 2001).

SEC. 405. Hereafter, none of the funds appropriated or otherwise made available for the United Nations may be used by the United Nations for the promulgation or enforcement of any treaty, resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet or international currency transactions.

SEC. 406. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2002 or any fiscal year thereafter may be obligated or expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

SEC. 407. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2002 or any fiscal year thereafter may be obligated or expended for the publication of any official Government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SEC. 408. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

This title may be cited as the ''Department of State and Related Agency Appropriations Act, 2002''.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $89,054,000.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $100,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,978,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $489,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

For the necessary expenses of the Commission on Ocean Policy, pursuant to Public Law 106–256, $2,500,000, to remain available until expended: *Provided*, That the Commission shall present to the Congress within 18 months of appointment its recommendations for a national ocean policy.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,432,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $500,000, to remain available until expended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $310,406,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $252,545,000, of which not to exceed $300,000 shall remain available until September 30, 2003, for research and policy studies: *Provided*, That $218,757,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at $29,788,000: *Provided further*, That any offsetting collections received in excess of $218,757,000 in fiscal year 2002 shall remain available until expended, but shall not be available for obligation until October 1, 2002.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $17,450,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $2,000 for official reception and representation expenses, $156,270,000: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That, notwithstanding any other provision of law, not to exceed $156,270,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than $0, to remain available until expended: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $329,300,000, of which $310,000,000 is

for basic field programs and required independent audits; $2,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $12,400,000 is for management and administration and $4,400,000 is for client self-help and information technology: *Provided,* That none of such funds for management and administration shall be obligated or expended for any program that is in addition to, or expanded from, the programs funded under this heading for fiscal year 2001, unless the Legal Services Corporation prepares a spending plan for such funds, and notifies the Committees on Appropriations of the House of Representatives and the Senate concerning the contents of the spending plan.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2001 and 2002, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,957,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, as amended, $4,000,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $109,500,000 from fees collected in fiscal year 2002 to remain available until expended, and from fees collected in fiscal year 2000, $404,547,000 to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided,* That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: *Provided further,* That fees collected as authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) for sales transacted on, and with respect to securities registered solely on, an exchange that is initially granted registration as a national securities exchange after February 24, 2000 shall be credited to this account as offsetting collections: *Provided further,* That for purposes of collections under section 31, a security shall not be deemed registered on a national securities exchange solely because that national securities exchange continues or extends unlisted trading privileges to that security.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $333,233,000: *Provided,* That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further,* That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further,* That $88,000,000 shall be available to fund grants for performance in fiscal year 2002 or fiscal year 2003 as authorized by section 21 of the Small Business Act, as amended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $11,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $1,860,000, to be available until expended; and for the cost of guaranteed loans, $93,500,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2003: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That during fiscal year 2002, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed $3,750,000,000: *Provided further,* That during fiscal year 2002, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further,* That during fiscal year 2002, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed $4,100,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $79,510,000, to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, $125,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $115,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,854,000 is for indirect administrative expenses: *Provided,* That any amount in excess of $9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102–572; 106 Stat. 4515–4516), $14,850,000, to remain available until expended: *Provided,* That not to exceed $2,500 shall be available for official reception and representation expenses.

UNITED STATES-CANADA ALASKA RAIL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the ''United States-Canada Alaska Rail Commission'', as authorized by Title III of Public Law 106–520, $4,000,000.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. (a) The caption for section 504 of title 28, United States Code, is amended by replacing ''Attorney'' with ''Attorneys''.

(b) Section 504 of title 28, United States Code, is amended by inserting after ''General'' the following, ''and a Deputy Attorney General for Combating Domestic Terrorism''.

(c) There is established within the Department of Justice the position of Deputy Attorney General for Combating Domestic Terrorism, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) Subject to the authority of the Attorney General, the Deputy Attorney General for Combating Domestic Terrorism shall serve as the principal advisor to the Attorney General on, and, with the Deputy Director of the Federal Emergency Management Agency, serve as one of two key government officials responsible for domestic counterterrorism and antiterrorism policy.

(e) The Deputy Attorney General for Combating Terrorism together with the Deputy Director of the Federal Emergency Management Agency shall coordinate all functions of the Federal Government related to domestic counterterrorism and antiterrorism activities, including—

(1) the development of a National Strategy for Combating Domestic Terrorism that shall establish national policies, objectives, and priorities for preventing, preparing for, and responding to domestic terrorism within the United States;

(2) the coordination of the implementation of the National Strategy for Combating Domestic Terrorism by the departments and agencies of the Federal Government and by State and local entities with responsibilities for combating domestic terrorism; and

(3) the recommendation of changes in the organization and management of Federal departments and agencies and State and local entities engaged in combating domestic terrorism to the Congress, the President, the Vice President, the Attorney General, and the Director of the Federal Emergency Management Agency.

(f) Subject to the authority of the Attorney General, the Deputy Attorney General for Combating Domestic Terrorism shall be responsible for State and local preparedness for weapons of mass destruction, security classifications and clearances within the Department of Justice, and contingency operations within the Department of Justice.

(g) For necessary expenses of the Office of the Deputy Attorney General for Combating Domestic Terrorism, $23,000,000, to remain available until expended.

(h) Notwithstanding any other provision of law, all authorities, liabilities, funding, personnel, equipment, and real property associated with the Office of State and Local Domestic Preparedness Support, the National Domestic Preparedness Office, the Executive Office of National Security, and such components which relate to domestic counterterrorism and antiterrorism activities in the Office of Intelligence Policy and Review as are appropriate shall be transferred to the Deputy Attorney General for Combating Domestic Terrorism not later than 90 days after enactment of this Act.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. Section 286(d) of Public Law 82–414, as amended, is further amended—

(1) in subsection (d), by striking ''$6'' and inserting ''$7''; and

(2) in subsection (h), by adding at the end the following new paragraph:

''(3) Not less than nine percent of the total amounts deposited under this subsection in a fiscal year shall be available only to automate or otherwise improve the speed, accuracy, or security of the inspection process.''.

SEC. 607. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 608. Section 140 of Public Law 97–92 (28 U.S.C. 461 note; 95 Stat. 1200) is amended by adding at the end the following: ''This section shall apply to fiscal year 1981 and each fiscal year thereafter.''.

SEC. 609. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2002.

SEC. 612. Hereafter, none of the funds appropriated or otherwise made available to the Bureau of Prisons shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 613. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. Hereafter, none of the funds appropriated or otherwise made available to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when such information or material is sexually explicit or features nudity.

SEC. 615. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2002.

SEC. 616. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 617. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $576,462,000 shall not be available for obligation until the following fiscal year.

SEC. 618. Hereafter, none of the funds appropriated or otherwise made available to the Department of State and the Department of Justice shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 619. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 620. Section 504(a)(16) of the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (110 Stat. 1321–55; Public Law 104–134) is amended by striking beginning with '', except that'' through ''representation''.

SEC. 621. The requirements of section 312(a)(3) of the Magnuson-Stevens Fishery

Conservation and Management Act shall not apply to funds made available by section 2201 of Public Law 106–246.

SEC. 622. (a) Section 203(i) of the Act entitled ''An Act to approve a governing international agreement between the United States and the Republic of Poland, and for other purposes'', approved November 13, 1998, is amended by striking ''2001'' and inserting ''2006''.

(b) Section 203 of such Act, as amended by subsection (a), is further amended by adding at the end the following:

''(j) Not later than December 31, 2001, and every 2 years thereafter, the Pacific State Marine Fisheries Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report on the health and management of the Dungeness Crab fishery located off the coasts of the States of Washington, Oregon, and California.''.

TITLE VII—RESCISSIONS

DEPARTMENT OF STATE AND RELATED AGENCY

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the unobligated balances available under this heading, $126,620,000 are rescinded.

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002.''

SA 1534. Mr. KENNEDY, submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5____. (a) Section 502 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2510) is amended—

(1) in subsection (a)(2), by striking subparagraph (C) and inserting the following:

''(C) subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

''(i) an alien who has been battered or subjected to extreme cruelty, or who has been subjected to violence from which the alien is protected under the domestic violence laws (including criminal and civil domestic violence laws) or family violence laws of the jurisdiction in which the recipient is located; or

''(ii) an alien whose child has been battered or subjected to extreme cruelty, or whose child has been subjected to violence from which the child is protected under domestic or family violence laws described in clause (i), in a case in which the alien did not actively participate in such battery, cruelty, or violence.''; and

(2) in subsection (b)(2), by striking ''battery or cruelty'' and inserting ''battery, cruelty, or other domestic or family violence''.

(b) Any funds appropriated for the Legal Services Corporation for fiscal year 1999, 2000, or 2001 and remaining available on the date of enactment of this Act shall be subject to the terms and conditions set forth in section 502 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (as amended by subsection (a)), rather than section 502 of such Act (as in effect on the day before the date of enactment of this Act).

SA 1535. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 91, line 15, before the ''.'', insert the following: '', of which $13,000,000 shall remain available until expended for capital improvements at the U.S. Merchant Marine Academy''.

On page 18, line 20, before the ''.'', insert the following: '', of which $11,554,000 shall be available only for the activation of the facility at Atwater, California, and of which $13,323,000 shall be available only for the activation of the facility at Honolulu, Hawaii''.

On page 53, line 23, strike ''$54,255,000'' and insert ''$23,890,000''.

On page 55, starting on line 4, and finishing on line 5, strike ''provided under this heading in previous years'' and insert in lieu thereof ''in excess of $22,000,000''.

On page 53, starting on line 16 and continuing through line 18, strike ''for expenses necessary to carry out ''NOAA Operations, Research and Facilities sub-category'' '' and insert in lieu thereof ''for conservation activities defined''.

On page 58, starting on line 7 and ending on line 8, strike ''the ''NOAA Procurement, Acquisition, and Construction sub-category'' '' and insert in lieu thereof ''conservation activities defined''.

On page 58, line 10, after ''amended'', insert ''including funds for''.

On page 58, strike all after ''expended'' on line 12 through ''limits'' on line 16.

On page 58, line 16, after ''That'', insert the following: '', notwithstanding any other provision of law,''.

On page 58, line 17, strike ''for'' and insert in lieu thereof ''used to initiate''.

On page 58, line 18, insert before the ''.'', the following: '', for which there shall be no matching requirement''.

On page 59, starting on line 2 and ending on line 3, strike '' ''NOAA Pacific Coastal Salmon Recovery sub-category'' '' and insert in lieu thereof ''conservation activities defined''.

On page 59, line 5, after the second '','', insert the following: ''including funds for''.

On page 59, line 9, strike all after ''expended'' through ''limits'' on line 13.

On page 65, line 13, after ''funds'', insert the following: '', functions, or personnel''.

On page 66, line 5, strike ''$40,000,000'' and insert ''7,000,000''.

On page 66, line 7, before the ''.'', insert the following: ''or support for the Commerce Administrative Management System Support Center''.

On page 66, line 8, after the ''(B)'', strike ''not more than $15,000,000'' and insert in lieu thereof ''None''.

On page 67, after line 15, insert the following new subsection:

''(f) The Office of Management and Budget shall issue a quarterly Apportionment and Reapportionment Schedule, and a Standard Form 133, for the Working Capital Fund and the ''Advances and Reimbursements'' account based upon the report required by subsection (d)(1).''.

On page 75, after line 11, insert the following new section:

''SEC. 306. Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2002, to receive a salary adjustment in accordance with 28 U.S.C. 461: *Provided*, That $8,625,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.''.

On page 42, line 21, strike ''$49,386,000'' and insert ''$51,440,000''.

Strike section 107 and renumber sections 108–111 as ''107–110''.

On page 102, line 20, strike ''$3,750,000,000'' and insert ''$4,500,000,000, as provided under section 20(h)(1)(B)(ii) of the Small Business Act''.

On page 103, line 1, after ''loans'', insert ''for debentures and participating securities''.

On page 103, line 3, strike ''$4,100,000'', and insert ''the levels established by section 200(h)(1)(C) of the Small Business Act''.

On page 105, line 5, before the '','', insert the following: '', to remain available until expended''.

On page 104, line 24, strike ''$14,850,000 and insert $6,225,000''.

On page 10, line 18, strike ''$724,682,000'' and insert ''$712,682,000''.

SA 1536. Mr. CRAIG (for himself, Mr. MILLER, Mr. HELMS, Mr. SMITH of New Hampshire, Mr. ALLEN, Mr. CRAPO, Mr. LOTT, Mr. NICKLES, Mr. SANTORUM, Mr. BENNETT, Mr. ALLARD, Mr. KYL, Mr. BOND, and Mr. INHOFE) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies of the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VI, add the following:

SEC. 623. (a) FINDINGS.—Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the ''Rome Statute of the International Criminal Court''. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the Statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the Statute.

(3) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(4) Members of the Armed Forces of the United States deserve the full protection of the United States Constitution wherever they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by United Nations officials under procedures that deny them their constitutional rights.

(5) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the

President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression.

(6) The claimed jurisdiction of the International Criminal Court over citizens of a country that is not a state party to the Rome Statute is a threat to the sovereignty of the United States under the Constitution of the United States.

(b) PROHIBITION.—None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

SA 1537. Mr. CRAIG proposed an amendment to amendment SA 1536 proposed by Mr. CRAIG to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike line 2 and all that follows, and insert the following:

SEC. 623. None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

SA 1538. Mr. SMITH of New Hampshire (for himself, Mr. HARKIN, MR. WARNER, Mr. INHOFE, Mr. COCHRAN, Mr. ALLARD, Mr. CAMPBELL, and Mr. JOHNSON) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

SA 1539. Mr. WELLSTONE (for himself, Mr. HELMS, Mr. KOHL, Mr. FEINGOLD, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 22 and 23, insert the following:

SEC. 112. Section 6 of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106–207; 8 U.S.C. 1423 note) (as amended by Public Law 106–415) is amended by striking ''18 months'' each place such term appears and inserting ''36 months''.

SA 1540. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 9, strike ''$341,000,000, to remain available until expended.'' and insert ''$345,000,000, to remain available until expended, of which $4,000,000 shall be made available to the North County Council to be used to provide assistance (such as a revolving loan fund for small businesses and, in coordination with local community colleges, job training) to the towns of Berlin and Gorham, New Hampshire and businesses and individuals that have been significantly affected by the closure of and layoffs at the American Tissue mills in Berlin and Gorham, New Hampshire.''.

On page 87, line 7, strike ''$31,000,000'' and insert ''$27,000,000''.

SA 1541. Mr. CRAIG (for himself, Mr. CRAPO, Mr. BENNETT, Mr. ALLEN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Insert at the appropriate place the following:

SEC. . SENSE OF THE SENATE REGARDING THE REPUBLIC OF KOREA'S IMPROPER BAILOUT OF HYNIX SEMICONDUCTOR.

(a) FINDINGS.—Congress finds that—

(1) the Government of the Republic of Korea over many years has supplied aid to the Korean semiconductor industry enabling that industry to be the Republic of Korea's leading exporter;

(2) this assistance has occurred through a coordinated series of government programs and policies, consisting of preferential access to credit, low-interest loans, government grants, preferential tax programs, government inducement of private sector loans, tariff reductions, and other measures;

(3) in December 1997, the United States, the International Monetary Fund (IMF), other foreign government entities, and a group of international financial institutions assembled an unprecedented $58,000,000,000 financial package to prevent the Korean economy from declaring bankruptcy;

(4) as part of that rescue package, the Republic of Korea agreed to put an end to corporate cronyism, and to overhaul the banking and financial sectors;

(5) Korea also pledged to permit and require banks to run on market principles, to allow and enable bankruptcies and workouts to occur rather than bailouts, and to end subsidies;

(6) the Republic of Korea agreed to all of these provisions in the Stand-by Arrangement with the IMF dated December 3, 1997;

(7) section 602 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1999, as enacted by section 101(d) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law 105–277; 112 Stat. 2681–220) specified that the United States would not authorize further IMF payments to Korea unless the Secretary of the Treasury certified that the provisions of the IMF Standby Arrangement were adhered to;

(8) the Secretary of the Treasury certified to Congress on December 11, 1998, April 5, 1999, and July 2, 1999 that the Stand-by Arrangement was being adhered to, and assured Congress that consultations had been held with the Government of the Republic of Korea in connection with the certifications;

(9) the Republic of Korea has acceded to the World Trade Organization, and to the Agreement on Subsidies and Countervailing Measures (as defined in section 101(d)(12) of the Uruguay Round Agreements Act);

(10) the Agreement on Subsidies and Countervailing Measures specifically prohibits export subsidies, and makes actionable other subsidies bestowed upon a specific enterprise that causes adverse effects;

(11) Hynix Semiconductor is a major exporter of semiconductor products from the Republic of Korea to the United States; and

(12) The Republic of Korea has now engaged in a massive $5,000,000,000 bailout of Hynix Semiconductor which contravenes the commitments the Government of the Republic of Korea made to the IMF, the World Trade Organization and in other agreements, and the understandings and certifications made to Congress under the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

((1) The Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative should forthwith request consultations with the Republic of Korea under Article 4 and Article 7 of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization, and take immediately such other actions as are necessary to assure that the improper bailout by the Republic of Korea is stopped, and its effects fully offset or reversed;

(2) the relationship between the United States and Republic of Korea has been and will continue to be harmed significantly by the bailout of a major exporter of products from Korea to the United States;

(3) the Republic of Korea should end immediately the bailout of Hynix Semiconductor;

(4) the Republic of Korea should comply immediately with its commitments to the IMF, with its trade agreements, and with the assurances it made to the Secretary of the Treasury; and

(5) the United States Trade Representative and the Secretary of Commerce should monitor and report to Congress on steps that have been taken to end this bailout and reverse its effects.

SA 1542. Mr. DORGAN (for himself and Mr. KERRY) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 44, line 1, strike ''$347,090,000'' and insert ''$357,090,000''.

On page 44, line 6, strike ''$27,441,000'' and insert ''$32,441,000''.

On page 44, line 7, strike ''$42,859,000'' and insert ''$47,859,000''.

On page 88, line 7, strike ''and television''.

On page 88, line 9, strike ''and television''.

On page 88, line 10, strike ''$24,872,000'' and insert ''$14,872,000''.

SA 1543. Mr. DORGAN proposed an amendment to the bill H.R. 2500, making appropriations for the Departments

of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON SALE OF DISASTER LOANS.

Notwithstanding any other provision of law, no amount made available under this Act may be used to sell any disaster loan authorized by section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to any private company or other entity.

SA 1544. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, between lines 9 and 10, insert the following:

TITLE VIII—INFANT CRIB SAFETY

SEC. 801. SHORT TITLE.

This title may be cited as the ''Infant Crib Safety Act''.

SEC. 802. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The disability and death of infants resulting from injuries sustained in crib incidents are a serious threat to the public health, welfare, and safety of people of this country.

(2) The design and construction of a baby crib must ensure that it is safe to leave an infant unattended for extended periods of time. A parent or caregiver has a right to believe that the crib in use is a safe place to leave an infant.

(3) Each year more than 12,000 children ages 2 and under are injured in cribs seriously enough to require hospital treatment.

(4) Each year at least 50 children ages 2 and under die from injuries sustained in cribs.

(5) The United States Consumer Product Safety Commission estimates that the cost to society resulting from deaths due to cribs is at least $225,000,000 per year.

(6) Secondhand, hand-me-down, and heirloom cribs pose a special problem. There are nearly 4 million infants born in this country each year, but only one million new cribs sold. As many as 2 out of 4 infants are placed in secondhand, hand-me-down, or heirloom cribs.

(7) Most crib deaths occur in secondhand, hand-me-down, or heirloom cribs.

(8) Existing State and Federal legislation is inadequate to deal with the hazard presented by secondhand, hand-me-down, or heirloom cribs.

(9) Prohibiting the contracting to sell, resell, lease, sublease of unsafe cribs that are not new, or otherwise place in the stream of commerce unsafe secondhand, hand-me-down, or heirloom cribs, will prevent injuries and deaths caused by cribs.

(b) PURPOSE.—The purpose of this title is to prevent the occurrence of injuries and deaths to infants as a result of unsafe cribs by making it illegal—

(1) to manufacture, sell, or contract to sell any crib that is unsafe for any infant using it; or

(2) to resell, lease, sublet, or otherwise place in the stream of commerce, after the effective date of this Act, any unsafe crib, particularly any unsafe secondhand, hand-me-down, or heirloom crib.

SEC. 803. DEFINITIONS.

As used in this title:

(1) COMMERCIAL USER.—The term ''commercial user'' means any person—

(A) who manufactures, sells, or contracts to sell full-size cribs or nonfull-size cribs; or

(B) who—

(i) deals in full-size or nonfull-size cribs that are not new or who otherwise by one's occupation holds oneself out as having knowledge or skill peculiar to full-size cribs or nonfull-size cribs, including child care facilities and family child care homes; or

(ii) is in the business of contracting to sell or resell, lease, sublet, or otherwise placing in the stream of commerce full-size cribs or nonfull-size cribs that are not new.

