The House met at 12:30 p.m.

MORNING HOUR DEBATES

The SPEAKER. 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 5 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 Oregon (Mr. DeFazio) for 5 minutes.

CURRENT AVIATION SECURITY SCREENING IS WOEFULLY INADEQUATE

Mr. DeFazio. Mr. Speaker, the House needs to move forward and quickly with a thoughtful and comprehensive transportation and infrastructure security package. It should not just be limited to aviation. There are other areas of vulnerability that go to other modes of transportation, or more greenhouse warming.

Some airports, my little airport in Eugene, the screeners there do a very good job. They are very upset with me because of pushing for federalization and standardization of this, but other airports are a disaster, and we cannot allow those disastrous breaches and problems to continue.

With whom do we want to continue the current system of private contracting? We already have, documented for decades, problems with the private contracting firms. Most recently, and outrageously, we have aviation guards at Miami International Airport, where the manager was falsifying background checks. The company was fined more than $118,000, put on 5 years probation. The manager was sentenced to 5 years in Federal prison, and guess what, they are still providing the security screening at Miami International Airport.

Then we have Argenbright Security, which does Boston, Newark and Washington. That company paid a $1.2 million fine for doctoring records and allowing convicted felons to work at the Philadelphia airport but Miami International officials said they were satisfied with the company’s work.

That’s the status quo. Those are the most outrageous examples. Then we have the common examples, the fact that 90 percent of the screening personnel in the United States, unlike at my little home airport, where people stay in their jobs for years, 90 percent have less than 6 month experience here. These are at all the major airports, the lowest paid entry level positions into the airport.

We had testimony to that effect almost 2 years ago, when the gentleman from Illinois (Mr. Lipinski) and I first proposed making these into Federal law enforcement positions where the people would be well paid, well trained, and we know they would be subjected to a thorough background check by the Federal Government, not by some private firm that sometimes has falsified those documents.

The turnover at Boston Logan Airport among screeners last year, 207 percent; Houston, 237 percent; Atlanta, 375 percent; St. Louis, 416 percent. The screener of the year 2 years ago named by the private security companies came from St. Louis. He came before our committee and said, you know, Congressman, I am really lucky. I love this job and I can afford to do it. I said, well, what do you mean you can afford to do it? He said, well, I do not have to live on the income they pay. Nobody could live on that income. He said, I have got outside sources of income. I own some rental properties and I have got a little bit of other income so I can do the job. But everybody else, they look at it as a way to work up to McDonald’s or Burger King, or maybe even that top of the scale, cleaning the airplanes.

This is not right. These people are the front line. They should be like INS, like Customs, and yes, like agriculture, where they are uniformed Federal law enforcement personnel with the right to question and detain people who might present a threat. We know they are professionally trained, they are paid well and we get rid of this turnover and the problems with the background screening.

This is the major item in contention. We cannot be blinded. I have actually had colleagues say you know what we should do, we should privatize this, and I said guess what, it has been privatized, it has been supervised by the FAA although the new rules for screening companies were delayed for about 6 years. Not because of just bureaucratic intransigence at the FAA,
but because the security companies, the airlines, the Air Transport Association, and many others designed to delay those rules for years because they knew the new system would be more expensive and would be a little bit better than what we have today, but would still not be as good as a uniform, Federalized system.

That is where we need to go to assure the traveling public, and then we have to look at all the other issues that relate to aviation and other modes of transportation.

BERLIN CONFERENCE ON TERRORISM

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

Mr. Pence. Mr. Speaker, I am pleased to come to the floor today to spend a few minutes providing a very preliminary report on the status of our worldwide coalition against terrorism.

Last week, I traveled to Berlin, Germany, to join leaders of our allied nations for the first international conference on terrorism since the attacks on New York and Washington. The conference included representatives from Great Britain, Germany, France, Belgium, Italy, Korea, Japan, Poland, Ireland, Israel, and even Jordan. I was privileged to lead a discussion with His Royal Highness, Prince Hassan of Jordan, and with Nobel Laureate David Trimble of the United Kingdom.

During our meetings with America’s strongest allies around the world, I arrived at four basic conclusions about our allied response to these terrorist attacks.

Number one, my colleagues should be aware that all of our friends and partners, particularly the residents of Berlin, grieve with the people of the United States.

From the piles of flowers, cards, and candles stacked waist-high on the barricades just outside the American Embassy, to the teary-eyed mayor of a small town who handed a condolence book signed by everyone in his village to our ambassador, the evidence of genuine sorrow for the people of the United States was overwhelming.

On Thursday, I met with my friend, Ambassador Dan Coates, formerly of this body and now our man in Berlin, as he showed me the thousands of drawings, cards, and letters sent to the people of the United States at the embassy, some simply were addressed in crayon to “Our Dear Friends.”

As the only American official at this conference, I was inundated with heartfelt expressions of condolence, and I felt the awkward gratitude of a citizen of a nation not accustomed to asking for help.

Secondly, I am pleased to report that our foreign policy initiatives immediately following the attack have been an unqualified success. President Bush has reversed many previous negative impressions of our country’s leadership. In comment after comment, representatives from countries that had once ridiculed the United States forecast nearly heaped praise on the patience and the strength of our President.

Additionally, Hoosiers can be proud of the great work of our ambassador, Dan Coates. He has been the very personification of grace under pressure. I learned Thursday that he and his wife, Marsha, arrived in Germany only 4 days before the terrorist attacks. Less than 1 week after his arrival, he stood to receive the sympathies of over 200,000 Germans who gathered in a candlelight vigil at the Brandenburg Gate. This is a tribute all Americans should know about.

Thirdly, the European political support for military action is firm but not permanent. Most of the participants of the conference openly spoke of the need for a strong retaliatory strike. As one diplomat said, the terrorists must “learn that there is a steep price to be paid for such action.”

Most able noted, however, that support for military action might not last long. Representatives from Great Britain and Germany spoke of strong antiwar movements in many NATO countries, and predicted that, after recovery from the initial shock of the attacks, left-of-center governments in these countries would, again, face pressure to withdraw support for U.S. action.

America must act boldly and rapidly in insisting upon a military response before support from our allies dissipates.

Finally, Mr. Speaker, our allies are deeply skeptical about the depth of America’s commitment in the Middle East. They must be reassured. Many of our friends in the Middle East told me privately that they believed the United States has been in retreat in the region since the early 1990s. The failure to respond forcefully to terrorist attacks on our North Africa embassies and the USS Cole, combined with the last administration’s determination to pressure Israel into trading land for peace, has sent the message that U.S. resolve in the region is weakening.

Whatever action we initiate must involve the overwhelming and sustained use of force to demonstrate our unwavering support for stability and democracy in the region. Only this type of response will allay concerns among our friends and provide a clear warning to our enemies that America is in the Middle East to stay.

Mr. Speaker, in closing, I told all of the assembled diplomats and parliamentarians at a banquet on Friday evening that it was altogether fitting that we were holding this conference in the city of Berlin.

When I first visited Berlin as a college student 25 years ago, the city was divided by a wall separating east from west. It was nearly universally accepted that this devastated city would remain divided, but the United States refused it abandon the dream of a reunified Berlin.

From President Kennedy’s airlift to President Reagan’s challenge that Gorbachev “tear down this wall,” America stood for peace and freedom in Berlin. Today our dream of a reunited Germany and a thriving and united Berlin is a reality. If Berlin could rise from the ashes after World War II, surrounded on all sides by hostile powers, perhaps the Middle East, too, can rise from a history of warfare and deep disunity to become a place where peace and freedom prosper.

OUR HOPE NOT BROKEN

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

Mr. Israel. Mr. Speaker, recently I attended a candlelight vigil at the Deer Park High School on Long Island on behalf of those missing and lost on the attack on the World Trade Center.

Following that ceremony, I have had the privilege of meeting with the Szewczuk family. Jessica Szewczuk gave me a poem she wrote about the Trade Center attack. Her words are particularly poignant because her father is a New York firefighter, one of the countless heroes who has saved lives in the true spirit of America.

On behalf of all of those heroes, I would like to read Jessica’s poem to my colleagues. She writes:

When the Twin Towers were hit
Everyone was in shock
People screaming and running
Nothing believing what was happening to us
We the nation of strength and teams
The nation that gives hope and dreams
The nation that was built with confidence and care
The nation that will always be there
When this tragedy occurred everyone went mad
The city was in chaos, really bad
People said that everyone would be torn
They were right for we continue to mourn
This tragedy will be hard to mend
But never have we been so close
Everyone is everyone’s friend
This terror that happened just brought us tighter
Boosting up our confidence and made our hearts brighter
We are all working as a team, we’re all helping out
The city is slowly being fixed and there is less doubt
So there goes to show that whatever may be
Our people will always be confident and free
Nothing can ruin our country
No one can take apart this nation
No one can kill America’s heart
Nothing can rip our bond apart
Our flesh and blood has built this great nation
Our hearts and mind have created America’s foundation
So whatever happens and whatever goes on
America will always continue to be strong
Nothing can make us weak
Only help build our strength to the highest peak
No one can ever put us to defeat
For America’s heart will always continue to beat.
I am privileged to represent the Szewczuk family in the United States Congress.

THE RURAL PROBLEM
The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized during morning hour debates for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, in 1908, President Roosevelt charged the Country Life Commission with the task of solving the “rural problem.” He identified this problem as the fact that the social and economic institutions of this country are not keeping pace with the Nation as a whole.

Utterly almost 100 years ago, those words just as easily describe our situation in America today.