(2) CRIB.—The term ''crib'' means a full-size crib or nonfull-size crib.

(3) FULL-SIZE CRIB.—The term ''full-size crib'' means a full-size baby crib as defined in section 1508.1 of title 16 of the Code of Federal Regulations.

(4) INFANT.—The term ''infant'' means any person less than 35 inches tall or less than 2 years of age.

(5) NONFULL-SIZE CRIB.—The term ''nonfull-size crib'' means a nonfull-size baby crib as defined in section 1509.2(b) of title 16 of the Code of Federal Regulations (including a portable crib and a crib-pen described in paragraph (2) of subsection (b) of that section).

SEC. 804. PROHIBITIONS.

(a) IN GENERAL.—It shall be unlawful for any commercial user—

(1) to manufacture, sell, or contract to sell, any full-size crib or nonfull-size crib that is unsafe for any infant using it; or

(2) to sell, contract to sell or resell, lease, sublet, or otherwise place in the stream of commerce, any full-size or nonfull-size crib that is not new and that is unsafe for any infant using the crib.

(b) LODGINGS.—It shall be unlawful for any hotel, motel, or similar transient lodging facility to offer or provide for use or otherwise place in the stream of commerce, on or after the effective date of this title, any full-size crib or nonfull-size crib that is unsafe for any infant using it.

SEC. 805. CRIB STANDARDS.

A crib shall be presumed to be unsafe under this title if it does not conform to all of the following:

(1) Part 1508 (commencing with section 1508.1) of title 16 of the Code of Federal Regulations.

(2) Part 1509 (commencing with section 1509.1) of title 16 of the Code of Federal Regulations.

(3) Part 1303 (commencing with section 1303.1) of title 16 of the Code of Federal Regulations.

(4) American Society for Testing Materials Voluntary Standard F406.

(5) American Society for Testing Materials Voluntary Standards F966.

(6) American Society for Testing Materials Voluntary Standards F1169.

(7) American Society for Testing Materials Voluntary Standards F1822.

(8) Any regulations or standards that are adopted in order to amend or supplement the regulations described in paragraphs (1) through (7).

SEC. 806. EXCEPTIONS.

This title shall not apply to a full-size crib or nonfull-size crib that is not intended for use by an infant, including a toy or display item, if at the time it is manufactured, made subject to a contract to sell or resell, leased, sublet, or otherwise placed in the stream of commerce, as applicable, it is accompanied by a notice to be furnished by each commercial user declaring that the crib is not intended to be used for an infant and is dangerous to use for an infant.

SEC. 807. ENFORCEMENT.

(a) CIVIL PENALTY.—Any commercial user, hotel, motel, or similar transient lodging facility that knowingly violates section 804 is subject to a civil penalty not exceeding $1,000.

(b) INJUNCTION.—Any person may bring an action in a district court of the United States against any commercial user, hotel, motel, or similar transient lodging facility to enjoin any act or omission that violates section 804, and for reasonable attorneys fees and costs incurred in bringing the action.

SEC. 808. REMEDIES.

Penalties or other remedies available under this title are in addition to any other fines, penalties, remedies, or procedures under any other provision of law.

SEC. 809. EFFECTIVE DATE.

This title shall become effective 90 days after the date of the enactment of this Act.

SA 1545. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 20, after the colon insert the following: ''*Provided further*, That, of the amount appropriated under this heading, $67,000,000 shall be transferred to the Immigration Services and Infrastructure Improvements Account under section 204 of the Immigration Services and Infrastructure Improvements Act of 2000 (U.S.C. 1573), to be used for the same purposes for which funds in such account may be used and to remain available until expended:''.

SA 1546. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 5, after ''Act'' insert '', of which $250,000 shall be for a grant to the Rapid Response Program in Washington and Hancock Counties, Maine''.

SA 1547. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 9, before the period at the end, insert the following: '', of which $100,000 shall be used by the Secretary of Commerce to conduct a study, and, not later than 1 year after the date of enactment of this Act, submit to the Committee on Environment and Public Works of the Senate a report, on the need for and the feasibility of establishing an eco-industrial grant program''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''Improving Women's Health: Why Contraceptive Insurance Coverage Matters'' during the session of the Senate on Monday, September 10, 2001, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Monday, September 10, 2001, from 10 a.m.-12:30 p.m. in Dirksen 215 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND NUCLEAR SAFETY

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Transportation, Infrastructure, and Nuclear Safety be authorized to meet on Monday, September 10, 2001, at 3:30 p.m. to conduct a hearing on the Intelligent Transportation Systems Program. The hearing will be held in room SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the following staff be granted floor privileges during the consideration of H.R. 2500, the Commerce, Justice, State, and the Judiciary appropriations bill: Lila Helms, Luke Nachbar, Dereck Orr, Jill Shaprio Long, Jim Morhard, Kevin Linskey, Katherine Hennessey, Nancy Perkins, and Ashley Cooper.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

Mr. DORGAN. I ask unanimous consent that Mark Zaineddin, a legislative fellow of the Department of Commerce, be granted the privilege of the floor during debate on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, SEPTEMBER 11, 2001

Mr. REID. Mr. President, I ask unanimous consent when the Senate completes its business today it adjourn until the hour of 10 a.m. on Tuesday, September 11. I further ask unanimous consent that on Tuesday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Commerce, State, Justice Appropriations Act; further, that the Senate recess from 12:30 until 2:15 p.m. for our weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, on Tuesday, the Senate will convene at 10 a.m. and resume consideration of the Commerce, State, Justice act. We hope we can have a time certain for filing of amendments. We hope to complete the bill tomorrow. There will be rollcall votes throughout the day. The Senate will recess from 12:30 a.m. until 2:15 p.m. for our party conferences.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:38 p.m., adjourned until Tuesday, September 11, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 2001:

THE JUDICIARY

THOMAS B. WELLS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM EXPIRING FIFTEEN YEARS AFTER HE TAKES OFFICE. (REAPPOINTMENT)

DEPARTMENT OF STATE

ROCKWELL A. SCHNABEL, OF CALIFORNIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

JOHN STERN WOLF, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (NON-PROLIFERATION), VICE ROBERT J. EINHORN.

AFRICAN DEVELOPMENT BANK

CYNTHIA SHEPARD PERRY, OF TEXAS, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS, VICE WILLENE A. JOHNSON, RESIGNED.

THE JUDICIARY

ROBERT E. BLACKBURN, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE ZITA L. WEINSHIENK, RETIRED.

DAVID C. BURY, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106–553, APPROVED DECEMBER 21, 2000.

CINDY K. JORGENSON, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106–116, APPROVED NOVEMBER 29, 1999.

MARCIA S. KRIEGER, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE DANIEL B. SPARR, RETIRED.

RICHARD J. LEON, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE NORMA HOLLOWAY JOHNSON, RETIRED.

JAMES C. MAHAN, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106–553, APPROVED DECEMBER 21, 2000.

FREDERICK J. MARTONE, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE ROGER Z. STRAND, RETIRED.

JULIE A. ROBINSON, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS, VICE G. THOMAS VAN BEBBER, RETIRED.

D. BROOKS SMITH, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE TIMOTHY K. LEWIS, RETIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL RONALD J. BATH, 0000
BRIGADIER GENERAL FREDERICK H. FORSTER, 0000
BRIGADIER GENERAL JUAN A. GARCIA, 0000
BRIGADIER GENERAL MICHAEL J. HAUGEN, 0000
BRIGADIER GENERAL DANIEL JAMES III, 0000
BRIGADIER GENERAL STEVEN R. MCCAMY, 0000
BRIGADIER GENERAL JERRY W. RAGSDALE, 0000
BRIGADIER GENERAL WILLIAM N. SEARCY, 0000
BRIGADIER GENERAL GILES E. VANDERHOOF, 0000

To be brigadier general

COLONEL HIGINIO S. CHAVEZ, 0000
COLONEL BARRY K. COLN, 0000
COLONEL ALAN L. COWLES, 0000
COLONEL JAMES B. CRAWFORD III, 0000
COLONEL MARIE T. FIELD, 0000
COLONEL MANUEL A. GUZMAN, 0000
COLONEL ROGER P. LEMPKE, 0000
COLONEL GEORGE R. NIEMANN, 0000
COLONEL FRANK PONTELANDOLFO JR., 0000
COLONEL GENE L. RAMSAY, 0000
COLONEL TERRY L. SCHERLING, 0000
COLONEL DAVID A. SPRENKLE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BRUCE H. BARLOW, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN W. BERGMAN, 0000
BRIG. GEN. JOHN J. MCCARTHY JR., 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. GREGORY G. JOHNSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. SCOTT A. FRY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RAND H. FISHER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RICHARD B. PORTERFIELD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. STEPHEN A. TURCOTTE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RICHARD K. GALLAGHER, 0000
CAPT. THOMAS J. KILCLINE JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DAVID ARCHITZEL, 0000
REAR ADM. (LH) JOSE L. BETANCOURT, 0000
REAR ADM. (LH) ANNETTE E. BROWN, 0000
REAR ADM. (LH) BRIAN M. CALHOUN, 0000
REAR ADM. (LH) KEVIN J. COSGRIFF, 0000
REAR ADM. (LH) LEWIS W. CRENSHAW JR., 0000
REAR ADM. (LH) TERRANCE T. ETNYRE, 0000
REAR ADM. (LH) MARK P. FITZGERALD, 0000
REAR ADM. (LH) JONATHAN W. GREENERT, 0000
REAR ADM. (LH) CURTIS A. KEMP, 0000
REAR ADM. (LH) WALTER B. MASSENBURG, 0000
REAR ADM. (LH) JAMES K. MORAN, 0000
REAR ADM. (LH) CHARLES L. MUNNS, 0000
REAR ADM. (LH) JAMES A. ROBB, 0000
REAR ADM. (LH) JOSEPH A. SESTAK JR., 0000
REAR ADM. (LH) STEVEN J. TOMASZESKI, 0000
REAR ADM. (LH) JOHN W. TOWNES III, 0000
REAR ADM. (LH) CHRISTOPHER E. WEAVER, 0000
REAR ADM. (LH) CHARLES B. YOUNG, 0000
REAR ADM. (LH) THOMAS E. ZELIBOR, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

*PATRICK J. FLETCHER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTION 624 AND 531:

To be major

ALBERT J ABBADESSA, 0000
*KATALINA ABSOLON, 0000
*HECTOR J ACOSTAROBLES, 0000
*GLEN T ADAMS, 0000
MARTIN F ADAMS, 0000
*VINCENT T ADDERLY, 0000
JOSE L AGUILAR, 0000
SEAN F AHRENS, 0000
*DAVID M AITKEN JR., 0000
STEPHEN K AITON, 0000
BLACE C ALBERT, 0000
PAULA S ALBERTO, 0000
CHRISTOPHER E ALBUS, 0000
*STEVEN E ALEXANDER, 0000
GREGORY D ALLEN, 0000
*JEFFREY W ALLEN, 0000
DAVID W ALLEY, 0000
*WILLIAM G ALMOND JR., 0000
*MICHAEL A ALSTON, 0000
*JENNIFER A AMOS, 0000
*CHARLES T ANDERSON, 0000
*DEAN C ANDERSON, 0000
GREGORY K ANDERSON, 0000
*JAMES L ANDERSON, 0000
*TERRY L ANDERSON, 0000
CORNELL E ANDERTON, 0000
*LAWRENCE A ANYANWU, 0000
*DAVID R APPLEGATE, 0000
*JULIO G ARANA, 0000
*NICHOLAS D ARATA, 0000
JOHN D ARMENTROUT, 0000
*MICHAEL G ARMSTRONG, 0000
WILLIAM F ARMSTRONG, 0000
JUSTINE A ARNER, 0000
JENNIFER J ASH, 0000
MIKAEL R ASH, 0000
*ROBERT P ASHE, 0000
*STEPHEN A ASHPES, 0000
*JOHN F ATKINS, 0000
*DARRELL W AUBREY, 0000
*JOHN T AUFFERT, 0000
MARK J BACON, 0000
PHILLIP M BADAR, 0000
*CLAUDE W BAILEY III, 0000
GEORGE D BAILEY JR., 0000
*JEFFERY S BAILEY, 0000
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*FREDERICK E CLIFFORD, 0000
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*ALTON B CLOWERS JR., 0000
*HOWARD COE JR., 0000
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*CLARENCE COUNTS JR., 0000
*JOHN W COVER JR., 0000
*MELISSA R COVOLESKY, 0000
*GLORIA J COX, 0000
*JESSE J COX, 0000
*JOSEPH L COX, 0000
TYRONE J CRABB, 0000
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*CONOR T CUSICK, 0000
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*ABBAS K DAHOUK, 0000
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*SCOTT W DEBORD, 0000
*GARY M DEFORE, 0000
EFRAIN DELACRUZ, 0000
JOHN P DELANEY, 0000

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MARK C DELP, 0000
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*LARRY A DOXTATER, 0000
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*DAVID C DRESCHER JR., 0000
*GARY P DREW, 0000
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*CARLOS A DUKES, 0000
*LAYTON G DUNBAR JR., 0000
JOSEPH M DUNCAN, 0000
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BRAD E ECKLEY, 0000
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*BRENT B EPPERSON, 0000
*JOE ERVIN JR., 0000
*ALEXANDER P ESPINOSA, 0000
*JOHN F ESPOSITO, 0000
*CHRISTOPHER L EUBANK, 0000
*EDWARD J EVANS JR., 0000
IVAN D EVANS, 0000
*JODY L EVANS, 0000
*LILLARD D EVANS, 0000
ROBERT C EVANS, 0000
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FREDERICK J FAIR, 0000
MARTIN L FAIR JR., 0000
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*MICHAEL P FARRELL, 0000
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JAMES K FARRIS, 0000
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*CARY V FERGUSON, 0000
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*CASTANER P FERNANDEZ, 0000
*JAY M FERREIRA, 0000
DAVID P FILER, 0000
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JASON R FISCHL, 0000
PAUL R FISCUS, 0000
ROBERT A FISHER, 0000
*EDWIN J FISKE JR., 0000
*MARK A FITCH, 0000
MICHAEL F FITZGERALD, 0000
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*KEM R FLEMING, 0000
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WILLIAM J FORTNER, 0000
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*SONYA K FRIDAY, 0000
*ANNA R FRIEDERICHMAGGARD, 0000
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*AUGUSTINE GALLOWAY, 0000
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*MICHAEL GEEZA JR., 0000
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*STEPHEN M GOLDMAN, 0000
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*TERESHA R GOOLSBY, 0000
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*JOHN E GRADY, 0000
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*JEFFREY S HARNISH, 0000
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*NEIL HARPER, 0000
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*ABEL HERNANDEZNIEVES, 0000
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SAUL HERRERA JR., 0000
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SEAN M HERRON, 0000
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*JOHNNY L HESTER, 0000
*TOMMIE HEWITT JR., 0000
*DAVID T HICKCOX, 0000
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*DAVID B HOPKINS, 0000
*WOODARD B HOPKINS, 0000
JOHN M HOPPMANN, 0000
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*REED E HUDGINS, 0000
*LEE G HUDSON, 0000

TIMOTHY D HUENING, 0000
WILLIAM M HUFF, 0000
*ERIC A HUGHES, 0000
FREDERICK J HUGHES IV, 0000
*PETER G HULLER, 0000
*HARRY H HUNGERFORD III, 0000
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DARRYL B HURST, 0000
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*KEITH E IGYARTO, 0000
*HEYWARD R INABINETT, 0000
*MICHAEL J INDOVINA, 0000
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KELLY W IVANOFF, 0000
*JOSEPH G IZAGUIRRE, 0000
*DARIO M IZQUIERDO II, 0000
*BRENDA A JACINTO, 0000
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*SCOTT C JANZEN, 0000
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*JAMES J MYRICK, 0000
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*JOSE C NAPUTI, 0000
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*GREGORY M SULLIVAN, 0000
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DAVID O SUTTON, 0000
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STEPHEN P SZEWC, 0000
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*VALERIE Y TAKESUE, 0000
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*THOMAS F TALLEY, 0000
*DARREN M TATE, 0000
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GRADY S TAYLOR, 0000
*WILLIAM D TAYLOR, 0000
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*IAN M THOMAS, 0000
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MARVIN M THORNTON JR., 0000
*OTHA E THORNTON JR., 0000
*WILLIAM R THORNTON, 0000
ERIC R TIMMERMAN, 0000
RICHARD F TIMMONS II, 0000
*CRAIG J TIPPINS, 0000
*DANIEL L TOBIAS, 0000
*THOMAS A TOLARE, 0000
THOMAS E TOLER, 0000
*STEPHEN G TOOHEY, 0000
*JOHN C TOOMEY, 0000
*VINCENT H TORRES, 0000
JOSE O TORRESALVARADO, 0000
*STACY S TOWNSEND, 0000
THOMAS V TRACZYK IV, 0000
*JULIAN S TRAN, 0000
*GEORGE J TRAWICK, 0000
NATHAN C TRIPP, 0000
CAROL M TSCHIDA, 0000
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*RODNEY D TYSON, 0000
*JAMES W UHLMANN, 0000
RICHARD P ULLIAN, 0000
*MARK S ULRICH, 0000
ROBERT E UNDERWOOD, 0000
*CRAIG S UNRATH, 0000
JAMES A URBEC, 0000
*ROBERT V URQUHART, 0000
JACK L USREY, 0000
*SHAWN M VAIL, 0000
DOUGLAS M VALLEJO, 0000
*MORRIS S VANDERSLICE, 0000
MARTHA S VANDRIEL, 0000
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*KEVIN A VANYO, 0000
*ANTONIO D VEGA, 0000
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*ANTHONY J VEVASIS, 0000
*ROBERT M VILLALOBOS, 0000
BRET A VINCENT, 0000
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JOSEPH L VITALE, 0000
*JAMES W VIZZARD, 0000
*SHELLEY L VOLKWEIN, 0000
*THOMAS VONESCHENBACH, 0000
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*JOEL B VOWELL, 0000
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CAREY M WAGEN, 0000
RICHARD A WAGEN, 0000
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GREGORY M WALKER, 0000
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*JOHN P WANAT, 0000
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*ERIC C WARNER, 0000
*STEVEN H WARREN, 0000
*JR B WARRINGTON, 0000
JOHN A WASKO, 0000
TODD R WASMUND, 0000
TOM W WATITI, 0000
CHRISTOPHER J WATRUD, 0000
*BILLY WATTS JR., 0000
*ROLF H WATTS, 0000
*MICHAEL E WAWRZYNIAK, 0000
*ANDREW J WEATHERSTONE, 0000
*JOHN A WEAVER, 0000
*JOHN M WEAVER, 0000
KENNETH D WEBB, 0000
MARTIN J WEBER, 0000
*DYLAN M WEINSTEIN, 0000
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*LARS A WENDT, 0000
*KEVIN B WESOLOWSKI, 0000
HOLLY F WEST, 0000
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ERIC L WHITEHURST, 0000
CRAIG A WHITESIDE, 0000
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*JAMAL E WIGGLESWORTH, 0000
*SCOTT F WILE, 0000
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AUDIE M WILKINS, 0000
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DIONNE M WILSON, 0000
*JACKIE WILSONTARVER, 0000
*JOHN K WILWERDING, 0000
*FREDERICK M WINTRICH, 0000
*PETER J WIRTH, 0000
WILLIE R WITHERSPOON, 0000
*GARY A WITTMANN, 0000
ANTHONY M WIZNER, 0000
*CARL E WOMACK JR., 0000
*DAVID M WOOD, 0000
*DORSEY R WOODSON, 0000
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*CHARLES C WORRILL, 0000
*ANDREW P WORTHAM, 0000
*BRIAN W WRIGHT, 0000
*CHONTA R WRIGHT, 0000
*DAVID N WRIGHT, 0000
*FRANK B WRIGHT, 0000
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*WEBSTER M WRIGHT III, 0000
JEFFREY T WYATT, 0000
*RICHARD D WYATT, 0000
TERESA A WYATT, 0000
WILLIAM M WYATT, 0000
KEVIN J YATAR, 0000
*ANDREW T YERKES, 0000
GAIL E YOSHITANI, 0000
SHAW YOSHITANI, 0000
*CYNTHIA M YOST, 0000
MARK Q YOUNG, 0000
WILLIAM H ZEMP, 0000
FRANCESCA ZIEMBA, 0000
*ERIC D ZIMMERMAN, 0000
*ERIC V ZIMMERMAN, 0000
*KIM D ZIMMERMAN, 0000
MATTHEW C ZIMMERMAN, 0000
TODD M ZOLLINGER, 0000
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IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CURTIS W. MARSH, 0000

DEPARTMENT OF JUSTICE

JAY B. STEPHENS, OF VIRGINIA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE DANIEL MARCUS, RESIGNED.