Many people are aware that there is indeed a farm crisis plaguing rural America. However, this crisis does not stop at the farm. Consider the crumbling infrastructure, lack of educational and employment opportunities, out-migration of our youth, inadequate health care facilities, and a growing digital divide. These are just a few of the struggles our rural communities must overcome.

Consider the following sobering statistics: of the 250 poorest counties in America, 241 are rural; 28 percent of the housing stock in rural America is considered physically deficient; rural workers are almost twice as likely to earn the minimum wage than their urban counterparts; 12 percent of rural workers earn the minimum wage, whereas only 7 percent of the urban workers earn the same. Because of this, the face of poverty in rural America is a working family. Two-thirds of the rural poor live in a family where at least one member is working.

These are serious problems that require our attention. In the light of these and other difficulties, it is not surprising that we are witnessing a great hollowing out in rural areas. Consider the recent statistics. The census says that people are leaving in large numbers from rural America. The growing gap between rural and urban America threatens to turn this into an irreversible gulf. We must take steps to close this gap before it is too late.

Tomorrow, I will join with my colleagues, the gentleman from Pennsylvania (Mr. PETERSON), to offer an amendment to the farm bill that will seek to provide rural America with additional resources to address these pressing problems. The amendment will provide critical funding to three important areas.

First, it will provide almost $50 million annually for drinking water and wastewater facility infrastructure grants for small towns and rural areas. In a recent survey of its members, the National Association of Counties, which has endorsed this amendment, found that water infrastructure needs was the number one concern of its counties nationwide.

Rural and small non-metropolitan areas face particular needs and challenges in meeting their drinking and wastewater infrastructure needs. Water systems located in communities with less than 10,000 residents account for 94 percent of community water systems in this country. Many of them with low tax bases. The Environmental Protection Agency reported in 1997 that small communities, serving less than 3,000 residents, are in need of $37.2 billion through the year 2014 just to keep up with the current challenges. A sound infrastructure is a prerequisite for both quality of life and for economic development. We must not allow a disproportionate amount of infrastructure dollars to flow simply to urban areas.

Second, this amendment will provide almost $50 million annually to provide rural areas with strategic regional planning and implementation grants. Unlike our urban areas, rural communities often do not have the capacity to inventory their assets and to plan for their collective future. Just as our urban communities require careful planning, strategies and long-term thinking, so do our rural communities.

This important funding would enable rural communities to join together across county lines to have a marketing area where they could be competitive across jurisdictions so they can work together for the good of rural residents throughout the region. We must not consign our rural communities to a slow disappearance by doing nothing. We must help them increase their own capacity and draw upon their natural assets to develop their future collectively.

Finally, this amendment provides $10 million per year for value-added agricultural development grants. If our agricultural producers are to innovate and survive, we must enable them to capture more of the profit in their own communities.

This amendment does not add new policy to the farm bill as passed out of the committee or change current policy in the bill. It simply seeks to build upon the work that the committee has already done by increasing resources available to the areas that the chairman and the ranking member of the committee have determined appropriate.

I am aware that some will say that I am taking away from farmers, but I submit to my colleagues that rural communities include farmers, their families, their neighbors, and communities. So I urge my colleagues to consider this rural amendment to the farm bill.
Mr. HINOJOSA 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.

PRIVATE CALENDAR

The SPEAKER pro tempero. This is Private Calendar day. The Clerk will call the bill on the Private Calendar.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempero. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Monday, October 1, 2001:

H.R. 2510, to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 2883, INTELLIGENCE AUTHORIZATION, FISCAL YEAR 2002

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

Mr. GOSS. Madam Speaker, last night a dear Colleague was sent to all Members informing them that the Committee on Rules may meet later this week to grant a rule for the consideration of H.R. 2883, the Intelligence Authorization Act for Fiscal Year 2002.

This letter stated that the committee amendment, including the classified annex, is now available for Members to review on request to the Permanent Select Committee on Intelligence. The committee report was filed last Wednesday, September 26.

In order to have an informed debate, I invite and encourage Members to review the classified annex and allow committee staff to explain the provisions or answer any questions they may have about the bill. This opportunity is offered to any Member of the House. It does not include staff. Members will be asked to sign the customary non-disclosure agreement prior to access to the classified annex. That is routine. Members may call Mr. Bill McFarland, the committee's director of security if they are so inclined.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the Congressional Record. In this case, amend-ments must be preprinted prior to their consideration on the floor. Amendments should be drafted to the version of the bill reported by the Permanent Select Committee on Intelligence. This is the normal process that has been followed in previous years.

Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted, and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

Given my expectation that H.R. 2883 will reach the floor later this week, I urge any Members who plan to file amendments to do so at their earliest opportunity.

NORTH KOREAN ATROCITIES

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

Mr. PITTS. Madam Speaker, I rise today to speak of the suffering people of North Korea. I am sending each of my colleagues in the House a copy of the most recent Life and Human Rights in North Korea publication, published by the Citizens Alliance for North Korean Human Rights. I urge Members to read this publication, which includes eyewitness accounts of the horrifying torture inside North Korean prison camps and reports by the United Nations.

Many North Korean's understandably attempt to flee, but some of them are captured. For women, especially those who have been trafficked into China as sex slaves or domestic servants, a return to North Korea is especially difficult.

For example, North Korean women who have dyed their hair or worn earrings undergo painful punishment. Their heads are pounded against the wall; earrings wrenched with pliers from their ears. They said afterwards, after the beatings, starving, and forced labor, they are hard to recognize.

In addition, the reports state that "North Korea not only conducts terrorist operations, but operates warfare training facilities to train international terrorists and other revolutionaries around the world."

Madam Speaker, the North Korean people must be helped. I urge all Members to take a look at this book and do whatever they can for the population of North Korea.

LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2001

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

Mr. HINOJOSA. Madam Speaker, the people in the Rio Grande Valley of South Texas are facing what looks to be one of the worst drought years of all time. After 6 years of record low rainfall levels this summer, for the first time in recorded history, the once mighty Rio Grande River stopped flowing completely before it reached the Gulf of Mexico. The region's two reservoirs are currently at less than one-third of capacity, with no relief in sight.

Today, several of my South Texas colleagues and I have introduced the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2001. Our legislation will help provide badly needed water relief to the farmers, ranchers, and communities of South Texas. This legislation incorporates modern technologies into our water management system to conserve and maximize our limited water resources.

Much remains to be done. However, the legislation that we are introducing today will provide a valuable first step; and I hope that all my colleagues will join me in supporting it.

REVITALIZING THE TOURISM ECONOMY

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

Mr. GIBBONS. Madam Speaker, since the evil terrorist act of September 11, thousands of Nevadans have been laid off; and they now face an uncertain future, just as other Americans employed in the tourism industry do. Like many tourist destinations, visitors to Las Vegas, Reno, Lake Tahoe, and other Nevada destinations depend heavily upon convenient and safe airline travel.

The administration has gone to great lengths to ensure that airline travel today is safer than ever before, and this Congress has provided over $15 billion in emergency funds to the airline industry. Yet, our tourism economy continues to suffer. I believe that this downturn is temporary; and for the first time since the terrorist attacks, many hotels are beginning to report more reservations than they are cancellations.

Madam Speaker, supporting our tourism industry is a crucial component of our national well-being, just as is our war against terrorism. We cannot allow terrorists to scare the American public into staying home.

Madam Speaker, I applaud the elected officials who, like myself, have been traveling our Nation's airways. I hope that the American public will follow our example and return to the skies and to the fun and entertaining vacation sites in Nevada and across the United States.

GENERAL SHELTON CONGRESSIONAL GOLD MEDAL ACT

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

Mr. ETHERIDGE. Madam Speaker, the American people of Nevada and the United States have long been proud of the contributions made by our military veterans. Today, I am privileged to introduce the General Shelton Congressional Gold Medal Act, which recognizes the outstanding service of General Shelton to the United States for his service and leadership as commander of allied forces in Desert Storm.

It is my hope that this legislation will be passed by both Houses of Congress and that General Shelton will be honored as one of our nation's great heroes.
for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Madam Speaker, yesterday the Nation bid farewell to a true American hero as General Hugh Shelton retired as Commander of the Joint Chiefs of Staff. The General wore our national uniform for 38 years. America owes him a special debt of gratitude for his unsurpassed leadership as our senior military officer.

As America prepares to wage war against terrorism, we should thank General Shelton for his dedication to duty and professionalism. He is a soldier’s soldier, an inspiration to U.S. military personnel, and someone who has earned the respect and admiration of all of his fellow Americans.

General Shelton was born in the small town of Speed, North Carolina. He graduated from North Carolina State University in my congressional district and previously commanded the XVIII Airborne Corps at Fort Bragg and the Army’s Special Operations Command. He is truly North Carolina’s favorite son.

Madam Speaker, to honor General Shelton, I have introduced H.R. 2751, the General Hugh Shelton Congressional Medal of Honor Award Act. This bipartisan bill will bestow a fitting tribute to this superior warrior and great American. I urge all of my colleagues to join me in supporting this important legislation.

HONORING FALLEN FIREFIGHTERS

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

Mrs. CAPITO. Madam Speaker, I rise today in strong support of H.J. Res. 42, a resolution to honor our fallen firefighters.

The events of September 11 highlighted the hard work and dedication of many emergency personnel. Many of us watched the pictures on the evening news of men and women walking into burning buildings carrying injured people to safety and retrieving bodies beneath the buried rubble.

Today, after those recent terrorist attacks and the rescue efforts that ensued, it seems especially poignant and timely that Congress pass a resolution as a memorial to such acts of heroism.