EXTENSIONS OF REMARKS

HONORING MICHAEL FERRUCCI, JR., ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the many family, friends, and colleagues who have gathered to pay tribute to my dear friend, Michael Ferrucci who is celebrating his retirement after a tremendous career with the American Federation of State, County, and Municipal Employees. His outstanding leadership and unparalleled dedication has made a real difference in the lives of many.

I have often said that we are fortunate to live in a country that allows its workers to engage in efforts to better employee standards and benefits. State, county and municipal governments employ a number of laborers who deserve the best for their families. Michael has fought hard for better wages, more comprehensive health benefits for members and their families, and safer work environments—ensuring that state, county, and municipal employees are afforded these basic rights. Michael has been a true leader for our working families, giving them a voice during the hardest of economic times.

Michael began his career in 1953 as a maintenance worker for the Connecticut Highway Department. Elected first as Steward then Secretary and finally as President of AFSCME Local 867, he has served the union membership from the beginning. In addition to his service with Local 867, Michael went on to serve as the elected Secretary of Council and was later elected President of Council 16 representing Connecticut State Employees. Michael eventually left his state employment when he was appointed as the Executive Director for Council 16. It was during his tenure as Executive Director of Council 16 that state workers won collective bargaining rights—much in part to Michael's tremendous leadership.

Council 16, representing state employees, and Council 4, representing municipal employees, later merged to create what is today the largest union in Connecticut representing 34,000 State, Municipal, and Private Sector members. Michael held a number of leadership positions in Council 4 prior to his election as Executive Director nearly five years ago. In addition to his service with AFSCME, Michael has also served as a Labor Advocate on the Connecticut State Board of Mediation and Arbitration for over fifteen years.

Throughout his career, Michael has demonstrated a unique commitment to AFSCME's union membership. Through his vision and because of his unparalleled dedication, Connecticut's state and municipal employees and their families have a strong union that is always willing to ensure their needs and interests are heard and met. It is with my deepest thanks and sincere appreciation that I stand today to pay tribute to Michael Ferrucci, Jr., as he celebrates his retirement. His good work and strong voice will certainly be missed—and never forgotten.

VERMONT HIGH SCHOOL STUDENT CONGRESSIONAL TOWN MEETING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

I submit these statements to be printed in the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

ON BEHALF OF KEVIN VAN GENECHTEN—REGARDING GLOBAL WARMING, MAY 7, 2001

Kevin Van Genechten. My name is Kevin Van Genechten, doing global warming, for Colchester. Global warming is the steady rise in temperature caused by buildup of gases like CO2 and methane gas in the Earth's atmosphere. The gases act like the glass in a greenhouse; they let the heat in, but not out. The main cause of gas buildup is the burning of coal, oil and wood CFCs. 1998 was the hottest year in thousands of years. The nine hottest years on record have all been in the past two decades. Humankind's actions on the global scale have changed not just the landscape of the earth, but the world's climate too. Increasingly sophisticated measures of the Earth's climate and the weather systems have provided a wealth of evidence that the earth has been getting steadily warmer. An intergovernmental panel for climate change set up in 1988 to put together the thinking on global warming is leading the search. It has found that global temperatures are increasing alarmingly, already having risen between .3 Celsius and .6 Celsius in the last century. Sea levels are rising and previous environments are being altered, some irreparably. The rising temperatures we have witnessed may seem slight, but are we currently experiencing the greatest rate of change in the temperature ever. The effects are already being felt, and things may get much worse. Most of the impact of global warming won't be felt for another 30 years. And yet hurricanes, storms and extreme weather conditions are recorded almost weekly. Our reckless destruction of the environment through industrial pollution is creating a dangerous world. The burning of fossil fuels, such as oil and coal, and the emission of harmful gas must be addressed if we are secure ourselves a future on planet Earth. And although interested parties are bringing pressure from the big pressure groups like the Worldwide Fund for Nature—which may soon disappear—it may be these gestures are too little, too late. There is still hope in the air and time in this millennium to make the necessary changes to happen. However, we leave this century fudging on fossil-fuel emission targets, which almost everyone now agrees is the strongest way to combat global warming. Big changes in lifestyle and energy production will be needed to slow the global-warming time bomb.

ON BEHALF OF KATIE KEVORKIAN, CARLIN HEBERT, AND BETHANY WALLACE—HIGH DROP-OUT RATES, FOCUSING ON INADEQUATE SOCIAL SERVICES, MAY 7, 2001

Bethany Wallace. Our subject is the increasing dropout rate in, not only our county and our school, but, you know, across the nation. It said in the little packet that we were going to focus on the lack of social services which I don't think we did.

Congressman Sanders. That's okay.

Bethany Wallace. That is not really what we are focusing on. My part—I will give you a little basis. We didn't really know a lot about the dropout rate when we were given this task to present. So what we did is, we divided it into factors that would affect the dropout rate. And mine is the alternative programs, Katie's is the pregnancy rate, and Carlin's is the extracurricular activities. At Mt. Anthony, we have an alternative program that I don't think a lot of people are aware of, and we certainly didn't know what it was all about. So we went to the alternative program a few days ago and just sat down and interviewed both the students and the teachers there. And what we found out was that the alternative program is a combination of two former programs, the girls program and the boys program. And right now it's in one building, and it is funded by the high school, it is considered part of the high school, but with its own budget. There are about 25 students in the program right now, all different levels in high school. They also have a branch of that for the middle schoolers, that is called the Stars Program, but we didn't really dig into that. The students there—we have a little list—have been referred to the program because of a variety of reasons, varying from high absenteeism, which is what they said in there, and poor performance academically, for whatever reason. In sitting down with the students and talking to them about it, more than three-quarters of them said that, if it wasn't for this program, they probably would have dropped out of high school. So in presenting this to you, I just hope to show you how beneficial these programs can be. However, they do have faults. The students that graduate from the program graduate with a normal high school diploma, and to achieve that diploma, you have to have the same requirements of credits that we in the high school have, and that is 26 credits. The difference is that their classes are all pass-fail. And I have—just personally, I have mixed emotions about that, because I just don't know—I won't get into that. But their classes are all pass-fail. They get a normal high school diploma. They are not always there for just four years. It varies. They can be there for five years, they can be there through the Stars program and the alternative program. There are three main teachers in the program. And what they were telling us was,

and what you could see, is that it was designed as kind of a family-type of thing, where the teachers knew a lot about the personal lives of the students, and the students really liked that. If they didn't want them to know about their personal lives, they would usually leave. And one of the problems—because we also wanted to know what was wrong with the high school, what the students in the program didn't like about the high school. And a lot of what they said was how big it is. And, as you saw with the group that went before us, we do have a very big school, so you can get lost, in that you can slip through the cracks. If you need help and you don't go for it, it is not always given to you. And these people, they do come—the majority of them come from broken homes or dysfunctional families or things where they have a lot of problems, and are not getting the help that they need. And their teachers in the high school, they were saying, weren't always aware of that, and weren't really interested in that. So in the program, they work through things. The teachers are not only educators, but they are also kind of counselors and moms, and they give hugs and everything. We thought it was the coolest thing when we went over there. We didn't know what to expect, and we came back, and we were like: Oh, my God! We just couldn't believe it. But it does seem like a very close-knit thing. And the classes are constructed—they're offered as needed. Like if 15 of the students really need a Western Civ class that semester, that is what the teachers will do. Another problem that might be with the alternative program is, we found out that one of the teachers is only certified to teach—was it elementary English and social studies? And we didn't really know how that worked in. And I kind of had a problem with that; I don't know if Carlin and Katie did. But it seemed to work for them.

Congressman Sanders. Okay.

Bethany Wallace. That's basically the gist on the alternative programs. And we found that, especially with it coming from the students, it was really helpful, and they did a lot to keep the kids in school.

Congressman Sanders. Bethany, thank you. Katie or Carlin, are you going to go next?

Carlin Hebert. I focused more or less on extracurricular activities and how they affected dropout rate. And like the other group said, the extracurricular activities really are focused on a lot in our school. Many, many people play sports. Almost everyone participates in some way—drama, band, something. And we walked around and surveyed a lot of students, and a lot of them said they would consider dropping out, or at least wouldn't be coming to school as often—you know, they just wouldn't enjoy it—if they couldn't then participate in something after school. It drew a lot of students towards the school, because they said, if it simply was, You come in, you sit down, you take the class, and then you leave and go home, there would be nothing in it for them. They just wouldn't enjoy it. And so we said it was maybe 55 percent, probably, said they never even would consider dropping out. But there was a large percentage that did say that they just—without sports of some sort or activities, that they just—there would be nothing there for them to do. They don't enjoy classes, and basically that.

Katie Kevorkian. I focused on the pregnancy factor. And I'm going to start out with a little story that was told to me by the teachers in the Stars program, one of the teachers in the middle school program. She had a girl a few years ago who, at 13, became pregnant. And once that happened, she couldn't attend school anymore, she couldn't attend the Stars program, because, once you have a baby, you can't really do that. And she couldn't find childcare. She actually had twins at age 13, and the woman there was her teacher, who was trying to get her an education. She sent her to tutorial centers, she helped her set up childcare, but the girl apparently was very disagreeable with her childcare, and ended up taking her kids out of that. She is now 15, and she has missed so many credits that she cannot graduate high school at age 18, and, at 15, she was working on her GED. I interviewed people from two places, two area places, where pregnant teenagers often go. One was the Tristate Pregnancy Center, and they basically give out—they try to educate teenagers when they are pregnant, and show them their options. And then they work through another place I interviewed, Sunrise Family Resource Center, to help them get their GED and finish their education. Sunrise also does that. They try to provide childcare. They have programs such as Reach Up, which helps with—they try to get them some benefits. And the other one is—Can you let me see that? Vermont Homeroom. They try to get childcare and educate them. And pregnancy is a problem. It has gone down in the last ten years, but, in our community, it is still a huge problem. The rate is higher there than in any other place in Vermont. No, the rate is higher there than the rate in Vermont. Excuse me.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to introduce a bill that will help alleviate a problem that has plagued the senior weather forecasters at the National Oceanic and Atmospheric Administration.

One of the most important missions NOAA undertakes is the accurate forecasting of weather phenomenon. Every highly specialized weather forecaster is responsible for everything from making landfall predictions of hurricanes along the Eastern Seaboard, to gauging wind conditions above fires and ensuring the safety of those trying to put them out. These forecasters, all of whom as GS–14 (or lower), nonmanagerial employees, often work weekends and late into the evening trying to give the most accurate information possible.

Unfortunately, many of the senior forecasters are under paid for the overtime they routinely put in. This bill seeks to alleviate that problem by standardizing the overtime pay system and giving the Secretary of Commerce the flexibility to pay those forecasters who's duties, ''are critical to the immediate daily operation of the forecast and warning responsibilities of the National Weather Service and directly affect public and aviation safety.''

It is time that we started recognizing the important role that these forecasters play in terms of public safety and the health of our economy. By working weekends and nights, a forecaster may successfully predict the path of a storm and provide critical time needed to evacuate people and protect local businesses. I urge all of my colleagues to cosponsor this important legislation and to contact my office if they should have any additional questions.

APPROVING EXTENSION OF NONDISCRIMINATORY TREATMENT WITH RESPECT TO PRODUCTS OF THE SOCIALIST REPUBLIC OF VIETNAM

SPEECH OF

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. WICKER. Mr. Speaker, I rise today in reluctant opposition to this resolution. While I have always been a strong supporter of free trade, I can not support expanding trade with Vietnam until the administration addresses a serious conflict between Vietnam and the United States catfish industry. Frozen fish fillets of an entirely different family of fish are imported and unlawfully passed off to customers as ''catfish'' in such large and increasing volumes that it threatens the future success of the American catfish industry.

American consumers are being defrauded into believing that they are receiving farm raised U.S. catfish instead of another species of fish raised along the Mekong River in Vietnam. Most of the Vietnamese fish are raised in floating cages and ponds along the Mekong River Delta, feeding on whatever floats down the river. Yet they are fraudulently marketing them as farm-raised grain-fed catfish. Since the Vietnamese do not place a high value on cultivating the fish in a controlled environment, their cost of production is much lower.

Importing interests of the Vietnam fish, searching for new markets, were allowed by the FDA to use the term ''catfish'' in combination with previously approved names. This has resulted in imports entering the U.S. in skyrocketing quantities and being fraudulently passed off to American consumers as ''catfish.''

It is unlawful to pass a cheaper fish species off as another species. There is evidence of widespread illegal packaging and labeling of the Vietnamese fish which violates numerous existing laws, including the Fair Packaging and Labeling Act, the Trade-Mark Act of 1946, the Customs origin marking requirements, and the Federal Food Drug and Cosmetic Act.

I understand that the bilateral agreement includes some trademark protection, but until importers are required to comply with current law, I do not think we can expect these protections to be enforced.

Since 1997, the total import volume of Vietnamese catfish has risen from less than 500 thousand pounds to over 7 million pounds in 2000. According to this year's recorded import numbers, imports are reaching levels of 2 million pounds per month and on target to reach over 20 million pounds in this year alone. As of May this year, Vietnamese imports of frozen fish fillets were equivalent to 20 percent of the sales of the United States farm-raised frozen fillets.

There are over 189,000 acres of land in catfish production, of which 110,000 are in my home state of Mississippi. U.S. catfish farmers produce 600 million pounds of farm-raised catfish annually and require 1.8 billion pounds of feed. This supports over 90,000 acres of corn, 500,000 acres of soybeans, and cotton seed from over 230,000 acres of cotton.

This very young industry has created a catfish market where none had previously existed. They have done this by investing substantial capital to producing a quality product which the consumer considers to be reliable, safe, and healthy. We can not allow unfair competition to destroy the livelihood of farmers, processors, employees, and communities which depend on the American catfish industry.

Before we expand trade relations with Vietnam, our two governments must resolve this issue in a way that ensures the quality and safety of Vietnamese imported fish products. The Administration must also enforce current law so that our American catfish producers are not unfairly put out of business. I am hopeful this issue can be resolved so that all Americans can enjoy the benefits of free and fair trade with Vietnam.

PROGRESS ON CURING PARKINSON'S DISEASE

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mrs. MALONEY of New York. Mr. Speaker, I am proud to come to the floor this evening to mark the fourth anniversary of the passage of the Morris K. Udall Parkinson's Research Act, an anniversary that occurred this week.

In 1999, along with my friends and colleagues, FRED UPTON, LANE EVANS, JOE SKEEN, MARK UDALL, TOM UDALL, and HENRY WAXMAN, I formed the Congressional Working Group on Parkinson's Disease. The Working Group strives to ensure that the nation's decision makers remain ever aware of the needs of the more than one million Americans struggling with the devastating disease of Parkinson's.

Four years ago this past Monday, Senator WELLSTONE was successful in adding the Morris K. Udall Parkinson's Research Act as an amendment to the Senate FY98 Labor-HHS Appropriations bill. Not surprisingly, the amendment was approved by a vote of 95–3.

Named for Arizona Representative Mo Udall to honor his legacy, the Morris K. Udall Parkinson's Research Act was originally introduced on April 9, 1997 in the House of Representatives. Mr. UPTON and Mr. WAXMAN were the bill's lead sponsors in the House, with Senators MCCAIN and WELLSTONE sponsoring it in the Senate. In the 105th Congress, this bill, H.R. 1260, had 255 cosponsors in the House; I was a proud original cosponsor, too.

The Udall Act expanded basic and clinical research in Parkinson's Disease. It established Udall Centers of Excellence around the country and set up the Morris K. Udall Awards in Parkinson's Research to provide grants to scientists who are working to cure Parkinson's.

One of the eleven Udall Centers is located in the great city of New York. The Morris Udall Center for Parkinson Disease Research at Columbia University is doing innovative research, including identifying new genes that, when either expressed or suppressed, contribute to the degeneration of key nerve cells. The New York group is also investigating gender and ethnic differences in people with Parkinson's Disease. Notably, too, Columbia University's Dean of Medicine is the former Director of NIH's National Institutes of Neurological Disorders and Stroke, Dr. Gerald Fischbach. The work at this Udall Center, as well as Centers across the county, is leading to a better understanding of the brain and how this disease affects it. The groundbreaking research at the Udall Centers, as well as our nation's public and private sector research effort, will lead to better treatment and a cure for Parkinson's.

In this Congress, I will proudly join Congressman MARK and TOM UDALL and members of the Congressional Working Group to introduce a reauthorization of the Morris K. Udall Parkinson's Research Act. I urge all of my colleagues to join us in reauthorizing this important legislation.

In the spirit of Mo Udall's tenacity and strength of purpose, we cannot stop now. We must wholeheartedly support Parkinson's research until we find a cure!

As the President has said, we must continue on path to doubling the NIH budget by 2003.

In last year's appropriations, $71.4 million of the NIH budget was designated for Parkinson's Disease research. But this is only year-one funding of the NIH's Five Year Plan for Parkinson's Disease Research. We have to remain vigilant and keep the pressure on.

Leading scientists describe Parkinson's as the most curable neurological disorder! That is why I urge my colleagues to support the second-year funding of the Five Year NIH Plan. Recent advances in Parkinson's Disease research have given us great hope that a cure is imminent. The science regarding Parkinson's has advanced to a stage where greater management and coordination of the federally-funded research effort will accelerate the pace of scientific progress dramatically. I ask all my colleagues to support NIH's research agenda by fully funding the $143.5 million increase for FY02 in the Labor-HHS appropriations bill.

Secondly, we must continue to fund the U.S. Army's Neurotoxin Exposure Treatment Research Program. The research not only strives to improve the treatment of neurological diseases, but also aims to identify the causes of disease and prevent them.

I am heartened by the scientific progress being made. We are so close to a cure of this disease.

As you may know, this is a personal issue for many of us. Some of our colleagues are struggling with Parkinson's or have family members who are living with this illness. My own father has been afflicted by Parkinson's I have seen the impact of this disease first hand and have spoken to the experts. Professionals at NIH have said that this disease is curable within as little as 5 years. My government should be a part of that research.

Better treatment and a cure for Parkinson's Disease also depends on stem cell research. With further research into embryonic stem cells, scientists should be able to reprogram the stem cells into the dopamine-producing cells which are currently lost in Parkinson's Disease. President Bush's August decision to fund limited types of stem cell research is a small step forward for this life saving medical research, though a limited one indeed. The President's decision to permit research on existing cell lines, without allowing for the derivation of new cell lines, falls short in the eyes of many top medical researchers. Experts tell us that different cell lines hold disparate research and therapeutic potential, and elimination of federal funding for certain lines will hold major consequences. I am quite troubled by what Secretary Tommy Thompson said yesterday. He noted that less than one-third of the embryonic stem cells lines that President Bush and said were available for federally-funded research are fully developed and currently adequate for research. This is unacceptable. We must not tie the hands of the scientists.

So again, I urge my colleagues to support the scientists and the researchers who are battling this disease by providing the funding levels needed to cure Parkinson's. In addition, we must keep the pressure on the NIH to stay true to their Five Year Plan for Parkinson's Disease Research. Let this be the Congress that history points to that fulfilled the promise of the Udall Act and provided the unwavering support that led to an end to Parkinson's Disease.

HONORING IDA WELLS ON THE OCCASION OF HER RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many family, friends, and colleagues in paying tribute to an outstanding member of the New Haven, CT, community—Ida Wells. Ida is a tremendous individual who has shown an unparalleled dedication and commitment to our community and it is my privilege to honor her today as she celebrates her retirement from the Board of Commissioners of the Housing Authority of the city of New Haven.

Originally from Newark, NJ, Ida first came to New Haven from New York City only 16 years ago. In that time, she has developed a reputation as one of the leading advocates for public housing residents. Ida, a public housing resident herself, became active in her building as a way to fill her time. Prior to her appointment to the Housing Board of Commissioners, Ida served as Crawford Manor's tenant council president for 8 years. Even then, Ida was one of the first people her neighbors turned to when they needed a strong voice on their behalf.

As a Commissioner, Ida's job has not always been easy. With tedious budget reviews and resolutions to consider, she has often said that at first she felt like she was in the middle of a three ring circus. Her fellow commissioners have described Ida as a calming force during tense meetings—always asking the sensible question, what will this do for the residents? While she may have looked like the mild-mannered patron of the board, Ida has been one of the most outspoken members when addressing the treatment of public housing residents, especially her beloved seniors. She has shown a remarkable dedication to her job and has done much to enrich the lives of many families and seniors. Most recently, Ida started a partnership with Yale University with the hope that the program will connect Crawford Manor residents with the rest of their community through neighborhood events and trips to the theater. Ida brought a wealth of knowledge to the board from her years of experience as a tenant—demonstrating a unique

commitment to ensuring real change for her neighbors and fellow public housing residents.