Firefighters are the first persons to respond to any emergency. They are ambassadors of courage, wisdom, and heroism.

In my home State of West Virginia, there are many dedicated firefighters who put their lives on the line each year. Between 1981 and 1999, West Virginia has lost 25 firefighters in the line of duty. Honored in last year’s ceremony was Arch Russell Sligar. This year we will honor Robert Cowey Brannon. Those are just two names of the many men and women who have lost their lives.

Madam Speaker, in light of the recent demonstrations of bravery by the New York and Washington area firefighters, as well as the endless acts of service and sacrifice of all firefighters, I urge passage of the resolution, and that we will be lowering our flags to half-mast every October 7 in their honor.

HONOR FALLEN FIREFIGHTERS BY FLYING FLAGS AT HALF-STAFF

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

Mr. BARTLETT. Madam Speaker, I rise today to urge the House to support the Centers for Excellence program and other health professions. The President’s budget for the year 2002, Madam Speaker, has called for a drastic 60 percent reduction in these Health Resources and Service Administration health programs.

The HERSA agency, in addition, has announced this week that they would be also limited to only $12 million for this program for the year 2002, a significant decrease. According to the Health Education Program Act, the first $12 million is set aside for the Historically Black Colleges and Universities. Thus, in order to continue the Hispanic and native Americans and other programs, we urge an increase in the existing budget for the Center for Health Care Services, which is at $30 million.

The Centers for Excellence programs are essential and still needed to help increase the number of minorities in the health professions throughout the country. The program has a proven track record of producing and graduating more minority students than any other schools. So we encourage and ask our fellow colleagues to support the $30 million that we have had in the past. Hispanics now represent 12 percent of the population; and we need additional nurses, so we ask for my colleagues’ support.

URGING SUPPORT FOR MILLER/MILLER AMENDMENT TO H.R. 2646

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

Mr. DAVIS. Madam Speaker, tomorrow we will be debating the farm bill; and in that bill is the sugar program, which hurts workers in my district.

Since the sugar program has been in effect, employment in the confectionery industry has fallen 11 percent since 1991. The sugar program has contributed to that fall because candy-makers in Chicago, in my district, pay more than twice the world market price for sugar. As long as these supports continue and we pay this inordinate amount, we are going to lose employment and employment opportunities.

Madam Speaker, I urge my colleagues to support the Miller-Miller amendment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 189) to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, and for other purposes, as amended.
The Clerk read as follows:

H. R. 169

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Employee Antidiscrimination and Retaliation Act of 2001." (b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Effective date.

TITLE I—GENERAL PROVISIONS

Sec. 101. FINDINGS.

The Congress finds that—

(1) Federal agencies cannot be run effectively if they practice or tolerate discrimination and retaliation against Federal employees, and

(2) the Committee on the Judiciary of the House of Representatives has heard testimony from individuals, including representatives of the National Association for the Advancement of Colored People and the American Federation of Government Employees that point to chronic problems of discrimination and retaliation against Federal employees.

(3) In August 2000, a jury found that the Environmental Protection Agency had discriminated against a senior social scientist, and awarded that scientist $600,000.

(4) In October 2000, an Occupational Safety and Health Administration investigation found that the Environmental Protection Agency had retaliated against a senior scientist for disagreeing with that agency on a matter of science and for helping Congress to carry out its oversight responsibilities.

(5) There have been several recent class action suits based on discrimination brought against Federal agencies, including the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, and Firearms, the Drug Enforcement Administration, the Immigration and Naturalization Service, and the United States Marshals Service.

(6) Notifying Federal employees of their rights under discrimination and whistleblower laws should increase agency compliance with the law.

(7) Requiring annual reports to Congress on the number and severity of discrimination and whistleblower cases brought against each agency should enable Congress to improve its oversight over agencies' compliance with the law, and

(8) Penalizing Federal agencies by requiring them to pay for any discrimination or whistleblower judgments, awards, and settlements should improve agency accountability with respect to discrimination and whistleblower laws.

Sec. 102. DEFINITIONS.

For purposes of this Act—

(1) the term "applicant for Federal employment" means an individual applying for employment in or under a Federal agency,

(2) the term "basis of alleged discrimination" shall have the meaning given such term under section 201,

(3) the term "Federal agency" means an Executive agency (as defined in section 3105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission,

(4) the term "Federal employee" means an individual employed in or under a Federal agency,

(5) the term "former Federal employee" means an individual formerly employed in or under a Federal agency, and

(6) the term "issue of alleged discrimination" shall have the meaning given such term under section 303.

Sec. 103. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the 1st day of the fiscal year beginning more than 180 days after the date of the enactment of this Act.

TITLE II—FEDERAL EMPLOYEE DISCRIMINATION AND RETALIATION

Sec. 201. Reimbursement requirement.