After nearly two decades of service as a resident representative, you can be sure that Ida's retirement from the Board of Commissioners will not impede her from continuing to advocate for public housing residents. Though she will certainly be missed in her official capacity, I am sure her strong voice will continue to be heard. It is with the greatest thanks and appreciation for her outstanding service to our community that I stand today to honor Ida Wells on this very special occasion and extend my very best wishes to her for many more years of health and happiness.

VERMONT HIGH SCHOOL STUDENT CONGRESSIONAL TOWN MEETING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

I submit these statements to be printed in the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

ON BEHALF OF WILL BABCOCK—REGARDING TRADE SKILLS FOR YOUNG VERMONTERS, MAY 7, 2001

Will Babcock. Like I said, I'm Will Babcock, here representing Youth Build. Skateland, from Williston, got closed down recently. I'm trying to reopen it. I have plans to talk to J.D. Real Estate to see how much the lease per year is, and if I can get it cheaper for a youth organization. Because, let's face it: In Burlington, there is really nothing to do but play basketball, hang out at the mall or hang out on the streets. So I think skating is a fun, healthy activity. It is a good thing to do. I'm in love with it, you know. Let's see. I have talked to everyone I can about it. That is why I'm here today, to see if I can get any help from Bernie or anybody with political power to get the ball rolling, get it open again. I've organized a skate club at school. I have got people at school doing it. All my teachers are interested in it. And, recently, to go roller skating, I've had to go to Lathem, New York, three hours away. It is three hours away, four hours of roller stating, three hours back. Because, you know, I can't really afford a hotel room, so I have to come back the same night. I have talked to Pat McGirk, the guy that got the skate park down here by the waterfront started. I have been talking to him to see if I can get something going there. I would like to try and find some backers who think this is a good idea and want to help me get it going. I have gone to a couple of other meetings besides these, with churches and town halls and stuff. So it is getting around. People are starting to hear about it again. I'm hoping that it is more than just ''hear,'' that people will start saying: ''Yes, I'm going to help this kid do it. It is a good thing to do.'' Like I said, I have support from Youth Build, Middle Friend and Family, and everyone that roller skates, probably about a good 20, 25 of us. I need help in any way possible, so if you guys know somebody that can get into an idea like that or anything, you know, find out who I can ask for money, you know, for grants and stuff. Pretty much that's it. If you have any questions or anything.

ON BEHALF OF RICHARD WEST—REGARDING VOTING REFORM, MAY 7, 2001

Richard West. There has never been an event more politically controversial for this generation than the 2000 presidential election. As the weeks progressed after the election, millions of voters began to question the method for choosing the person who will become the leader of the free world. Is it fair? Is it accurate? Does it represent the people? In a nation where less than 50 percent of the population participate in electing their leader, questions such as these could alienate people who at one time considered voting from actually going to the polls. While many people addressed various means for fixing problems with the electoral process, no one has come up with a method that would allow for a smooth transition between the ballot box and the presidency. None of the methods I will outline below is a perfect solution, but each tries to maintain the tradition while minimizing the chances for errors or misrepresentation. Method 1, electoral vote splitting. For most of its existence, the Electoral College has not posed much controversy, but periodic elections have shown that even a system that works the majority of the time can have some basic flaws. Many of those problems stem from the winner-take-all nature of the Electoral College system, where a winner of the state gains all of the state's electoral votes, even if he wins only by a small popular margin. The 2000 presidential election in Florida, where both Bush and Gore received approximately half, 48.8 percent, of the electoral vote, is a prime example of how the Electoral College disproportionally favors the winner of a state over the loser. Electoral vote splitting is an excellent method for eliminating much of the sense of disproportionality. While the system preserves the winner-take-all tradition for most popular elections, it splits the electoral votes between the Republican and Democratic candidates proportionally to the percentage of the popular vote if the race is tight. Figure 1, which you have a copy of in front of you—and, hopefully, everybody has a copy in the audience—shows generally how the process of electoral vote splitting works. Since this method only affects close elections, it is necessary to define what a ''close election'' actually is. A close election is when two primary candidates' popular vote percentages are within a certain predetermined range. In this formula, delta is the average of two candidates' percentages, the range is which the blue line in figure 1 is slanted. If the candidates fall within this range, then the number of electoral votes (E) received by each candidate is given by the equation E=(P-Ave)ET/2+½Et, where ''E'' is rounded, except when the vote falls within the error margin described below. If the candidates do not fall within this range, the number of electoral votes received by the winner equals the total electoral votes, and the number received by the loser equals zero. In either case, the sum of the number of electoral votes received by each of the candidates equals the total electoral vote (Et) of that state. One of the advantages of this method is that it takes into consideration the possibility of error or controversial votes. Many examples of controversial votes were exhibited in the 2000 Florida presidential election. A specific controversy was the sudden appearance of 19,000 votes that had previously been uncounted. These votes could have been legitimate or they could have been fraudulent. This method deals with situations like this similarly to New York election law. New York law states that, if there is a controversy over a certain number of votes, a candidate's winning margin must be greater than the number of controversial votes. Electoral vote splitting adopts this method by stating that if both fall within the margin epsilon, then the electoral votes are split equally, since it is impossible to determine a clear victor. Obviously, the electoral vote-splitting method is designed to accommodate two main candidates. The reason behind this decision is that, for the past 80 years, only two candidates (a Republican and a Democrat) have had a good chance of winning the presidency. While it is still possible to have three candidates in contention, it is unlikely this will occur. If this does happen, however, the electoral vote-splitting method will not work, unless Method 2 (outlined below) is also incorporated into voting reform. Method 2, ''second candidate'' or transferable voting. Ralph Nader's 2000 presidential campaign has been criticized as the cause of Gore's defeat in Florida. People believe that if Nader did not run, then his supporters would have supported Gore instead of them, and thus won Gore the election. Transferable voting, used in France and other European countries, would have given the option to voters of specifying a candidate for their second choice. If their first-choice candidate receives the lowest number of votes in a state election, he is eliminated, but his votes are transferred to the second-choice candidate specified by his supporter's ballots. The votes are recounted, and the process continues until there are only two remaining candidates (see figure 2, which is in the speech). It is these candidates who would then receive the electoral votes through the electoral vote-splitting method. Method 3, bubble and double-blind voting. There have been many claims that much of the controversy surrounding the 2000 presidential elections in Florida was caused by voters not understanding the ''complicated'' punch-card ballot. While most of these claims were made by angry Gore supporters, there are cases where these ballots are difficult to read. For instance, if you are elderly and have poor eyesight, it might be difficult to align a name to a punch hole. To eliminate, or at least reduce, the number of errors caused by misreading ballots, a simple ballot and a checking system needs to be implemented. One possible ballot style could mimic the SAT bubble answer sheets, formerly called Scantron sheets. Each candidate's name and party is listed next to the bubble that has to be filed for that candidate. These ballots would then be read by a bubble reader, and the votes tallied. Not only would the system be accurate, it would also allow for quick recounts. Granted, the method is similar to the optical vote-o-matic system, but the College Boards have been using bubble sheets for years without any major problems, unlike the optical vote-o-matic system, which has been proven inaccurate by research presented in the Bush v. Gore U.S. Supreme Court case. To increase voter confidence that their vote will be counted correctly, a system of double-blind checking should be established. The voter would first pick up a ballot and vote, then scan it through a machine within the voting booth that tells the voter the candidates they chose. If the ballot is correct, the voter places it in the ballot box; if not, the scanning machine marks it ''void,'' and the voter goes to be issued a new ballot (the old ballot serving as proof that they are not voting more than once). Since many states feel their voting machines cause no problems, there is no immediate justification for the expenditure of money to replace

working machines. As such, the federal government should provide the money necessary for the implementation of a nationwide standard of voting and double-blind checking, and make each state upgrade its equipment so that it meets this standard for any federal election. This would be expensive, at first, to implement, but, in the long run, it will cut back on the number of problems that are caused by outdated equipment, and it would save on costs of staff needed to count and recount ballots. While none of these reform methods can be implemented overnight, by the 2004 presidential election, it should be possible to have at lest a nationwide voting standard in action that allows for double-blind checking. As for electoral vote splitting and transferable voting, these methods would be harder to implement. While both of these methods are fair and relatively easy to incorporate into the voting process, they would require a small leap of faith by conservative Americans who maintain that the system is extremely good as it stands. This statement is true, but the U.S. electoral system has not changed much over the past 225 years, and thus little is done to correct flaws exposed periodically. If these reforms had been in place for the 2000 presidential election, the entire controversy in Florida never would have occurred, and Al Gore, the popular victor, would have won the presidency, 272 electoral votes to 266 votes. Thank you very much.

TRIBUTE TO HARRY PREGERSON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an exceptional individual, Harry Pregerson. He is not only the oldest active Judge of the United States Ninth Circuit Court of Appeals and a man of legendary accomplishments, he is a good friend whose wise counsel I rely upon. I am pleased that he will be honored by the San Fernando Valley Bar Association on September 29, 2001, with the prestigious Stanley Mosk Legacy of Justice Award.

Judge Pregerson began his legal career, after graduating from Boalt Hall Law School, in private practice. In 1964, he was named to the Los Angeles Municipal Court and subsequently to the Superior Court. In 1967, President Johnson appointed him to the United States District Court for the Central District of California. Later, Judge Pregerson was named to the Ninth Circuit by President Carter. Each of these prestigious appointments were a direct result of his hard work, talent and dedication. During these years, he garnered an impressive reputation and earned the respect of his colleagues.

In addition to his judicial career, Judge Pregerson has been a longtime advocate for the homeless, especially homeless veterans. He has overseen the construction of thousands of dwelling units for homeless veterans in Los Angeles County. In 1988, Judge Pregerson started the Bell Homeless Shelter, a shelter which today provides a full array of social services to homeless individuals in East Los Angeles. Recently, he helped bring together local law enforcement authorities, judges and county officials to create a new program that assists veterans convicted of minor violations complete a rehabilitation program and return to a productive life. His special affinity for helping veterans probably comes from his own distinguished military service. He himself is a war veteran who was seriously wounded in the battle of Okinawa during World War II.

The San Fernando Valley Bar Association's recognition of Judge Pregerson is not surprising since the event commemorates commitment to the legal profession and the public. Judge Pregerson's distinguished service on the Ninth Circuit Court of Appeals and numerous public service projects clearly demonstrate his very strong commitment to the law and the community.

It is my distinct pleasure to ask my colleagues to join with me in saluting Judge Pregerson for his outstanding achievements, and to congratulate him on receiving this prestigious award.

APPROVING EXTENSION OF NONDISCRIMINATORY TREATMENT WITH RESPECT TO PRODUCTS OF THE SOCIALIST REPUBLIC OF VIETNAM

SPEECH OF

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. RILEY. Mr. Speaker, I rise to bring attention to an increasingly serious problem affecting the public trust and truth in advertising. Today as we debate H.J. Res. 51, to approve the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam, I wish to make my colleagues in the House aware of the misleading marketing of the Vietnamese basa fish as catfish.

Alabama, Mississippi, Arkansas, and Louisiana farmers who endured, and continue to endure, the significant capital risk and time investment to raise catfish—notice I use the term catfish—should not be made to compete with a foreign product bearing no similarity to North American catfish. Vietnamese Pangasius, also known as the basa fish, has flooded the American market and now accounts for 20% of all catfish sold in the United States. This basa fish, however, is not catfish yet it is labeled catfish and even bears the industry logo.

American catfish farmers, who have worked for over a quarter of a century and spent half a billion dollars in research and development, deserve better. They deserve the assurance that their government will take the steps necessary to ensure their product retains the public trust and is not compromised in any way. Similarly, when a consumer purchases catfish they have the right to expect they are purchasing grain-fed, pond-raised North American freshwater catfish. The basa fish, however, is not grainfed, nor pond-raised, neither is it the American species.

Mr. Speaker, I ask that my colleagues carefully consider the erroneous marketing of basa fish before reaching any decision on extending nondiscriminatory treatment to the products of Vietnam.

IN RECOGNITION OF OPPORTUNITY, INC. ON THEIR 25TH ANNIVERSARY

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. KIRK. Mr. Speaker, I am honored to recognize Opportunity, Inc. an exceptional organization located in Highland Park, Illinois. This extraordinary enterprise is a fine example of the initiative needed to help more people move from welfare to work allowing them to pursue the American dream.

Opportunity, is a not-for-profit contract manufacturer that employs over 125 persons, most of whom have developmental, physical and/or emotional disabilities. Founded in 1976, the company's mission is both to provide a mainstream plant environment in which ''Handicapable'' people can reach their full potential by working and earning a paycheck and to provide customers such as Baxter International, Allegiance Healthcare, Searle, Gerber, UreSil, and Medline with the best possible service.

As everyone understands, budget constraints compel us to look for ways to effectively address important needs without government subsidies, and Opportunity is leading the way in this regard. A model of community response, entrepreneurship, and innovation, the company demonstrates how competitive and productive ''Handicapable'' employees can be.

When I visited Opportunity, I learned that it's business success, while impressive, pales in significance to the positive contributions it has made to its employees' lives. I experienced firsthand how proud, dedicated and competitive they are. Clearly, Opportunity is an organization that lives up to its name.

Mr. Speaker, I am proud to represent a congressional district that includes enterprises of this caliber. It is my pleasure to salute the employees, management and directors of Opportunity as they celebrate their 25th Anniversary on September 15, 2001 at a gala dinner with Harry M. Jansen Kraemer, Jr., Chairman and CEO, Baxter International.

HUMAN CLONING PROHIBITION ACT OF 2001

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 2001

Mr. MOORE. Mr. Speaker, I rise to make clear my concerns about the legislation before us today.

I absolutely oppose the cloning of human beings for any purpose. Even the thought of human cloning is immoral, unethical and repugnant. I am concerned, however, that in our zeal to outlaw this abominable practice, we have overstepped necessary prohibitions and have acted to stop lifesaving research before it even begins.

Today the House has failed to make the important distinction between reproductive cloning that creates a human being and the use of cloning research technology that does not create a human being. An outright ban on

such research technology, which scientists believe can lead to treatments or cures for currently deadly diseases, is shortsighted in the extreme.

Even more disturbing, H.R. 2505 goes further to ban the importation of any therapies created from cloning research technology. This means that any product or therapy developed anywhere in the world using this technology, could not be used by American patients. Consider for a moment a cure for Parkinson's, diabetes or ALS developed in the United Kingdom using cloning research technology—Americans would be banned, under penalty of prison and a $1 million fine, from using that therapy. That is wrong.

Today, I supported an alternative that would have banned reproductive cloning while specifically protecting therapeutic research cloning by maintaining the status quo—private, strictly regulated research. This alternative, offered by Representative GREENWOOD, would have allowed scientists to pursue promising research that could show how to create stem cells from a person's own DNA, avoiding problems with immune system rejection. The alternative would have allowed scientists to study how stem cells become specialized, and thus provide insight into the mechanisms responsible for abnormal cells that result in some cancers and birth defects. It would have allowed research into how cells age and are regulated, potentially leading a treatment or a cure of Alzheimer's, Parkinson's and other degenerative diseases of the brain or spinal cord. Unfortunately, this alternative failed.

The opportunities at the doorstep of medical research are unparalleled in our history. H.R. 2505, although well intentioned, simply goes too far.

Mr. Speaker, it is possible to ban human cloning without stopping lifesaving research and that is what this House should do.

THE REVEREND FATHER ROBERT E. NILON, S.J.—A LIFETIME OF DEDICATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, it is my great pleasure to honor the achievements of Reverend Robert E. Nilon, S.J. of Miami as a dedicated Jesuit for sixty years. He has faithfully served parishioners in Alabama, Florida and Louisiana as a Parish Priest. Father Nilon was ordained to the priesthood to follow in the steps of St. Ignatius of Loyola on June 16, 1954.

Reverend Nilon has accepted various Florida assignments. Several locations include GESU Church in Downtown Miami, St. Ann's Church in West Palm Beach, St. Mary's Church in Key West, and is currently serving the Sacred Heart Church in Tampa, Florida as Parish Priest and Hospital Chaplain.

The Jesuits are not in pursuit of personal fame when accepting assignments as needed in the home or mission field. However, occasionally there are opportunities to do great things. One of Reverend Nilon's most memorable occasions took place in Rome in 1999 when he celebrated Mass in the company of His Holiness, John Paul II, who was celebrating the 400th Anniversary of the Jesuits.

His work is an inspiration to others in our community and will set a precedent for societal advancement. As a parish priest and pastor, he has demonstrated a strong commitment to others that proves to be an affirmable resource for the community.

Father Nilon will be honored on August 12, 2001 at the GESU Church where a Mass of Thanksgiving will be presided by Archbishop John C. Favalora. We congratulate Father Nilon for his outstanding contribution to our community and wish him all the best in health and continued prosperity.

TRIBUTE TO THOMAS CHEATHAM, JR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. THOMPSON of Mississippi. Mr. Speaker, I stand today to pay tribute to Mr. Thomas Cheatham, Jr., a native of Bentonia, MS. After a long and distinguished career of public service, Mr. Cheatham announced his retirement on June 30, 2001.

Mr. Cheatham was a dedicated employee of the State of Mississippi for 27 years with tenures at both the Department of Public Safety, Motor Vehicles Division and as a tax collector with the Mississippi State Tax Commission. Prior to this, Mr. Cheatham served in the military for 28 years with the Mississippi National Guard, where the qualities of dedication and punctuality were instilled into him. These traits followed him throughout his career, evidence in the fact that he was always on time for work.

Although Mr. Cheatham enjoyed his time with the State his real passion was coaching little league baseball. He spent 37 years coaching the Grove Park Royals, an eight to twelve age team, in Jackson, MS. As leader of the team, Mr. Cheatham enjoyed many successful seasons, this past year going 19 and 1. He was instrumental in the development of many young individuals on and off the field. He has also been fortunate enough to see several of his players eventually go on to play Major League Baseball.

Mr. Cheatham will be missed by a lot of people at work, but if anyone is more deserving of retirement it is him. He should be commended because he is truly a modern day ''role model,'' displaying the characteristics of integrity and commitment for all to admire.

PROGRESS ON CURING PARKINSON'S DISEASE

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mrs. MORELLA. Mr. Speaker, as a member of the Congressional Working Group on Parkinson's Disease, i rise today to recognize the fourth anniversary of the passage of the Morris K. Udall Parkinson's Research Act.

I was so very honored to be an original cosponsor to this legislation, named for Arizona Representative Mo Udall.

This landmark legislation expands basic and clinical research in Parkinson's Disease and establishes Morris K. Udall Centers, for awards for Excellence in Parkinson's Disease Research.

Today I express my full support for a continuation of Parkinson's Disease research.

Approximately, 1,000,000 Americans are afflicted with Parkinson's, with 60,000 more diagnosed each year—one every nine minutes.

Approximately 40% of those afflicted are under the age of 60, effectively removing them from the work force.

Parkinson's is the biological opposite of Alzheimer's disease: while Alzheimer's destroys the mind, leaving the body intact and functioning, Parkinson's destroys the body's ability to function, taking away the physical abilities necessary to daily life while leaving the mind prisoner inside the body.

Mr. Speaker, it is my hope as science moves forward, especially in the area of stem cell research, which holds hope for the millions with Parkinson's that a cure will be found soon, and that the legacy of Mo Udall will live forever.

JOHN RANDOLPH, JR., HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the selection of John M. Randolph, Jr., C.P.A., as 2001 Community Leader of the Year by the Northeast Branch of the Arthritis Foundation. Mr. Randolph will be honored with a dinner on Sept. 13.

A well-respected business leader, John Randolph has also devoted countless hours to improving the community of Northeastern Pennsylvania. He came to Wilkes-Barre in 1959 to attend college and made the Wyoming Valley his home. A frequent speaker for professional and community service groups, John has often shared his financial expertise with the community. The list of his personal and professional affiliations and memberships is long and impressive.

King's College, from which he graduated with a bachelor of science in accounting in 1963, has benefited greatly from his service. He has served on the college's board of directors since 1992, served as vice-chairman of the board since 1996 and chaired the Jubilee Capital Campaign that raised approximately $21 million over four years. King's awarded him the Kilburn Medal in 1999 for extraordinary service to the college.

He has also been honored with the Annual Trustee Award by College Misericordia, where he served as chairman and vice chairman of the finance committee. He has also served on the board of directors at Keystone College and on the President's Council at Wilkes University.

Mr. Randolph also was admitted to the Northeastern Pennsylvania Business Hall of Fame by Junior Achievement of Northeastern Pennsylvania and was awarded the prestigious Annual Community Service Award by B'nai B'rith.

Additionally, he serves on the boards of directors of the Greater Wilkes-Barre Chamber

of Business and Industry, where he chaired the Project 2000 Task Force, and the Luzerne Foundation, of which he is also treasurer. He has also served as an elected member of the Council of Pennsylvania Institute of Certified Public Accountants and as a member of the Group B Advisory Council of the American Institute of Certified Public Accountants.