Each Federal agency shall provide to the employees of such agency, and applicants for Federal employment, in connection with any proceeding brought by or on behalf of such employee, former employee, or applicant under—

(1) any provision of law cited in subsection (c), or

(2) any other provision of law which prohibits any form of discrimination, as identified under rules issued under section 204.


Each Federal agency shall provide to the employees of such agency, and applicants for Federal employment, in connection with any proceeding brought by or on behalf of such employee, former employee, or applicant under—

(1) any provision of law cited in subsection (c), or

(2) any other provision of law which prohibits any form of discrimination, as identified under rules issued under section 204.

Sec. 203. Effective date.

This Act and the amendments made by this Act shall take effect on the 1st day of the fiscal year beginning more than 180 days after the date of the enactment of this Act.

TITLE III—EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT DATA DISCLOSURE

Sec. 301. Data to be posted by employing Federal agencies.

Sec. 302. Data to be posted by the Equal Employment Opportunity Commission.

Sec. 303. Rights.

Sec. 304. Rules and guidelines.

Sec. 305. Clarification of remedies.

Sec. 306. Oversight.

Sec. 307. Annual report.

Sec. 308. Effective date.

This Act may be cited as the "Equal Employment Opportunity Commission Act of 2001.

Sec. 309. Reimbursement requirement.

Each Federal agency shall provide to the employees of such agency, and applicants for Federal employment, in connection with any proceeding brought by or on behalf of such employee, former employee, or applicant under—

(1) any provision of law cited in subsection (c), or

(2) any other provision of law which prohibits any form of discrimination, as identified under rules issued under section 304.

Sec. 301. FINDINGS.

This Act and the amendments made by this Act shall take effect on the 1st day of the fiscal year beginning more than 180 days after the date of the enactment of this Act.

THE CONGRESSIONAL RECORD—HOUSE October 2, 2001

H6072

SEC. 201. REIMBURSEMENT REQUIREMENT.

(a) APPLICABILITY.—This section applies with respect to any payment made in accordance with section 204, or in connection with the 1st fiscal year beginning more than 180 days after the date of the enactment of this Act.

(b) REIMBURSEMENT.—An amount equal to the amount required under subsection (a) shall be reimbursed to the fund from which such payment was made, unless the agency was alleged, based on the results of such study, to have discriminated against any individual in violation of any of the laws cited in section 301(c).

(c) SCOPE.—The provisions of law specified in subsection (a) shall apply to discrimination against any Federal employee who is disciplined in accordance with such policy and the specific nature of the disciplinary action taken.

(d) EFFECTIVE DATE.—This section shall take effect on the 1st day of the fiscal year beginning more than 180 days after the date of the enactment of this Act.

SEC. 202. NOTIFICATION REQUIREMENT.

Each Federal agency shall provide to the employees of such agency, and applicants for Federal employment, in connection with any proceeding brought by or on behalf of such employee, former employee, or applicant under—

(1) any provision of law cited in subsection (c), or

(2) any other provision of law which prohibits any form of discrimination, as identified under rules issued under section 203.

Sec. 203. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the 1st day of the fiscal year beginning more than 180 days after the date of the enactment of this Act.

SEC. 203. REPORTING REQUIREMENT.

(a) ANNUAL REPORT.—Subject to subsection (b), not later than 30 days after the end of each fiscal year, each Federal agency shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Equal Employment Opportunity Commission, and the Attorney General an annual report which shall include, but not be limited to, the following:

(1) the number of cases pending under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(c) in which discrimination on the part of such agency was alleged,

(2) any other provision of law which prohibits any form of discrimination, as identified under rules issued under section 203.

Sec. 204. RULES AND GUIDELINES.

(a) ISSUANCE OF RULES AND GUIDELINES.—The President (or the designee of the President) shall issue—

(1) rules to carry out this title,

(2) rules to require that a comprehensive study be conducted in the Executive Branch to determine the best practices for Federal agencies to take appropriate disciplinary actions against Federal employees who are determined in any judicial or administrative proceeding to have discriminated against any individual in violation of any of the laws cited in section 201(c), and

(3) rules to require that a study, advisory guidelines incorporating best practices that Federal agencies may follow to take such actions against such employees.

(b) IMPARTIAL IMPLEMENTATION OF GUIDELINES.—Not later than 30 days after the issuance of guidelines (1) in accordance with otherwise applicable provisions of law, or

(2) if to the extent that no such notification would otherwise be required, in such form, and manner as the agency shall determine under section 204 be required in order to carry out the requirements of this section.

(b) POSTING ON THE INTERNET.—Any written notification under subsection (a) shall include, but not be limited to, the following information required under paragraph (1) or (2) (as applicable) of subsection (a) on the Internet site of the Federal agency involved.

(c) EMPLOYEE TRAINING.—Each Federal agency shall provide to the employees of such agency training regarding the rights and remedies available to Federal employees under the laws cited in section 201(c).

SEC. 203. REPORTING REQUIREMENT.

(a) ANNUAL REPORT.—Subject to subsection (b), not later than 30 days after the end of each fiscal year, each Federal agency shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Equal Employment Opportunity Commission, and the Attorney General an annual report which shall include, with respect to the fiscal year—

(1) the number of cases pending under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged,

(2) the status or disposition of cases described in paragraph (1),

(3) the amount of money required to be reimbursed by the Federal agency under section 204, in connection with each of such cases, separately identifying the aggregate amount of such reimbursements attributable to the payment of attorneys' fees,

(4) the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1),

(5) the final year-end data posted under section 301(c)(1)(B) for such fiscal year (without regard to section 301(c)(2)), and

(6) a detailed description of—

(A) the policy implemented by such agency to discipline employees who are determined in any judicial or administrative proceeding to have discriminated against any individual in violation of any of the laws cited in section 201(c), and

(B) with respect to such laws, the number of employees disciplined in accordance with such policy and the specific nature of the disciplinary action taken.

(b) FIRST REPORT.—The 1st report submitted under subsection (a) shall include the following data for each item under subsection (a) data for each of the 5 immediately preceding fiscal years (or, if not available for all 5 fiscal years, for however many of those 5 fiscal years for which data are available).

SEC. 204. RULES AND GUIDELINES.

(a) ISSUANCE OF RULES AND GUIDELINES.—The President (or the designee of the President) shall issue—

(1) rules to carry out this title,

(2) rules to require that a comprehensive study be conducted in the Executive Branch to determine the best practices for Federal agencies to take appropriate disciplinary actions against Federal employees who are determined in any judicial or administrative proceeding to have discriminated against any individual in violation of any of the laws cited in section 201(c), and

(3) rules to require that a study, advisory guidelines incorporating best practices that Federal agencies may follow to take such actions against such employees.

(b) IMPARTIAL IMPLEMENTATION OF GUIDELINES.—Not later than 30 days after the issuance of guidelines (1) in accordance with otherwise applicable provisions of law, or

(2) if to the extent that no such notification would otherwise be required, in such form, and manner as the agency shall determine under section 204 be required in order to carry out the requirements of this section.
under subsection (a), each Federal agency shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Equal Employment Opportunity Commission, and the Attorney General a written statement specifying in detail—

(1) whether such agency has adopted and will fully follow the guidelines prescribed under subsection (a); and

(2) if such agency has not adopted such guidelines, the reasons for the failure to adopt such guidelines, and—

(a) whether such agency will fully follow such guidelines, the reasons for the decision not to fully follow such guidelines and an explanation of the extent to which such agency will not follow such guidelines, the reasons for the decision not to follow such guidelines and an explanation of the extent to which such agency will not follow such guidelines, and

(b) if such agency will not fully follow such guidelines, the reasons for the decision not to fully follow such guidelines and an explanation of the extent to which such agency will not follow such guidelines.

SEC. 205. CLARIFICATION OF REMEDIES.

Consistent with Federal law, nothing in this title shall prevent any Federal employee, former Federal employee, or applicant for Federal employment from exercising any right otherwise available under the laws of the United States.

SEC. 206. STUDY BY GENERAL ACCOUNTING OFFICE REGARDING EXHAUSTION OF ADMINISTRATIVE REMEDIES.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the General Accounting Office shall conduct a study relating to the effects of eliminating the requirement that Federal employees exhaust all available remedies before filing complaints with the Equal Employment Opportunity Commission. The study shall include a detailed summary of matters investigated, of information collected, and of conclusions formulated that lead the Agency to the conclusion that the requirements of section 201(c) are unnecessary.

(b) REPORT.—Not later than 90 days after completion of the study required by subsection (a), the General Accounting Office shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Equal Employment Opportunity Commission, and the Attorney General a report containing the information required under this section.

TITLE III—EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT DATA DISCLOSURE

SEC. 301. DATA TO BE POSTED BY EMPLOYING FEDERAL AGENCIES.

(a) In General.—Each Federal agency shall post on its public Web site, in the time, form, and manner prescribed under section 303(b), data from the reporting system established under this Act to make the data electronically accessible to the public.

(b) CONTENT REQUIREMENTS.—The data posted by a Federal agency under this section shall include, for the then current fiscal year, the following:

(1) the number and percentage that were rendered without a hearing before an administrative judge of the Equal Employment Opportunity Commission;

(2) the number and percentage that were rendered after a hearing before an administrative judge of the Equal Employment Opportunity Commission;

(3) the number and percentage that were rendered after a hearing before an administrative judge of the Equal Employment Opportunity Commission;

(4) the number and percentage that were hearings on appeals to the Equal Employment Opportunity Commission;

(5) the number and percentage that were hearings on appeals to the Equal Employment Opportunity Commission;

(6) the number and percentage that were hearings on appeals to the Equal Employment Opportunity Commission;

(7) the number and percentage of complaints that were first filed before the then current fiscal year (both interim and final) shall include both—

(A) full-year-to-date data, updated quarterly, and

(B) final year-end data.