Mr. Speaker, as indicated by his peers' selection of him for leadership roles, his professional achievements are impressive. He cofounded Parente, Randolph & Co., now known as Parente, Randolph P.C. and was instrumental in the planned growth of the firm to 10 practice offices with revenues in excess of $25 million. When he retired from the firm in 1995, it was ranked as the 20th largest firm in the United States.

From 1995 to 1996, he served as senior executive vice president and treasurer of the Wyoming Valley Health Care System. Since that time, he has served as chairman of the board of directors and chief administrative officer of MotorWorld Automotive Group, Inc., as well as a special consultant to a variety of regional businesses.

John Randolph also served the nation as a member of the military for six months in 1964. He and his wife, Sharon, were married the following year. They have two grown sons, John III and Scott.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the achievements and good deeds of John M. Randolph, Jr., and I wish him all the best.

HONORING NASHVILLE METROPOLITAN PARK SYSTEM FOR 100 YEARS OF SERVICE TO TENNESSEE RESIDENTS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. CLEMENT. Mr. Speaker, I rise today to honor the park system of Nashville, Tennessee, on its 100th Anniversary of existence.

The Metropolitan Board of Parks and Recreation, under the direction of Mr. James H. Fyke, currently oversees parks, historic sites, community centers, greenways, art galleries, golf courses, swimming pools, senior centers, and numerous other facilities which add to the quality of life for the 5th Congressional District of Tennessee.

Mr. Fyke and his staff are ardent supporters of the community by offering professionalism and vision as the parks system makes the transition into the 21st Century. The continued support of the Nashville Metropolitan Government over the years has been a crucial factor in the upkeep and maintenance of these properties, which benefit so many Nashvillians.

The Tennessee General Assembly approved legislation to enact and charter the Nashville Park System on April 13, 1901. That same year Mayor James Head appointed five individuals to the very first City Park Commission. On their first meeting, April 16, they began work with one mule, a handful of employees, one park, and no financial support whatsoever.

Nashville's first official park was Watkins Park, followed by Centennial Park in 1902. By 1903, the City Park Commission had an annual operating budget of $25,000, and employed Robert Creighton as the first Superintendent of Parks.

It wasn't until 1912 that additional parks were added to the system. These included Hadley and Shelby Parks. The first community center was added to Centennial Park just four year later, while the first public golf course opened in Shelby Park in 1924.

One of the crown jewels in the Nashville Park System is the Warner Parks, which the city acquired in 1926. To date the Warner Parks, located at Old Hickory Boulevard near Bellevue, offer 2,681 acres of natural beauty for the public to explore and enjoy, along with a Nature Center, picnic area, two golf courses, hiking and driving trails, and much more.

Another significant landmark belonging to the Nashville Park System is the Parthenon, the only full-scale replica of the original in existence. It was originally created as a temporary structure for the Tennessee Centennial Exposition in 1897, reflecting the city's nickname as ''The Athens of the South''. It was rebuilt during the 1920s and officially re-opened its doors to visitors from around the world during the 1930s. The structure is nearing the conclusion of a $13 million renovation and today houses many of the city's official art collections, while hosting visiting artwork from around the world. It is also the home to Athena, a 42-foot statue said to be the tallest indoor sculpture in the Western World.

The 1940s saw construction of the first gymnasium in Elizabeth Park Community Center and the first running of the Iroquois Steeplechase in Percy Warner Park. As the Park System celebrated its 50th Anniversary in the 1950s, the Cumberland Golf Course opened its doors as the first black golf course. However, by the end of the fifties segregation of Nashville's golf courses ceased for good.

The Metropolitan Board of Parks and Recreation as we know it today, first met on June 5, 1963. By 1976 the parks system had earned for itself an outstanding reputation and as such was selected as the most outstanding local agency in the United States. The seventies saw much activity as Greer Stadium, home of Nashville Sounds baseball, Fort Negley Park, Ice Centennial ice rink, Wave Country, and Hamilton Creek Sailboard Marina all opened to the public under the direction of newly appointed parks director Jim Fyke.

The now popular Riverfront Park was added in 1983, which has become the site of the city's annual Independence Day Celebration and numerous concerts and festivities. During the 1990s the following additions were made to the Nashville Parks System—the Centennial Sportsplex opened, the Metro Greenway Commission was created, Ted Rhodes Golf Course re-opened, Grassmere Wildlife Park was acquired, Metro Parks received the largest land donation in its history of 1500 acres, Shelby Bottoms opened, the Predators Ice Practice Facility opened, and many other improvements were implemented.

Most recently the parks system dedicated the new McCabe Golf Clubhouse and the VinnyLinks First Tee Golf Course and Learning Center in Shelby Park in 2000. Also, the countywide parks/greenways master plan will offer numerous improvements well into the 21st Century.

Today Metro Parks celebrates 100 years of existence with 93 parks, 9,350 total acres, 450 year round employees and 350 seasonal employees, as well as, 173 tennis courts, 85 ballfields, 14 swimming pools, 25 community centers, and 7 golf courses. The system also offers a sailboat marina, a wave action pool, 2 indoor ice rinks, 2 indoor tennis centers, a zoo, a nature center, a children's museum, a countywide greenway/trail system and a professional baseball stadium.

Metro Parks is to be commended for its legacy of excellence and service to the Nashville/Davidson County community for the past 100 years. May it continue to grow, prosper, and impact our region in the 21st Century. Mr. Speaker, I yield back the balance of my time.

COMMEMORATING THE LIFE OF THE HONORABLE FLOYD SPENCE OF SOUTH CAROLINA, 1928–2001

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. HILLEARY. Mr. Speaker, I rise today to pay tribute to the life and public service of a great advocate for our nation's defense, a true gentleman in the finest Southern tradition, and my good friend, Floyd Spence.

For those of us who knew him only later in life, it may come as a surprise that this gentle soul spent his early life as a terror on the gridiron at Lexington High School and the University of South Carolina. It's less of a surprise that he had a distinguished 36-year career in the U.S. Navy and Naval Reserve, because his knowledge of our nation's military was rivaled only by his deep affection for it.

Mr. Spence was a leader with the courage of his convictions. He became a Republican in 1962, when Republicans in the South were still a rare commodity. That party switch cost him his seat in the South Carolina House of Representatives, but the people of South Carolina came to respect his courage and shortly thereafter sent him to Congress in 1970. By the time I first came to Capitol Hill in 1994, Southern Republicans had become relatively commonplace. That happened because people like Floyd Spence followed their conscience and accepted the consequences willingly.

When I met Floyd, he was then the newly installed Chairman of what was then called the House National Security Committee. He handled his considerable responsibility with grace and dignity, displaying fairness to all members, regardless of party, and showing considerable patience with us freshmen who showed up full of enthusiasm but short on experience.

Chairman Spence knew that freedom isn't free and deeply believed that lasting peace could best be achieved through unquestioned strength. He pushed for better funding for training, modernization, readiness and qualify of life initiatives. His leadership was instrumental in finally stemming the tide of declining defense budgets and placing our military on the road to recovery. The soldier enjoying his new pay raise, the military families moving into improved post housing, the pilot stepping into a much-needed new fighter jet—each of these people, and many others, can thank Floyd Spence for fighting for them. We would be well-advised to continue along the path to recovery that this remarkable man worked so hard to put us on.

An old historian once noted that, ''Great men are not often good men.'' Well, Floyd Spence was certainly both. Those of us who have had the great opportunity to know him are far better for the privilege.

TRIBUTE TO SISTER MIRIAM THOMAS, S.C.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. SERRANO. Mr. Speaker, I proudly rise today to pay tribute to Sister Miriam Thomas, S.C., a phenomenal individual who has devoted her life to enhancing the lives of others. After her 50 years of ceaseless work to educate and counsel others, and improve the communities she lives in, I take great pride in honoring Sister Thomas's 50th anniversary of service to God and humanity with this congressional tribute.

Sister Thomas was born and received her early education in South Brooklyn. Upon graduation from high school, Sister Thomas answered the calling to devote her life to God. At age 18 she entered Sisters of Charity where she received an invaluable theological education as well as a degree from Mount Saint Vincent College in the Bronx. Once she professed her vows, Sister Thomas brought her newly-honed ministry skills to Ascension Grammar School in Manhattan, where she remained for 8 years. She then relocated to Ponce, Puerto Rico where her education was enriched at Catholic University. At this point, with more years of training and instruction, she was ready to take on the South Bronx. There, she was assigned to St. Athanasius Parish where she has shared her gift of easing souls and invoking smiles for the past 39 years.

Mr. Speaker, in 1972, Sister Thomas, along with her neighbors, heard that a woman who served as the administrator of Simpson Street Development Association was murdered while on the job. Courage and an unfaltering sense of devotion allowed Sister Thomas to stand up and fill this important position. There, with a tireless and supportive staff, Sister Thomas works miracles daily by providing social services and emotional guidance to people in need. Beyond these commitments, Sister Thomas also sits on the South Bronx Community Board 2 as chairperson. Her involvements in other community-based organizations are too numerous to mention. She says that her ceaseless community involvement was inspired by Father Louis Gigante, a visionary and dear friend.

Sister Thomas's ability to take the Gospel and translate it into language that speaks to the hearts and souls of nearly every St. Athanasius parishioner, has made her a priceless component of many people's spiritual and earthly lives. I am not the first to recognize her contributions, of course. Of the many rewards Sister Thomas has received throughout her years of service to the Church and humanity in general, she most treasures being named a Sister of Charity and her acceptance as a resident in the Hunts Point Community of the South Bronx.

Mr. Speaker, I have the privilege of representing the 16th district of New York where Sister Thomas practices her faith each and every day and I am truly delighted to acknowledge her today. I ask my colleagues to join me in honoring this remarkable woman.

TAIWAN AND THE UNITED NATIONS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. HINCHEY. Mr. Speaker, as the United Nations General Assembly prepares to convene on September 11, I believe it is appropriate to recognize the achievements of Taiwan. Over the past several years, Taiwan has established itself as a world economic power and a stable political presence in Asia. Since the passage of the Taiwan Relations Act in 1979, the United States and Taiwan have developed a strong friendship and understanding of each other.

Most importantly, Taiwan is a thriving, multiparty democracy. Its leaders have successfully confronted the most difficult moment emerging democracies face: turning over offices to others when their own party loses. They have allowed open competition for office, and encouraged public discussion on the full range of issues that face Taiwan. It is clear that the people of Taiwan have the right to determine their nation's future.

Unfortunately, at a time when Taiwan's example and its assistance could be most beneficial to the world community, it continues to be isolated from that community. Restoration of its membership to the United Nations would end that isolation. As new democracies emerge, I am convinced that the world could greatly benefit from the counsel of a nation that has recently transformed itself into a democracy.

DEFENSE PRODUCTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. PAUL. Mr. Speaker, when the Defense Production Act was enacted in 1950, considerable damage was done. Some of the worst damage occurred as a result of wage and price controls and the improper delegation of economic powers to the President (much of which economic power even Congress itself didn't have).

This bill's entire existence rests on the presumption that its supporters have absolutely no confidence whatsoever in either freedom or the market process. In a time of crisis, you don't need an ''industrial policy'' and you don't need some fascist or corporatist variety of socialism. What one needs more than ever in a time of crisis is the market—deviation from the market process is the worst thing an economy can do. Oftentimes, it's the ''industrial policy'' which is the very cause of the economic crisis one hopes to remedy with yet another round of ''industrial policy'' intervention.

We have an energy crisis in California created by the bureaucrats and the politicians. As prices skyrocket and a crisis is declared, it is later said that prices are now down and there's less of a shortage or crisis. But it's the market process that worked because the prices skyrocketed rather than skyrocketing prices becoming the justification for abandoning the market process.

Of course, if one likes socialism and rejects the notion that freedom works, this type of an Act and improper of delegating and centralizing such powers is ideal. But why accept the notions of socialism when you really need an economy to provide products and services in the nation's time of most dire need? This whole notion that the powers in this bill should be illegitimately granted to a President and then turned over to the head of FEMA is potentially one of the most dangerous things this body will ever do (or continue doing).

Mr. Speaker, I encourage the members of this body to begin thinking about the amount of false hope they place in the centralization of power in the hands of a central-planners and reconsider their apparent lack of confidence in the market process and a free society. I encourage a strict adherence to market principles and strongly oppose H.R. 2510.

THE HISTORY MUSEUM OF SPRINGFIELD AND GREENE COUNTY

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. BLUNT. Mr. Speaker, I rise today to honor an institution which for a quarter of a century has served an invaluable role in preserving and remembering our Southwest Missouri history and heritage.

Twenty-five years ago The History Museum of Springfield and Greene County was created in honor of the Bicentennial of our great nation. The citizens of Springfield and Greene County established the museum to educate others about the area's culture and open a new window on the history of day-to-day life in the region. A key local education resource was born.

Teachers and other educators in Southwest Missouri have been blessed to have such a historical museum readily available. Over the years it has become a favorite field trip destination, permitting thousands of young minds to experience some of the culture that nurtured their parents and grandparents as well as other generations before them. Many educational trips have been hosted by The History Museum for Springfield and Greene County. The Museum, founded and guided in its early years by Springfieldian Kitty Lipscomb, is also a place of remembering and learning for adults too.

The museum is a storehouse of knowledge about past experiences which helped shape our families, neighborhoods and communities and are still molding us as a society today. It reveals the common threads that bound neighborhoods and communities together in past generations. Capitalism, Democracy, Liberty and Faith were the core values that stirred our imagination and gave birth to America's work ethic, innovation, and self betterment through a commitment to education, and personal independence. Each of these qualities is on display at the History Museum for Springfield

and Greene County in vintage photographs, clothing displays, maps and documents depicting how our communities grew and developed. With its home on the top floor of the Springfield City Hall, the Museum has dedicated itself to the reflection of our past with an eye toward our future.

This superb facility gives us the opportunity to memorialize our own stories of accomplishment, development and expansion as well as documenting how we overcame challenges and disagreements. Individuals, neighborhoods, community leaders and institutions joined together to forge a strong, diverse economy and society in the Ozarks.

I'm confident that my Colleagues join with me in expressing our thanks to the vision and foresight of community leaders a quarter century ago. Because of their dedicated work, the residents of Southwest Missouri have had a place where they can go to rediscover the roots of our past and benefit from lessons for the future.

CELEBRATING THE GOLDEN ANNIVERSARY OF THE ORANGE COUNTY RESCUE SQUAD, INC.

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. CANTOR. Mr. Speaker, I rise today to recognize the Orange County Rescue Squad, Inc.'s Golden Anniversary. The Rescue Squad began serving Orange County, Virginia in June 1951 and was officially chartered September 1, 1951.

The Orange County Rescue Squad's 50 years of service is a remarkable accomplishment. Many dedicated men and women of Orange County have volunteered their time over the past 50 years to provide critical care to the citizens of the county. The Rescue Squad's generous service is invaluable and something for which we are all extremely grateful. I am honored that such a remarkable organization resides in the seventh district of Virginia.

Mr. Speaker, please join me in congratulating the Orange County Rescue Squad, Inc. for its 50 years of service.

MORTON MARKS

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. TANCREDO. Mr. Speaker, Coloradans are fortunate to have a man like Morton "Mort" Marks and his wife Edie as members of our community and civic leaders. Mort was born in Washington, DC, and the political genes that accompanied him from his birthplace were never lost.

After graduating from Columbia University, Mort fought in World War II, and bravely participated in the Battle of the Bulge. When he returned from Europe, Mort cultivated his interest in politics, which began to climax when he became a field director and delegate for Ronald Reagan's presidential campaigns, and then a delegate to the Republican National Convention for the Bush/Quayle campaigns.

Coloradans have also benefited from Mort's vast political experience as he has worked or volunteered for Governor Bill Owens, Senator Bill Armstrong and Representative-Elect Jack Swigert, the first person elected to represent Colorado's Sixth Congressional District.

Mort currently writes for several local publications, including the Villager newspapers, Colorado Expressions, and the Colorado Statesman, and has won awards for his writing from the Colorado Press Association.

He and his wife have two lovely daughters, Lori Marks and Elise Marks Grutch.

Thank you, Mort, for everything you have done for your state and your party.

HONORING NELSON C. WESTBROOKS, JR.

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. KINGSTON. Mr. Speaker, I rise today to pay tribute to a great man from my district who was recently honored by a society of his peers. At their annual meeting and convention in San Antonio, Texas, the Georgia Society of CPAs gave Nelson C. Westbrooks, Jr. their highest honor, the 2001 Meritious Service Award. Please include in the CONGRESSIONAL RECORD a copy of an article from a local newspaper, The Harbor Sound, recounting all of Mr. Westbrooks' hard work and service to the people of Georgia. Certainly his dedication is an example for all to follow.

[From the Harbor Sound, July 24, 2001.]

GEORGIA SOCIETY OF CPAS PRESENTS HIGHEST AWARD TO NELSON C. WESTBROOKS JR.

Nelson C. Westbrooks Jr. was presented with the 2001 Meritious Service Award on June 29 at the Annual Meeting and Convention in San Antonio, Texas. This is the highest honor the Society bestows on one of its members.

Born and raised in Georgia, Westbrooks attended Glynn Academy and received his B.B.A. from the University of Georgia in 1949. He was a member of Delta Tau Delta fraternity and served as treasurer for three years. He received his CPA certification in 1963.

Westbrooks served in the Navy in Japan during World War II and served in the Army during the Korean Conflict. Upon completion of his military service in 1952, he worked for Edward R. Gray Jr., CPA, in Brunswick, Georgia. In 1956, the practice was acquired by Nickerson & DeLoach, which went through several name changes and is currently Moore Stephens Tiller, LLC. He became a partner in the firm in January 1964. Westbrook retired as partner in December 1992, and continues to serve as a consultant.

An active member of the Georgia Society of CPAs since 1955, Westbrooks is currently a member of the Brunswick Chapter (originally the Waycross Chapter). He serves the chapter as vice president and was president in 1966–67. He served the Society on numerous committees and as a director, vice president (1979) and treasurer (1968–70). As chair of the Ethics Committees in 1974, he was instrumental in leading a group that took action on ethics violations, and turned the membership once more to a respect for the ethics of the profession. For his services as chair of the committee, Westbrooks was awarded with Society's Distinguished Member Award for 1974–75. In 1988–89, he was recognized for his outstanding service to the Society through involvement in local chapters and statewide activities. In 1992, the Brunswick Chapter recognized him for his outstanding contribution to his profession, his community and to the Society.

Westbrooks served as chair of the Society's Governmental Accounting and Auditing Committee and is still active on the committee. He is a member of the AICPA and is a charter member of the Georgia Government Finance Officers' Association.

Active in local affairs, Westbrooks has served as director of the Brunswick Jaycees; president of the Kiwanis Club of Northside Brunswick; Lieutenant Governor of Division IV of the Kiwanis of Georgia; member of the Coastal Georgia Community College Business Advisory Board; life member of Coastal Georgia Historical Society; director of Glynn County Heart Association; treasurer of the Glynn County Chapter of the University of Georgia Alumni. Mr. Westbrooks was one of the organizers of the Old Town Brunswick Preservation Association in 1975, where he served on the Board and as treasurer. He also served as treasurer of the Brunswick-Glynn County Quarterback Club. He was one of the founders of the Tuesday Child Fiesta in Brunswick, which raised money for the Glynn Peyton School for children with disabilities. He was one of the organizers of the Brunswick Glynn County Council for the Arts. His community involvement continued in his work with the Brunswick Community Concert Association and with the Housing Authority of the City of Brunswick. He served as a commissioner and vice chairman of the Authority, was elected chair in 1992, and currently serves in that position.

Westbrooks was a member of the First Christian Church of Brunswick, and served in many different capacities—board member, Sunday school teacher, and organist. After he married Margaret Hazel Williams in 1965, he continued his service to the church until moving his membership to the First United Methodist Church in 1969. There he became involved in the church community as treasurer and served on many committees.

Westbrooks continues to give his time, expertise, and devotion to many community causes. He shares his musical talent with seniors and Alzheimer's patients and his accounting knowledge with nonprofit organizations. He has contributed over 2,700 items to the Georgia Music Hall of Fame including many vintage sound recordings.

The Society is proud to honor Nelson C. Westbrooks Jr. for his outstanding contributions to the accounting profession and for his many years of dedicated service to his professional organization.

The GSCPA is the premier profession organization for CPAs in the state of Georgia. With over 10,000 members throughout the state, the purpose of the GSCPA is to promote the study of accountancy and applicable laws, provide continuing professional education, maintain high ethical and work standards, and provide information about accounting issues to the membership and the public. For more information, access our web site at www.gscpa.org.

SOMETIMES THE ECONOMY NEEDS A SETBACK

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. PAUL. Mr. Speaker, I encourage each and every one of my colleagues to read and

heed the insights contained in James Grant's Sunday New York Times article entitled "Sometimes the Economy Needs a Setback." Mr. Grant explores the relationship of technology to the business cycle and identifies the real culprit in business cycles, namely "easy money." Grant explains:

Booms not only precede busts; they also cause them. When capital is so cheap that it might as well be free, entrepreneurs make marginal investments. They build and hire expecting the good times to continue to roll. Optimistic bankers and steadily rising stock prices shield new businesses from having to show profits any sooner than "eventually."

Those genuinely interested in understanding the most recent economic downturn will do well to read and contemplate Mr. Grant's article.

[From the New York Times, Sept. 9, 2001]

SOMETIMES THE ECONOMY NEEDS A SETBACK

(By James Grant)

The weak economy and the multi-trillion-dollar drop in the value of stocks have raised a rash of recrimination. Never a people to suffer the loss of money in silence, Americans are demanding to know what happened to them. The truth is simple: There was a boom.

A boom is a phase of accelerated prosperity. For ignition, it requires easy money. For inspiration, it draws on new technology. A decade ago, farsighted investors saw a glorious future for the personal computer in the context of the more peaceful world after the cold war. Stock prices began to rise—and rose and rose. The cost of financing new investment fell correspondingly, until by about the middle of the decade the money became too cheap to pass up. Business investment soared, employment rose, reported profits climbed.

Booms begin in reality and rise to fantasy. Stock investors seemed to forget that more capital spending means more competition, not less; that more competition implies lower profit margins, not higher ones; and that lower profit margins do not point to rising stock prices. It seemed to slip their minds that high-technology companies work ceaselessly to make their own products obsolete, not just those of their competitors—that they are inherently self-destructive.

At the 2000 peak of the titanic bull market, as shares in companies with no visible means of support commanded high prices, the value of all stocks as a percentage of the American gross domestic product reached 183 percent, more than twice the level before the crash in 1929. Were investors out of their minds? Wall Street analysts were happy to reassure them on this point: No, they were the privileged financiers of the new economy. Digital communications were like the wheel or gunpowder or the internal combustion engine, only better. The Internet would revolutionize the conveyance of human thought. To quibble about the valuation of companies as potentially transforming as any listed on the Nasdaq stock market was seen almost as an act of ingratitude. The same went for questioning the integrity of the companies' reports of lush profits.

In markets all things are cyclical, even the idea that markets are not cyclical. The notion that the millennial economy was in some way "new" was an early portent of confusion. Since the dawn of the industrial age, technology has been lightening the burden of work and industrial age, technology has been lightening the burden of work and driving the pace of economic change. In 1850, as the telegraph was beginning to anticipate the Internet, about 65 percent of the American labor force worked on farms. In 2000, only 2.4 percent did. The prolonged migration of hands and minds from the field to the factor, office and classroom is all productivity growth—the same phenomenon the chairman of the Federal Reserve Board rhapsodizes over. It's true, just as Alan Greenspan says, that technological progress is the bulwark of the modern economy. Then again, it has been true for most of the past 200 years.

In 1932 an eminent German analyst of business cycles, Wilhelm Röpke, looked back from amid the debris of the Depression. Citing a series of inventions and innovations—railroads, steelmaking, electricity, chemical production, the automobile—he wrote: "The jumpy increases in investment characterizing every boom are usually connected with some technological advance. * * * Our economic system reacts to the stimulus. * * * with the prompt and complete mobilization of all its inner forces in order to carry it out everywhere in the shortest possible time. But this acceleration and concentration has evidently to be bought at the expense of a disturbance of equilibrium which is slowly overcome in time of depression."

Röpke, wrote before the 1946 Employment Act, which directed the United States government to cut recessions short—using tax breaks, for example, or cuts in interest rates—even if these actions stymie a salutary process of economic adjustment. No one doubts the humanity of this law. Yet equally, no one can doubt the inhumanity of a decade-long string a palliatives in Japan, intended to insulate the Japanese people from the consequences of their bubble economy of the 1980's. Rather than suppressing the bust, the government has only managed to prolong it, for a decade and counting.

Booms not only precede busts; they also cause them. When capital is so cheap that it might as well be free, entrepreneurs make marginal investments. They build and hire expecting the good times to continue to roll. Optimistic bankers and steadily rising stock prices shield new businesses from having to show profits any sooner than "eventually." Then, when the stars change alignment and investors decide to withhold new financing, many companies are cash-poor and must retrench or shut down. It is the work of a bear market to reduce the prices of the white elephants until they are cheap enough to interest a new class of buyers.

The boom-and-bust pattern has characterized the United States economy since before the railroads. Growth has been two steps forward and one step back, cycle by cycle. Headlong building has been followed by necessary tearing down, which has been followed by another lusty round of building. Observing this sequence from across the seas, foreigners just shake their heads.

Less and less, however, are we bold and irrepressible Americans willing to suffer the tearing-down phase of the cycle. After all, it has seemed increasingly unnecessary. With a rising incidence of federal intervention in financial markets, expansions have become longer and contractions shorter. And year in and year out, the United States is allowed to consume more of the world's goods than it produces (the difference being approximately defined as the trade deficit, running in excess of $400 billion a year).

We have listened respectfully as our financial elder statesmen have speculated on the likelihood that digital technology has permanently reduced the level of uncertainty in our commercial life—never mind that last year the information technology industries had no inkling that the demand for their products was beginning to undergo a very old-fashioned collapse.

Even moderate expansions produce their share of misconceived investments, and the 90's boom, the gaudiest on record, was no exception. In the upswing, faith in the American financial leaders bordered on idolatry. Now there is disillusionment. Investors are right to resent Wall Street for its conflicts of interest and to upbraid Alan Greenspan for his wide-eyed embrace of the so-called productivity miracle. But the underlying source of recurring cycles in any economy is the average human being.

The financial historian Max Winkler concluded his tale of the fantastic career of the swindler-financier Ivar Kreguer, the "Swedish match king," with the ancient epigram "Mundus vult decipi; ergo decipiatur": The world wants to be deceived; let it therefore be deceived. The Romans might have added, for financial context, that the world is most credulous during bull markets. Prosperity makes it gullible.

James Grant is the editor of Grant's Interest Rate Observer.

SUPER HARD STEEL

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. SIMPSON. Mr. Speaker, I rise today to congratulate Daniel Branagan, Elizabeth Taylor, Joseph Burch, James Fincke, David Swank, and DeLon Haggard on their upcoming R&D 100 Award to be presented next month in Chicago. The R&D 100 award celebrates the 100 most significant technological achievements for the year 2001 as recognized by R&D Magazine. This talented group of scientists made this unique contribution to American science and industry as a materials research team for the Idaho National Engineering and Environmental Laboratory (INEEL). The honor that this team has earned is the 27th such award for the INEEL. Specifically, this team is being recognized for their creation of the new material known as Super Hard Steel.

Super Hard Steel, created through an innovative process that transforms steel alloy into a non-crystalline metallic glass, has hardness properties among the highest ever reported for a metallic substance. Once sprayed on, the Super Hard Steel coating cannot be removed—even with a hammer and chisel. This tough, low cost, wear and corrosion resistant coating is expected to replace, and indeed outperform, much more expensive materials in high-stress machine parts. Already, more than 15 companies are evaluating the metal with an eye towards licensing it and the Department of Defense is expected to soon begin tests of the metal in various demanding environments. Also, the story of the R&D Magazine's award, which has appeared in publications such as USA Today, has already added to the list of companies pursuing this new material.

The work of this intrepid group of Idahoan scientists will soon benefit the entire American economy as their metallic coating, with wide-ranging applications in products such as knife blades and mining rock crushers, becomes integrated into products that affect the lives of all Americans. Who knows exactly how many machine parts will someday be made with Super Hard Steel. It is innovation such as this that everyone at the INEEL, and the entire state of Idaho, are proud to be a part of.

Mr. Speaker, there are a series of government-funded national laboratories across this

great country doing important work akin to this remarkable achievement of the INEEL. The Super Hard Steel Project was funded through the Defense Advanced Research Projects Agency and the INEEL's own discretionary research fund. As Secretary of Energy Spencer Abraham recently said, ''. . . this accomplishment demonstrates the value of government-funded research to the Nation.'' Breakthroughs such as Super Hard Steel prove beyond a doubt that the investment of taxpayer money in these priceless institutions is well spent. I urge my colleagues to join me in wishing these unique individuals and the laboratories that employ them continued success in their important endeavors.

HONORING RON ORLOPP

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Ron Orlopp for his contributions to the California poultry industry. After many years of dedicated service, Mr. Orlopp is retiring as Chairman of the California Poultry Federation (CPF).

Ron has served as Chairman of the CPF for the past two years; he has served on the CPF board for the past 10 years. During his tenure, Orlopp has enhanced the legislative and regulatory effectiveness in Sacramento and Washington, D.C., expanded the Nutrient Management Certification efforts of the CPF, and assisted in bringing the National Chicken Contest to California. Under his leadership, the CPF Executive Committee visits Washington, D.C. annually and sponsors a trip for members and associates every year. Orlopp's efforts with the legislators is one reason the California poultry industry in one of the most profitable agricultural businesses today.

Ron started working with turkeys at the age of eight. He earned a degree in Avian Science from the University of California at Davis in 1976. Later, he studied accounting at Fresno State University and has passed the state board exam to become a Certified Public Accountant. In addition to his position with the CPF, Orlopp is the president of Orlopp Turkey Breeding Farms and a partner in Orlopp-Caviglia Farms.

Orlopp has long been active in agricultural and civic organizations in the area. He is the current chairman of the Tulare County Agricultural Advisory Committee. He is also the past-president of the Poultry Forum. He is a former trustee with the Cutler-Orosi School Board and coached Little League for 10 years.

Ron was born on October 21, 1954 in Dinuba, California. He has been married to his wife, Mary Jane, since 1981. They have three sons, Bryan, Jason and Kevin. His favorite pastimes are watching his boys play sports, hunting, playing basketball, walking in the hills, and playing golf.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Ron Orlopp for his years of service to the California Poultry Federation and his contributions to the California poultry industry. I wish Mr. Orlopp many more years of continued success.

TRIBUTE TO MAGGIE WADE

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. SHOWS. Mr. Speaker, I rise today to commend Maggie Wade, from the great State of Mississippi, who has been named a Congressional Angel in Adoption.

As you know, each year the Congressional Coalition on Adoption holds a national awards ceremony honoring individuals whose outstanding efforts have strengthened families through adoption. In Mississippi, that person is indisputably Maggie Wade.

In Mississippi, Ms. Wade is as well known for her community activism as she is for being the trusted news anchor at WLBT. She averages over 175 speaking engagements per year, in addition to her work with the Jackson Chamber of Commerce Mentoring Project, Southern Christian Services, the Mississippi Public Education Forum, Unicef, Easter Seals, and the State Health Department. A true leader in our community, Ms. Wade has been honored with over 150 awards from the grateful recipients of her dedication to serving others.

As a journalist, Ms. Wade has not squandered the opportunity to bring attention to the most important issues in our nation—including the promotion of adoption. She does more than just deliver the news, she creates it; Since 1986, almost 500 children have been adopted as a result of her compassionate weekly segment ''Wednesday's Child.'' This is a great accomplishment for the children and families of Mississippi.

Mr. Speaker, it is a privilege today to honor Maggie Wade for this well deserved award. I ask my colleagues to join me in recognizing Maggie Wade as a true angel in adoption.

75TH ANNIVERSARY OF PICO WATER DISTRICT

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mrs. NAPOLITANO. Mr. Speaker, I am proud today to rise in recognition of the 75th anniversary of Pico Water District in Pico Rivera, California. Currently serving 5,233 households, the Pico Water District is performing important work during this crucial period of addressing California's water shortage.

Just before the Pico Water District was founded, the 243 homes in the area were served by five small water systems. In 1926, the Pico Rivera Chamber of Commerce called together the town's citizens and urged them to create a more modern water system. The citizens of Pico Rivera recognized that their old-fashioned water system was lowering the value of their homes. After much consideration, they agreed to consolidate their small systems into one large system. They voted to form the Pico Water District under the State Water Act of 1913. The newly elected Board of Directors for the Pico Water District held their inaugural meeting on September 20, 1926, and have been in operation ever since.

As in 1926, California is again at a point in time when we are realizing that we must modernize our water system. If we are perceived by others as a region that is water deficient, it will be difficult to sustain the businesses that complement our high-tech and biotech industrial base and our diverse agricultural economy that is so important to our nation and the global marketplace. I applaud the Pico Water District for doing its part by continually modernizing its system while providing the residents of Pico Rivera with low cost, high quality water service.

The Pico Water District currently has nine functional wells available to deliver water. The present energy crunch is being met in Pico Rivera by a water district prepared to provide uninterrupted excellent service. In fact, in the past 75 years, only natural disasters such as earthquakes have interrupted the District's water service.

The Pico Water District provides only the highest quality water to its customers. Every week, numerous bacteriological and chemical tests are performed by the District. As a result of this meticulous work and the high standards maintained by the District, the quality of Pico Rivera's water has never been challenged by the Health Department. This high quality service is provided at very reasonable rates. In fact, the Pico Water District remains the only water district in Los Angeles County that does not tax its customers.

I urge all of my colleagues to join me in recognizing the hard work of the Pico Water District. The high quality of service the District provides should serve as a model for water providers throughout California. Since 1926, the Pico Water District has worked as a cohesive unit to provide water to its customers. Please join me in commending them as they celebrate their 75th Anniversary.

IN RECOGNITION OF THE AEGEAN REGATTA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to an event that took place on August 18, 2001. Nikos Sifounakis, Minister of the Aegean, was the sponsor of Aegean Regatta 2001, an international event that highlights the rich culture and history of the Aegean islands.

This event pays tribute to the ancient mariners who first introduced Hellenic culture to other parts of the world and honors today's international mariners. The Aegean Regatta celebrates the incomparable beauty of the area, as well as its remarkable history. The poetry of Sappho and Elylis of Mytilini, Seferis of Smyrna and Homer of Chios, who derived their inspiration from the national beauty of the Aegean, continues to enchant and enthrall modern readers.

The Aegean Regatta stands as a testament to the legacy of sportsmanship community of this great civilization, a tradition also exemplified by the Olympics. Like the Olympics, the Aegean Regatta fosters community bonds among people of different countries and cultural backgrounds.

The ancient mariners of the Aegean were known far and wide for their skill. Their vessels carried both raw materials and new concepts of democracy, vision and hope. Participants in the 2001 Aegean Regatta are heirs to

the old seafarers. They enjoyed the phenomenal experience of sailing the routes traveled by the ancients. The beauty of the Aegean is mesmerizing, a beauty connected to the spirit and the soul, forged by the waves and sculpted by the wind.

The Aegean Regatta is not simply a sailing competition. It is an international event that continues the maritime tradition, and emphasizes two of Greece's most successful ''exports,'' sports and culture. This unique event allows mariners of today to pay homage to mariners of the past and to carry on an ancient tradition in which sailing was a way of life. Sailing enthusiasts from around the world participate in the Aegean Regatta, proof of the respect and admiration other countries continue to bestow upon this timeless community.

Many of my constituents attended this event, and as a friend and co-founder of the Hellenic Caucus, I would like to say that I hope all who attended enjoyed a time filled with great sailing and great fun. Participants were the recipients of the Aegean's best and most lasting prize, the hospitality of island residents.

I request that my colleagues join me in congratulating the Minister of the Aegean, Nikos Sifounakis, and the sailing community for participating in this wonderful event. We can all take pride in an extraordinary celebration of history and athleticism as well as an opportunity to forge new bonds among different people from different communities. Islanders, organizers and competitors will have the opportunity to join together beneath the Aegean sky in universal friendship and understanding.

RECOGNIZING WILLIAM RALPH ''BILL'' ROUTON OF HOPE, ARKANSAS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. ROSS. Mr. Speaker, I wish to recognize the life and achievements of a man who was not only a personal friend, but a friend to his entire community and a respected civic leader in southwest Arkansas, Mr. William Ralph ''Bill'' Routon.

Bill passed away on August 26 at age 77 following a lengthy battle with heart and bone marrow related illnesses. He was a lifelong resident of Hope, Arkansas, where he was also a lifelong member of the Methodist church.

During World War II, Bill served his country for three years with the U.S. Army Air Corps in England. Following his service, he returned to Arkansas to attend college at Henderson College and the University of Arkansas and then came home to take over the family farm and timber business.

As a resident and community leader in Hope, Bill served on the Hope School Board for 16 years during the crucial time in the 1960s and 1970s when the Hope schools were being integrated. He was also a member of the board of the School of Hope, a school for developmentally challenged children. For 40 years, he served on the board of the Citizens National Bank, where he would visit each day and greet customers. In 1993, he was appointed by Governor Jim Guy Tucker to the state's Red River Commission, which promotes the economic viability of the southwest Arkansas region along the Red River.

At the First United Methodist Church in Hope, Bill was chairman of several boards and committees and was a leader in the Century Bible Class. In addition, he was a member of the board of Rose Hill Cemetery and an active member of local chapters of the Masons and the Shriners as well as a 50-year member of the Yellow Creek Hunting Club of McNab, Arkansas.

Bill could usually be spotted in his trademark khaki pants and diamond stickpin that he wore in place of a necktie. He was a friend to many in Hope and throughout Arkansas, including the late Virginia Clinton Kelley, mother of former President Bill Clinton. To those who knew him, he was regarded as a stalwart in the community, a true southern gentleman dedicated to his family and his fellow citizens. His passing is a great loss not only to his family and friends, but to the City of Hope and all the people of southwest Arkansas.

I am grateful for his friendship and his devotion to serving others, and I honor him for his lifetime of accomplishments. My thoughts and prayers are with his wife, Bonnie, his children and his loved ones.

IN RECOGNITION OF THE CYPRUS FEDERATION OF AMERICA, INC.

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to the Cyprus Federation of America, Inc. which will be hosting its annual Awards Gala on September 28, 2001, and to pay tribute to the distinguished guests it will honor that evening. The Cyprus Federation of America is an umbrella organization representing the Cypriot American community in the United States. The largest Hellenic Cypriot community outside of Cyprus is located in the 14th congressional district, which I am fortunate to represent. As the founder and co-chair of the Hellenic Caucus, I am proud to be their representative.

This year the Cyprus Federation of America, Inc. will honor four individuals who have demonstrated an unparalleled commitment to the cause of justice and freedom for Cyprus, and to the preservation of the ideals and principles of the Hellenic American community. The President of the Republic of Cyprus, Glafcos Clerides will present the guests of honor with their awards. The honorees are, His Eminence Archbishop Demetrios of America, the State Treasurer of California, the Hon. Philip Angelides, past president of Cyprus Federation of American, Inc., Mr. Andreas D. Comodromos and noted businessman and philanthropist, Nicholas Bouras. His Eminence Archbishop Demerios will be honored with the Lifetime Achievement Award for his unsurpassed contributions to the field of spiritual guidance.

Archbishop Demetrios, was born on February 1, 1928 in Thessaloniki, Greece. The older son of Christos and Georgia Trakatellis, he attended the Experimental High School of the Aristotelian University of Thessaloniki from which he graduated as valedictorian in June of 1946.

Throughout his life his devotion of God and spirituality played an integral role in his education and career aspirations. He entered the School of Theology of the National and Capodistrian University of Athens in 1946 where he received his theology degree and special recognition for his outstanding work. In 1960, at the age of 32, he was ordained to the office of the Diaconate and in 1964 ordained as a Priest. In 1965 he enrolled at Harvard University to pursue his Ph.D. He received scholarships to study at the Graduate School of Arts and Sciences and was also honored with the prestigious Arthur Darby Nick Fellowship.

On June 20, 1967 he was elected Titular Bishop of Vresthena. He received a Doctorate of Philosophy from Harvard University in November 1971. In 1977, he received a second Doctorate in Theology from the Faculty of the School of Theology of the National and Capodistrian University of Athens. Three years later he was invited to teach at the Harvard University Divinity school as a visiting professor.

His academic and theological accomplishments made him an incomparable candidate for the position of Greek Orthodox Archbishop of North and South American, a position he was named to on September 18, 1999, and continues to hold to this very day.

The Honorable Philip Angelides, Treasurer of the great state of California has provided outstanding leadership as a businessman, and civil servant. The policies and programs implemented by Mr. Agelides as Treasurer have been credited with bolstering the economic strength of California.

Mr. Angelides graduated from Harvard University and was a Core Foundation fellow. He served in California government for eight years, during which time he established a reputation as being a leader on issues such as affordable housing and urban planning. In 1986, he formed his own investment management business, which quickly became a success.

Mr. Angelides has been active in the civic life of his community and State for more than 25 years during which time he helped coordinate a unique bi-partisan civic committee, which helped reform the once troubled Sacramento City Unified School District. Mr. Angelides made history by becoming the first Greek American elected to statewide office in California. He and his wife Julie continue to reside in their hometown of Sacramento where they have three daughters: Megan, Christina and Arianna.

Mr. Andreas D. Comodromos is being honored with the Justice for Cyprus Award for his impassioned work to bring justice and peace to Cyprus. Andreas was born in Famagusta Cyprus on March 27, 1949. The son of Demetrios and Aphrodite Comodromos, he was raised in the Village of Vatili and after completing high school served in the military. He then joined the Cyprus offices of American Life Insurance Co.

In 1973, he married American born Anna C. Zachaiades. They built their home in Cyprus, where they planned to raise their family. The 1974 Turkish invasion resulted in the loss of their home. In April of that year they emigrated to the United States where Andreas pursued his college degree. Mr. Comodromos graduated Magna Cum Laude from Saint Peter's College in 1978, with a Bachelor of Science in

Accounting. He later founded the accounting firm of Comodromos Associates, P.A. with his brother Michael. He has remained the President and managing partner of the firm, which is based in Paramus, NJ, ever since.

Andreas's immense success in America has not diminished his love and appreciation for the land in which he was born, which is why he continues to work for justice and peace in Cyprus. He has held several positions on the Board of the Cyprus Federation of America and served as its President for two consecutive terms. He was also elected to the National Council of the Order of Saint Andrew.

Andreas was a recipient of the 1996 Ellis Island Medal of Honor for outstanding contributions to America and distinguished community service. He is currently serving as President of the Cyprus-U.S. Chamber of Commerce and is a member of the Council of Hellenes Abroad (SAE), North and South American Region. He continues to reside with his family in Kinnelon, New Jersey.

Nicholas Bouras is being honored with the Humanitarian and Philanthropic Award for his many contributions to various humanitarian and philanthropic efforts. Mr. Bouras was born in Pontiac, Michigan and was raised in Chicago, Illinois. In 1942 he enlisted in the U.S. Army Air Corps and served in combat in the European Theater of Operations during World War II. During his service he flew 42 combat missions in B–26 and A–26 medium bombers as a lead bombardier and navigator until the end of the war in Europe. He was discharged with the rank of major and awarded the distinguished Flying Cross, eight Air Medals and five Battle Stars.

In 1955, he graduated from the School of Commerce at Northwestern University, located in Evanston, Illinois. Beginning in 1940, Mr. Bouras worked for the United States Steel Corporation for nearly two decades. In 1960 he began his own steel construction company with his lifetime partner, Anna K. Bouras. He continues to work as the owner and president of Bouras Industries, which now has locations in New Jersey, Pennsylvania and South Carolina and approximately 750 employees.

Mr. Bouras is also the founder of the Holy Trinity Greek Orthodox Church in Westfield, New Jersey. He is also a member of the Archdiocesan Council and a member of the Executive Board of the Archdiocesan Council of America for which he also serves as Secretary. He is a member of the National Board of the Order of St. Andrew the Apostle and also serves as its Executive Vice President.

In 1999 he too received the Ellis Island Medal of Honor and a year later was awarded the Lifetime Achievement Award from the American Subcontractors Association of New Jersey. Ernst and Young awarded him the 2000 entrepreneur Award and in 2001 he was presented with the Hellenic Heritage Achievement Award by the American Hellenic Institute. On May 19, 2001 he was awarded a Doctorate of the Humanities by the Hellenic College of Holy Cross. In March 2001 the American Hellenic Institute of Political Affairs Committee (AHIPAC) honored him for his outstanding contributions to the Hellenic Community.

Today, I ask my colleagues to join me in honoring the Cyprus Federation of America, Inc. and its distinguished guests for their tremendous accomplishments, and tireless efforts for human rights and justice for Cyprus.

HONORING ST. JAMES EPISCOPAL CHURCH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. McINNIS. Mr. Speaker, as the United States expanded westward and Colorado's western slope was essentially untouched wilderness, Episcopalian clergy decided to place the first church in the region at Lake City, Colorado. 125 years later, this church is celebrating its founding and I would like to take this opportunity to recognize the congregation's dedication and perseverance since its inception.

The Right Reverend John Franklin Spalding, Episcopal Bishop of Colorado, and Reverend C.M. Hoge conducted the original sermons and confirmation processes for the church in 1876. After many trips and openings of other church organizations, Bishop Spalding recalled that the church at Lake City was the first church in Western Colorado. Following the efforts of Bishop Spalding and after relocating to numerous sites throughout the town, the Episcopal services were finally housed at a former carpentry shop and one-room schoolhouse in 1877.

Lake City has the honor of hosting four churches and St. James Episcopal Church most resembles its original design. A Gothic-style 1910 Estey organ still fills the sanctuary with its unique tones. The balance between traditional architecture and contemporary needs has not escaped the congregation and accordingly they have adjusted their facility to accommodate modern-day advancements. New propane heaters have been installed and a new foundation has been poured along with beautiful stained glass windows.

Despite the small size of the church, with an average attendance of 40 people during the summer and 10 throughout the winters, the setting is conducive to intimate teachings and reflection. Mr. Speaker, the St. James Episcopal Church has withstood many tests of time and continues to provide a place of worship for the Lake City area. It is truly a great landmark and I would like to congratulate the congregation on their successes and extend my warmest regards and wish them the very best in years to come.

TAIWAN'S UNITED NATIONS MEMBERSHIP

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. TOWNS. Mr. Speaker, Taiwan, a thriving democracy, a strong advocate of human rights and fundamental freedoms, and a bastion of economic strength, deserves membership to the United Nations on behalf of its 23 million citizens. With the election of its President—Chen Shui-bian—in a free and fair election last year, Taiwan continues to strengthen its democracy by improving safeguards for human rights and contributing to the international community.

Since his election, President Chen has continually sought to resume dialogue with the Chinese mainland regarding eventual reunification. Despite this effort, Taiwan's efforts to participate in international organizations has often been thwarted for political reasons beyond Taiwan's control. It is unreasonable for the people of Taiwan to be excluded from full participation in international institutions due to threats from mainland China. Denying Taiwan membership in the United Nations and other international organizations, such as the World Health Organization, obstructs access to important international resources.

For the past several years, both Houses of the U.S. Congress have consistently introduced and passed legislation relating to Taiwan's meaningful participation and membership in the United Nations. This important legislation restates our support and our commitment to the progress of Taiwan's democracy.

We believe that Taiwan's full and equal membership in the United Nations and other international organizations is long overdue. The rationale of the world community in 1971 was that they were righting one wrong in giving China a seat in the United Nations. Now it is time to right the wrong created at that time, namely the U.N. disenfranchisement of Taiwan's citizens.

In order to strengthen the prestige and authority of the United Nations, it is now necessary to grant the people of Taiwan United Nations membership.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House floor during Thursday's roll call vote on H.R. 2833.

Had I been present, I would have voted in favor of this bill to promote freedom and democracy in Vietnam.

BROWN VERSUS BOARD OF EDUCATION

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. WATTS of Oklahoma. Mr. Speaker, the United States Constitution guarantees liberty and equal opportunity to the people of the United States. Historically, however, these fundamental rights have not always been provided.

In the early beginnings of U.S. history, education was withheld from people of African descent. In some states it was against the law for African Americans to learn to read and write. Later, throughout America's history, the educational system mandated separate schools for children based solely on race. In many instances, the schools for African American children were substandard facilities with out-of-date textbooks and insufficient supplies.

However, on May 17, 1954, in the landmark case aimed at ending segregation in public schools—Brown versus the Board of Education—the United States Supreme Court issued a unanimous decision that ''separate

educational facilities are inherently unequal,'' and as such, violate the 14th Amendment to the United States Constitution, which guarantees all citizens, ''equal protection of the laws.'' The Brown decision effectively denied the legal basis for segregation in states with segregated classrooms and initiated educational reform throughout the United States. This decision brought all Americans one step closer to attaining equal opportunities in education.

In remembrance of the Brown decision, we must remain steadfast in our efforts to make sure that all children receive the very best education imaginable. Therefore, I urge all of my colleagues to join with me today in supporting the establishment of a commission to encourage and provide for the commemoration of the 50th anniversary of the Brown versus Board of Education Supreme Court decision.

PROMOTING SAFE AND STABLE FAMILIES AMENDMENTS OF 2001

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. CARDIN. Mr. Speaker, I am joining my colleague, Representative WALLY HERGER, the Chairman of Ways and Means Subcommittee on Human Resources, in introducing legislation today to reauthorize and increase funding for the Promoting Safe and Stable Families Program. This legislation would raise the funding level for this important child welfare program from $305 million to $505 million per year. In addition, the measure would provide new educational assistance for children who have aged out of foster care, and establish a new mentoring program for the children of prisoners. I commend Health and Human Services Secretary Tommy Thompson for providing us with detailed legislative language on the President's proposals in this area, although I was disappointed to see the Administration's recent mid-session review of its budget proposal backtrack on the President's prior commitment to fully implementing these much-needed policies.

The Congressional Budget Office (CBO) estimates the bill would have outlays of $38 million in FY 2002, meaning that it would not dip into the Social Security Trust Funds (CBO projects a $2 billion non-Social Security budget surplus in FY 2002). However, we do need to carefully evaluate the impact of this new spending on Social Security funds in future years. We must maintain a responsible budget framework that does not use Social Security funding to finance spending or tax policies. I am prepared to make sufficient budgetary changes to ensure this new legislation meets that test.

As a Nation, we rightfully provide temporary foster homes to children when they are victims of abuse and neglect. However, we do not currently do enough to prevent abuse from occurring in the first place, or to avert it from reoccurring once a problem is identified. This is exactly the purpose of the Promoting Safe and Stable Families Program, which serves families in, or at-risk of becoming involved in, the child welfare system. States have broad discretion in spending funds from this program for services designed to support at-risk families, to reunify families in an environment safe for children, and to promote adoption when children cannot safely return home. More specifically, States can provide counseling, parenting skills classes, respite services, mental health care, comprehensive caseworker oversight, referral services to other programs, post-adoption assistance and substance abuse treatment. On this last issue, I believe we should establish a separate program with a dedicated funding stream to address to the pervasive connection between parents abusing drugs and alcohol and the incidence of child abuse. Hopefully, that will be our next step after the passage of this legislation.

Mr. Speaker, with nearly I million confirmed cases of child abuse and neglect every year, we must increase our Nation's commitment to helping at-risk families and to ensuring safe and nurturing homes for defenseless children. This legislation is not a magic wand that will singlehandedly eradicate child abuse, but it is an important step in our continuing effort to keep children safe and to help families succeed. I urge my colleagues to support this important measure.

COMMENDING THE GENEROUS GIFT BY THE HALLMARK CHANNEL AND JIM HENSON COMPANY TO THE FEDERAL COMMUNICATIONS COMMISSION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to salute the Hallmark Channel in partnership with the Jim Henson Company for their recent gift to the Federal Communications Commission (FCC). Their generous contribution of this license will help the Commission relaunch a national v-chip campaign utilizing Kermit the Frog as the official ''spokesfrog'' empowering parents with the tools they need to control the programming that their children view.

The Hallmark Channel and Jim Henson Company have recognized the importance of the v-chip and ratings initiatives in empowering viewers to control what comes into their homes over their television sets. Last year, these companies developed an award-winning promotional campaign that designated the world famous and beloved figure of Kermit the Frog as national ''spokesfrog'' for the v-chip and television ratings system. This year, the Hallmark Channel and Jim Henson Company have gone even further by giving the FCC a license to use Kermit on the informational materials that it distributes. The Commission just completed publication of this new brochure for widespread dissemination.

I am proud to have the world headquarters of Hallmark located in my home district in Kansas City, Missouri. The company has a long history of serving the metropolitan Kansas City area as well as other communities throughout the nation. Hallmark has repeatedly demonstrated its civic commitment through its Hallmark Hall of Fame television programs. The powerful message of these award winning programs bring meaningful and wholesome entertainment into our living rooms. Its leadership in partnering with the Salvation Army has turned the donation of greeting cards to a prison chaplain for distribution to inmates so they may stay in touch with their families into a national model of rehabilitation involving both the federal and state prison systems.

Hallmark not only provides millions of dollars annually to outstanding charitable causes, it has repeatedly been recognized as one of the most outstanding places to work in the country. Its creative environment is family focused, which invites its associates to excel and want to come to work each day. Clearly, Hallmark is an outstanding national model of corporate citizenship.

Mr. Speaker, please join me and our colleagues in the United States House of Representatives in commending the Hallmark Channel and Jim Henson Company for this generous gift to the FCC. Their ongoing efforts to provide the viewing public with family friendly programming choices, and their helping in educating the public about the v-chip and the ratings systems are greatly appreciated.

HONORING FRANK NELSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to remember the life of Frank Nelson who passed away on Wednesday, September 5, 2001. Frank was the Director of Colorado's Commission for Persons with Disabilities for over a decade and I would like to recognize him for his contributions to the Denver community and for his diligent efforts and dedication.

Frank was born in New Hampshire and relocated to Denver, Colorado when he was 2 years old. In 1981, he graduated with a degree in education from the University of Colorado. Following his formal education, Frank was employed by the Montana Independent Living Project, but returned to Denver in 1984 to work as a social worker and vocational counselor.

During his tenure as the Director of the Commission, Frank and his colleagues strived to enhance the accessibility of municipal areas and sought to ensure that parking laws were enforced for the sake of the disabled. Besides these tasks, Frank's team also worked in conjunction with other parts of the city government to review new building plans and make them more accommodating for everyone. Whether it was the new construction of the Pepsi Center, Coors Field or the Denver Performing Arts Center, Frank always challenged the project for the benefit of disabled citizens. Due in part to his efforts, Denver was recognized as ''America's most wheelchair friendly city'' by New Mobility Magazine in 1997.

Mr. Speaker, Frank was an outstanding citizen who constantly watched out for the well being of everyone, particularly the disabled. His contributions in Denver have aided numerous people in living life to its fullest extent. I would like to take this time to recognize Frank's hard work on the behalf of others and extend my deepest sympathies and condolences to his family at this time of remembrance. Frank was a great man and will be missed by many.

HONORING MR. JIM BRAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment and pay tribute to the passing of a valuable member of our community. The life of Jim Bray, a former resident of Snowmass, Colorado, was cut short at the age of 66 when he was hit by a car in front of his home in Prescott, Arizona. I would like his wife, Susan, and his sons, Alexander and Dennis, to know that many hearts are reaching out to them in their time of mourning.

Jim Bray was an accomplished man with a strong character. He was born in Halstead, Kansas in 1935. He graduated from high school in Houston, Texas in 1953 after which he attended both the University of Houston and the University of Hawaii. He then went on to serve in the United States Marine Corps and the United States Air Force. His enduring drive led to a respected career as a professional hotel manager eventually bringing him to Snowmass, Colorado where he was a driving force behind the construction of the Snowmass Resort Association's Conference Center. Although he remained there for only 5 years, he had made a valuable contribution to the community that will endure for years to come.

Mr. Speaker, although the sudden death of Jim Bray is certainly unexpected, his memory will live in the hearts of many. His contributions and service to the community and the United States will not be forgotten. I would like to extend my deepest sympathy to the family and friends of Jim Bray. He will surely be missed.

HONORING CONNI LOGAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I would like to acknowledge the loss of a valuable member of our community. Conni Logan suffered from a brief illness that took her life on August 13, 2001, at the age of 59. Conni was a loving wife and mother who had a deep passion for the arts and dedicated her life to teaching that appreciation to others.

Conni was born in 1942 as one of seven children in a family that valued and encouraged diversity. She went on to graduate from college with a degree in psychology after which she received master's degrees in art history and exhibition design.

Although living in Santa Fe, New Mexico when she passed, she had made valuable contributions to the State of Colorado as an educator. In 1993, she was a Program Director at the Aspen Campus of the Colorado Mountain College, Center for Excellence in Arts. In addition to curating 30 art exhibits during her time there, she also developed and instructed art history and principles in art courses using the college's telecourse system. Her move to Santa Fe gave her the opportunity to work at the Santa Fe Children's Museum and the Conlon Siegel Galleries.

Mr. Speaker, Conni made valuable contributions to the education of our community and through her creativity and leadership gave many a greater appreciation for the arts. Conni Logan will be remembered as a woman who saw the beauty of the world in a way that most of us do not experience. I would like to extend my deepest sympathy to those close to Conni, as she will surely be missed.

HONORING POLICE OFFICER KEN KIECK UPON HIS RETIREMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. McINNIS. Mr. Speaker, after 20 years of gracious service to Glenwood Springs, Colorado, Ken Kieck has opted to retire as a member of the police force there. To serve the public in such a capacity is a position worthy of praise and I would like to recognize Ken's contributions to the people of Glenwood.

Ken constantly acted with high levels of energy as he trained new officers just entering the ranks in the department. The new officers referred to Ken as the ''Answer Guy.'' He was very concerned with the proper education of the new officers and sought to ensure that they were taught the correct way the first time in every matter. Throughout his time on the force, Ken served as a patrolman, an interim Sergeant and an administrative officer.

To honorably serve the public is a great task and Ken's service has been one of pride and dedication. While Glenwood is safer due to the efforts of this officer, his contributions will be missed. Mr. Speaker, I would like to thank Ken Kieck for all that he has done and extend my warmest regard and best wishes to him upon his retirement and for many years to come.

HONORING THE RETIREMENT OF POLICE OFFICER SGT. TOM MCCORKLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. McINNIS. Mr. Speaker, to place your life in the line of duty day in and day out for the sake of others is an honorable and noble task, yet that is exactly what police officers do daily. Sgt. Tom McCorkle, who served as an officer in Glenwood Springs, Colorado, has recently announced his retirement after 23 years and I would like to accentuate the importance that he played in the community and thank him for his dedicated service.

Prior to his service in Glenwood, Tom was a police officer for four years in California. Glenwood Police Chief Terry Wilson noted how incredibly quick and accurate Tom was in all that he did. Sgt. McCorkle suffered a shoulder injury from an incident in which he was saving a person's life in 1984. Despite many attempts to heal his shoulder, its hindrance has forced Tom to end his career in public service.

Mr. Speaker, Sgt. Tom McCorkle acted with great professionalism in all that he did throughout his career. He truly sought to ensure that pride and respect was upheld in conjunction with the community. Tom never forgot that safety and protection were the most important part of the service he offered to the people he served. It is with great pride that I recognize Tom and I would like to extend my appreciation to him for everything that he has done and wish him the best upon his retirement and many years to come.

HONORING PHIL MASON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to remember an honorable and distinguished man who served the State of Colorado for nearly three decades as a Colorado Division of Wildlife officer. It is with profound sadness, that I now rise to honor the life and memory of Mr. Phil Mason who recently passed away.

Phil was a caring and compassionate individual who was dedicated to teaching youngsters about wildlife and their surroundings in Hinsdale County. Phil, for example, would often bring an injured eagle or hawk to the local elementary school to give children a firsthand experience with nature. He worked in Lake City as a Colorado Division of Wildlife officer, and was also engaged civically as Mayor and as Trustee on the Town Board of Lake City. Phil was committed both to his State and to his community by putting the interests of others before his own. Phil established himself in his community as an outstanding, hardworking, and respectable man who could be counted on as a friend, coworker, and teacher. Literally everyone turned to Phil for guidance and friendship. Phil's memory will live on with those whose lives have been touched by him.

Mr. Speaker, at the age of 60, Mr. Phil Mason will be especially missed by his wife, two children, and brother. As family and friends mourn his passing, his compassion will shine through the hearts of those close to him and to those who knew him best. I would like to extend my deepest sympathy and warmest regards to his family during this time of remembrance. Phil Mason will surely be missed.

REMEMBERING MR. ED BRADBURY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to remember a caring and compassionate family man from Salida, Colorado who has recently passed. It is with profound sadness that I now rise to honor the life and memory of Mr. Ed Bradbury.

Born and raised in Granite, Ed was a dedicated citizen who spent time with the U.S. Army in Germany before heading back home to Salida in order to pursue a life in public service. Ed was elected and served on the Salida City Council for 10 years prior to being elected as a Chaffee County Commissioner where he served diligently for eight years.

During this time, Ed worked hard for the people of Salida and Chaffee County and was known as a person who accomplished much during his time in office. He was also well known as the owner of the Salida Sweet Shop, which brought joy and happiness to countless children.

Sadly, Ed died after falling down a mineshaft near his birth place of Granite, Colorado, in a mine he had worked since 1954. His family, friends, and those people whom he had served throughout his career as a public servant will miss Ed dearly. His wife, Estella and their three daughters Charlene, Theresa, and Dianna will solely miss their caring husband and father.

Mr. Speaker, at the age of 71, Ed Bradbury will be remembered and appreciated for his family values and devotion towards the public sector. As family and friends mourn his passing, his lessons and service will live forever in the hearts of those who knew him and whom he assisted. I would like to extend my deepest sympathy to his family at this time of remembrance. Ed Bradbury will surely be missed.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 11, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 12

9 a.m.
Judiciary
Immigration Subcommittee
To hold hearings to examine S. 1265, to amend the Immigration and Nationality Act to require the Attorney General to cancel the removal and adjust the status of certain aliens who were brought to the United States as children.
SD–226

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine stem cell research issues.
SD–106

9:30 a.m.
Governmental Affairs
To hold hearings to examine the security of critical governmental infrastructure.
SD–342

Health, Education, Labor, and Pensions
Business meeting to consider S. 952, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; S. 928, to amend the Age Discrimination in Employment Act of 1967 to require, as a condition of receipt or use of Federal financial assistance, that States waive immunity to suit for certain violations of that Act, and to affirm the availability of certain suits for injunctive relief to ensure compliance with that Act; and the nomination of Brian Jones, of California, to be General Counsel, Department of Education.
SD–430

Commission on Security and Cooperation in Europe
To hold hearings to examine U.S. policy toward the Organization for Security and Cooperation in Europe and review the implementation of OSCE human rights commitments.
SR–485

Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the Administration's national money laundering strategy for 2001.
SD–538

10:30 a.m.
Finance
To resume hearings to examine the role of tax incentives in energy policy.
SD–215

2 p.m.
Finance
Social Security and Family Policy Subcommittee
To hold hearings to examine S. 685, to amend title IV of the Social Security Act to strengthen working families.
SD–215

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine S. 1055, to require the consent of an individual prior to the sale and marketing of such individual's personally identifiable information.
SD–226

2:15 p.m.
Foreign Relations
To hold hearings on the nomination of John D. Negroponte, of the District of Columbia, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations and to be the Representative of the United States of America to the United Nations in the Security Council of the United Nations.
SD–419

2:30 p.m.
Indian Affairs
Energy and Natural Resources
To hold joint hearings to examine legislative proposals relating to the development of energy resources on Indian and Alaska Native lands, including the generation and transmission of electricity.
SD–366

Intelligence
Closed business meeting to consider pending calendar business.
SH–219

SEPTEMBER 13

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine Corporate Average Fuel Economy (CAFE) Standards.
SR–253

Energy and Natural Resources
Business meeting to resume markup of S. 597, to provide for a comprehensive and balanced national energy policy, and other pending calendar business.
SD–366

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine issues concerning protection against genetic descrimination and limits of existing laws.
SD–430

Environment and Public Works
Fisheries, Wildlife, and Water Subcommittee
To hold oversight hearings to examine the utilization of available water and wastewater infrastructure funding.
SD–406

Finance
To hold hearings to examine the Medicaid upper payment system and the restoration of the state-federal partnership.
SD–215

10:30 a.m.
Judiciary
Business meeting to consider pending calendar business.
SD–226

2 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine digital divide issues.
SR–253

Judiciary
To hold hearings on pending nominations.
SD–226

2:30 p.m.
Armed Services
To hold hearings on the nomination of General Richard B. Myers, USAF, for appointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade of general.
SH–216

Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine the protection of human subjects in research.
SD–430

4:30 p.m.
Foreign Relations
To hold a closed briefing on India Pakistan sanctions.
S–407, Capitol

SEPTEMBER 14

9:30 a.m.
Environment and Public Works
To hold hearings on the nomination of Brigadier General Edwin J. Arnold, Jr., U.S.A., to be a Member and President, and Brigadier General Carl A. Strock, U.S.A., to be a Member, both of the Mississippi River Commission; the nomination of Nils J. Diaz, of Florida, to be a Member of the Nuclear Regulatory Commission; the nomination of Marianne Lamont Horinko, of Virginia, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency; the nomination of P. H. Johnson, of Mississippi, to be Federal Cochairperson, Delta Regional Authority; the nomination of Mary E. Peters, of Arizona, to be Administrator of the Federal Highway Administration, Department of Transportation; and the nomination of Harold Craig Manson, of California, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.
SD–406

SEPTEMBER 19

2 p.m.
Judiciary
To hold hearings on S. 702, for the relief of Gao Zhan.
SD–226

SEPTEMBER 20

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings on the nomination of Eugene Scalia, of Virginia, to be Solicitor for the Department of Labor.
SD–430

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine the annual report of the Postmaster General.
SD–342

2 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the effects of the drug OxyContin.
SD–430

SEPTEMBER 25

10 a.m.
Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine environmental health issues.
SD–430

2 p.m.
Health, Education, Labor, and Pensions
Employment, Safety and Training Subcommittee
To hold hearings to examine workplace safety for immigrant workers.
SD–430

SEPTEMBER 26

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

CANCELLATIONS

SEPTEMBER 19

10 a.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine early childhood issues.
SD–430

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9205–S9282

Measures Introduced: Four bills and one resolution were introduced, as follows: S. 1412–1415, and S. Res. 158. **Page S9253**

Commerce, Justice, State Appropriations: Senate began consideration of H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, taking action on the following amendments proposed thereto: **Pages S9209–46**

Adopted:

Hollings/Gregg Amendment No. 1533, in the nature of a substitute. **Pages S9210–46**

Hollings/Gregg Amendment No. 1535, making certain technical and clarifying corrections. **Page S9214**

Smith (N.H.) Amendment No. 1538, to provide protection to American Servicemen who were used in World War II as slave labor. (By 34 yeas to 58 nays (Vote No. 276), Senate earlier failed to table the amendment.) **Pages S9219–34, S9238–41**

Craig Amendment No. 1537 (to Amendment No. 1536), of a perfecting nature. **Pages S9215–19, S9241–44**

Craig Amendment No. 1536, to prohibit the availability of funds for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. **Pages S9214–19, S9241–44**

Pending:

Dorgan Amendment No. 1542, to increase funds for the trade enforcement and trade compliance activities of the International Trade Administration and to reduce funds for TV Marti. **Pages S9234–37**

Dorgan Amendment No. 1543, to prohibit the sale of disaster loans authorized under section 7(b) of the Small Business Act. **Pages S9237–38**

A unanimous-consent agreement was reached providing for further consideration of the bill on Tuesday, September 11, 2001. **Page S9277**

Nominations Received: Senate received the following nominations:

Thomas B. Wells, of Maryland, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office. (Reappointment)

Rockwell A. Schnabel, of California, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador.

John Stern Wolf, of Maryland, to be an Assistant Secretary of State (Non-proliferation), vice Robert J. Einhorn.

Cynthia Shepard Perry, of Texas, to be United States Director of the African Development Bank for a term of five years.

Robert E. Blackburn, of Colorado, to be United States District Judge for the District of Colorado.

David C. Bury, of Arizona, to be United States District Judge for the District of Arizona.

Cindy K. Jorgenson, of Arizona, to be United States District Judge for the District of Arizona.

Marcia S. Krieger, of Colorado, to be United States District Judge for the District of Colorado.

Richard J. Leon, of Maryland, to be United States District Judge for the District of Columbia.

James C. Mahan, of Nevada, to be United States District Judge for the District of Nevada.

Frederick J. Martone, of Arizona, to be United States District Judge for the District of Arizona.

Julie A. Robinson, of Kansas, to be United States District Judge for the District of Kansas.

D. Brooks Smith, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Jay B. Stephens, of Virginia, to be Associate Attorney General.

21 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

2 Marine Corps nominations in the rank of general.

27 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps. **Pages S9277–82**

Executive Communications: **Pages S9250–53**

Messages From the House: **Page S9250**

Measures Placed on Calendar: **Page S9250**

Statements on Introduced Bills: **Pages S9254–59**

Additional Cosponsors: Pages S9253–54

Amendments Submitted: Pages S9260–76

Additional Statements: Pages S9248–50

Authority for Committees: Page S9277

Privilege of the Floor: Page S9277

Record Votes: One record vote was taken today. (Total—276) Page S9241

Adjournment: Senate met at 11 a.m. and adjourned at 6:38 p.m., until 10 a.m., on Tuesday, September 11, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9277.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: On Friday, September 7, committee ordered favorably reported the following bills:

An original bill entitled ''National Defense Authorization Act for Fiscal Year 2002'';

An original bill entitled ''Department of Defense Authorization Act for Fiscal Year 2002'';

An original bill entitled ''Military Construction Authorization Act for Fiscal Year 2002''; and

An original bill entitled ''Department of Energy Authorization Act for Fiscal Year 2002.''

Also, on Thursday, September 6, committee ordered favorably reported the nomination of Michael Parker, of Mississippi, to be an Assistant Secretary of the Army.

INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM

Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure concluded oversight hearings to examine the implementation of the Intelligent Transportation Systems program and to receive a status report on the development and deployment of ITS technologies as year number four of TEA–21 is completed, after receiving testimony from Christine Johnson, Program Manager, Federal Highway Administration Office of Operations, and Director, Intelligent Transportation Systems Joint Program Office, Department of Transportation; Elwyn Tinklenberg, Minnesota Department of Transportation, St. Paul, on behalf of the American Association of State Highway and Transportation Officials; Lawrence Yermack, Intelligent Transportation Society of America, Washington, D.C.; James Beall, Jr., San Francisco Bay Area Metropolitan Transportation Commission, San Jose, California; Martin Manning, Clark County Department of Public Works, Las Vegas, Nevada, on behalf of the American Public Works Association; and Stephen Albert, Montana State University Western Transportation Institute, Bozeman.

CONTRACEPTIVE INSURANCE

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on S. 104, to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans, after receiving testimony from Senators Snowe and Reid; Jennifer Erickson, Bartell Drug Company, Bellevue, Washington; Anita L. Nelson, University of California in Los Angeles, Department of Obstetrics and Gynecology, Torrance, on behalf of the American College of Obstetricians and Gynecologists; and Kate Sullivan, Director, Health Care Policy, U.S. Chamber of Commerce and Marcia D. Greenberger, National Women's Law Center, both of Washington, D.C.

TEEN SUICIDE

Committee on Health, Education, Labor, and Pensions: On Friday, September 7, Subcommittee on Children and Families concluded hearings to examine the national health crisis regarding teen and young adult suicide issues, after receiving testimony from Senator Reid; Representative Underwood; David Satcher, Surgeon General, Department of Health and Human Services; Stan Collins, Yellow Ribbon Suicide Prevention Program, San Diego, California; David A. Jobes, Catholic University of America Department of Psychology, Washington, D.C.; Grace Eaton, Farmington, Maine; and Patricia Stebbins, Bristol, Connecticut.

U.S./MEXICO MIGRATION

Committee on the Judiciary: On Friday, September 7, committee concluded hearings to examine U.S.-Mexico migration and immigration reform issues, including amnesty for currently illegal aliens, guest worker programs, and the enactment of various ''earned adjustment'', or benefits based on a personal accomplishment that benefits society as a whole, provisions, after receiving testimony from Demetrios Papademetriou, Migration Policy Institute, John J. Sweeney, American Federation of Labor and Congress of Industrial Organizations (AFL–CIO), Thomas J. Donohue, U.S. Chamber of Commerce, Raul Yzaguirre, National Council of La Raza, Grover Norquist, Americans for Tax Reform, and Stephen Moore, Cato Institute, all of Washington, D.C.; Rafael Fernandez de Castro, Instituto Technologico Autonomo de Mexico Department of International Studies, Mexico City; and Ralston H. Deffenbaugh,

Jr., Lutheran Immigration and Refugee Service, Baltimore, Maryland.

HEALTH PRODUCTS FOR SENIORS

Special Committee on Aging: Committee concluded oversight hearings to examine companies that fraudulently mislead the elderly with regard to anti-aging products, including dietary, nutritional and specialty supplements, after receiving testimony from Janet Heinrich, Director, Health Care—Public Health Issues, Health, Education, and Human Services Division, General Accounting Office; John Taylor, Director, Office of Enforcement, Food and Drug Administration, Department of Health and Human Services; Howard Beales, Director, Bureau of Consumer Protection, Federal Trade Commission; Dennis M. Lormel, Chief, Financial Crimes Section, Federal Bureau of Investigation, Department of Justice; Maryland Attorney General J. Joseph Curran, Jr., Baltimore; E. Vernon F. Glenn, Law Offices of E. Vernon F. Glenn, Mt. Pleasant, South Carolina; Joyce C. Lashof, University of California School of Public Health, Berkeley; Robert S. Baratz, International Medical Consultation Services, Inc., Newton, Massachusetts; Timothy N. Gorski, University of North Texas Health Science Center, Arlington; and Mike O'Neil, O'Neals, California.

House of Representatives

Chamber Action

Measures Introduced: 9 public bills, H.R. 2868–2876; and; 2 resolutions; H. Con. Res. 222, and H. Res. 235 were introduced. **Page H5487**

Reports Filed: Reports were filed as follows:

H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011, amended (H. Rept. 107–191, Pt. 3);

H.R. 2187, to amend title 10, United States Code, to make receipts collected from mineral leasing activities on certain naval oil shale reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves, amended (H. Rept. 107–202, Pt. 1); and

H.R. 1900, to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency, amended (H. Rept. 107–203). **Page H5487**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Petri to act as Speaker pro tempore for today. **Page H5457**

Recess: The House recessed at 12:39 p.m. and reconvened at 2 p.m. **Page H5458**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Oil Region National Heritage Area: H.R. 695, amended, to establish the Oil Region National Heritage Area; **Pages H5459–61**

El Camino Real de los Tejas National Historic Trail: H.R. 1628, to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail; **Pages H5461–63**

Emigrant Wilderness Dams and Weirs in the Stanislaus National Forest, California: H.R. 434, amended, to direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of the 18 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California. Agreed to amend the title; **Pages H5463–64**

Pacific Northwest Feasibility Studies: H.R. 1937, amended, to authorize the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington; **Pages H5464–65**

Commemoration of the 50th Anniversary of the Supreme Court Decision in Brown v. Board of Education: Agreed to the Senate Amendments to 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—clearing the measure for the President; **Pages H6465–67**

Conveyance of the Excess Army Reserve Center in Kewaunee, Wisconsin: H.R. 788, amended, to provide for the conveyance of the excess Army Reserve Center in Kewaunee, Wisconsin; **Pages H5467–68**

Stan Parris Post Office Annandale, Virginia: H.R. 1766, to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the "Stan Parris

Post Office Building'' (passed by a yea-and-nay vote of 365 yeas with none voting ''nay'', Roll No. 335); and **Pages H5468–70, S5471–72**

Herb E. Harris Post Office Alexandria, Virginia: H.R. 1761, to designate the facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, as the ''Herb E. Harris Post Office Building'' (passed by a yea-and-nay vote of 362 yeas with none voting ''nay'', Roll No. 336). **Pages H5470–71, S5472**

Recess: The House recessed at 3:21 p.m. and reconvened at 6 p.m. **Page H5471**

Senate Messages: Messages received from the Senate today appear on pages H5457.

Referrals: S. 149 was held at the desk and S. Con. Res. 58 was referred to the Committee on International Relations. **Page H5485**

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of the House today and appear on pages H5471–72 and H5472. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:18 p.m.

Committee Meetings

NATIONAL DEFENSE AUTHORIZATION

Committee on Rules: Heard testimony was heard from Chairman Stump, and Representatives Hunter, Hostettler, Jones of North Carolina, Kirk, Smith of New Jersey, Pickering, Vitter, Skelton, Spratt, Taylor of Mississippi, Underwood, Allen, Sanchez, Rodriguez, Tauscher, Markey, Holden, Harman, Gonzalez and Larsen of Washington, but no action was taken on H.R. 2586, National Defense Authorization Act for Fiscal Year 2002.

Joint Meetings

AUGUST EMPLOYMENT SITUATION

Joint Economic Committee: On Friday, September 7, Committee concluded hearings to examine the employment-unemployment situation for August, after receiving testimony from Katharine G. Abraham, Commissioner, Bureau of Labor Statistics, Department of Labor.

OSCE REGION DOMESTIC VIOLENCE

Commission on Security and Cooperation in Europe (Helsinki Commission): On Friday, September 7, commission met to receive a briefing to examine research data on domestic violence and the extent to which governments, particularly law enforcement authorities, have fulfilled their responsibilities to protect individuals from such abuse, focusing on U.S. models for providing services to victims of domestic violence, including the response of faith-based communities from Robin Phillips, Minnesota Advocates for Human Rights Women's Human Rights Program, Minneapolis; Winnie Bartel, World Evangelical Fellowship's Commission on Women's Concerns and the Task Force to Stop Abuse Against Women, Shafter, California; and Nancy Murphy, Northwest Family Life Learning and Counseling Center, Seattle, Washington.

COMMITTEE MEETINGS FOR TUESDAY, SEPTEMBER 11, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine issues relating to the failure of Superior Bank, FSB, Hinsdale, Illinois, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Communications, to hold hearings to examine the implementation of the Wireless Communication and Public Safety Act and the integration of E–911 technologies, 2 p.m., SR–253.

Committee on Foreign Relations: Subcommittee on African Affairs, to hold hearings to examine human rights, labor rights, and anti-corruption eligibility requirements for African Growth Opportunity Act benefits, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine early learning as an investment for children and the future, 10 a.m., SR–325.

Committee on the Judiciary: to hold hearings on the nomination of John P. Walters, of Michigan, to be Director of National Drug Control Policy, 11 a.m., SH–216.

Committee on Veterans' Affairs: to hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion, 10 a.m., 334, Cannon Building.

House

Committee on Appropriations, Subcommittee on Defense, executive, to mark up Fiscal Year 2002 appropriations, 9 a.m., H–140 Capitol.

Subcommittee on Foreign Operations, Export Financing and Related Programs, on Global AIDS and Health Trust Fund, 2 p.m., 2359 Rayburn.

Committee on the Budget, to mark up H.R. 2865, Social Security Protection Act, 10:30 p.m., 210 Cannon.

Committee on Education and the Workforce, hearing on ''The Nursing Shortage: Causes, Impact and Innovative Remedies,'' 2 p.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing on Electric Transmission Policy, with emphasis on Siting, Incentive Rates, and Reliability, 2 p.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on International Monetary Policy and Trade, to consider the following measures: H.R. 2604, to authorize the United States to participate in and contribute to the seventh replenishment of the resources of the Asian Development Fund and the fifth replenishment of the resources of the International Fund for Agricultural Development, and to set forth additional policies of the United States towards the African Development Bank, the Inter-American Development Bank, and the European Bank for Reconstruction and Development; and the Export-Import Reauthorization Act of 2001, 9:30 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on National Security, Veterans Affairs and International Relations, hearing on ''The Standard Procurement System (SPS): Can the DOD Procurement Process be Standardized?'' 10 a.m., 2247 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on H.R. 2526, Internet Tax Fairness Act of 2001, 9 a.m., 2141 Rayburn.

Subcommittee on the Constitution, to mark up H.R. 476, Child Custody Protection Act, 1 p.m., 2237 Rayburn.

Subcommittee on Crime, hearing on and mark up of H.R. 458, No Frills Prison Act of 2001, 4 p.m., 2237 Rayburn.

Committee on Resources, Subcommittee on National Parks, Recreation and Public Lands, hearing on H.R. 2388, National Heritage Areas Policy Act of 2001, 10 a.m., 1334 Longworth.

Committee on Ways and Means, Subcommittee on Health, hearing on H.R. 2768, Medicare Regulatory and Contracting Reform Act of 2001, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on the Fiscal Year 2002 TIARA/JMIP Budget, 10 a.m., H–405 Capitol.

Joint Meetings

Joint Meetings: Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion, 10 a.m., 334, Cannon Building.

Next Meeting of the SENATE

10 a.m., Tuesday, September 11

Senate Chamber

Program for Tuesday: Senate will resume consideration of H.R. 2500, Commerce, Justice, State Appropriations Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m., for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, September 11

House Chamber

Program for Tuesday Consideration of Suspensions:

1. H.R. 169, Notification and Federal Employee Antidiscrimination and Retaliation Act of 2001;
2. H.R. 1885, Section 245(i) Extension Act of 2001 (concur in senate amendment);
3. H.R. 863, Consequences for Juvenile Offenders;
4. H.R. 1900, Juvenile Crime Control and Delinquency Prevention;
5. H.Con.Res. 204, Establishment of National Character Counts Week;
6. H.R. 2869, Small Business Liability Relief and Brownfields Revitalization;
7. H.R. 717, Duchenne Muscular Dystrophy Childhood Assistance, Research and Education Amendments;
8. H.Con.Res. 217, Recognizing the 50th Anniversary of the ANZUS Treaty, paying tribute to the United States-Australia relationship, and welcoming the state visit by Australian Prime Minister John Howard; and
9. H.R. 2657, District of Columbia Family Court Act.

Extensions of Remarks, as inserted in this issue

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