SEC. 302. DATA TO BE POSTED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

(a) IN GENERAL.—The Equal Employment Opportunity Commission shall post on its public Web site, in the time, form, and manner prescribed under section 303, data from the reporting system established under this Act to make the data electronically accessible to the public.

(b) SPECIFIC REQUIREMENTS.—The data posted under this section shall, with respect to the hearings and appeals described in section (a), include summary statistical data corresponding to that described in paragraphs (1) through (7) of section (a), and shall be subject to the same timing and other requirements as set forth in section 303(b).

(c) COORDINATION.—The data required under this section shall be in addition to the data the Commission is required to post under section 301 as an employing Federal agency.

SEC. 303. RULES.

The Equal Employment Opportunity Commission shall issue any rules necessary to carry out this title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBERGREN) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBERGREN).

MR. SENSENBERGREN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend the remarks on H.R. 169, as amended, the bill under consideration.

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

There was no objection.

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

Madam Speaker, today is a historic day for the House, as we are about to consider, and likely pass, what Jack White at Time Magazine called the “fifth amendment of the U.S. Constitution,” and one of the most important pieces of legislation of the last 21st century.

I, along with the gentlewoman from Texas (Ms. JACKSON-LEE), introduced
H.R. 169, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2001, or the No FEAR Act, to address an outrage in the Federal Government. The Federal Government should serve as a model of the best practices for a fair and open work environment. But after a year-long investigation, I was surprised to discover that some Federal agencies appear to be allowing discrimination and retaliation against their own employees.

The Accounting Office has also investigated discrimination in the Federal workforce and found complaints grew tremendously in the 1990s. In fact, in fiscal year 1999, the number of complaints to the Equal Employment Opportunities Commission was about 120 percent greater than the number of complaints in 1991. The GAO also reported that complaints alleging retaliation against employees who had participated in the complaint process had increased as well.

The very type of retaliation is what has brought us here today. A number of brave EPA employees and scientists came forward to tell the Committee on Science, which I chaired in the last Congress, about a culture of intolerance that the EPA. By assisting a congressional investigation, those employees risked retaliation, and some experienced it.

In fact, the Labor Department concluded that the EPA had retaliated against a female scientist because the Committee on Science used a memorandum she wrote 10 years prior to one of the hearings on the issue. She did not even know the committee had obtained her memorandum, but she was still punished by the agency.

The problem is threefold: first, many employees and managers are not aware of their rights and responsibilities, due to inadequate notification requirements. Second, Federal agencies in Congress, agencies in the executive branch of the problem due to inadequate reporting. Third, Federal agencies are not accountable for the misdeeds of their employees, as Federal agencies found guilty of discrimination do not have to pay judgment settlement costs.

The bill is aimed at preventing and reducing discrimination and retaliation in the Federal workforce by requiring better notification, reporting, and accountability from Federal agencies. The bill would require agencies to pay for all court settlements or judgments for discrimination and retaliation cases, rather than allowing them to use a government-wide slush fund. This will make the agencies more accountable for their actions.

The bill’s notification requirement is aimed at improving workforce relations by increasing managers’ and employees’ knowledge of their respective rights and responsibilities. The act’s reporting requirement will help determine if misconduct exists within an agency and, if so, whether an agency is taking appropriate action to address the problem, such as disciplining those employees or managers involved in the misconduct. Tracking this information is critical to understanding whether a problem exists.

Finally, the bill ensures that the Federal agencies abide by the same laws that private citizens and businesses must operate. Just like private sector employees, Federal employees are protected against discrimination and retaliation. Just like the private sector, Federal agencies must be held accountable.

Madam Speaker, H.R. 169 enjoys a broad show of diverse support. The NAACP has endorsed this bill, as well as the National Taxpayers Union. As the National Taxpayers Union stated in urging Congress to enact the legislation, “The No FEAR Act promotes the virtues of fiscal responsibility and accountability in government.”

Madam Speaker, I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I believe that this is an important day and a historic day, and it is a reflection on the value of persistence and determination. I would like to thank the gentleman from Wisconsin (Mr. SENSENBERN), chairman of the Committee on the Judiciary, for having both persistence and determination. Both of us served on the House Committee on Science just a session ago when the gentleman chaired that committee and we heard some very disturbing testimony. Out of that testimony before the Committee on Science, together we worked on what is now H.R. 169, the No FEAR Act. I would like to thank him for his work, along with the gentleman from Michigan (Mr. CONyers), the ranking member, and all of my colleagues from both sides of the aisle, for working with us and supporting this important civil rights bill. As we sit here today, a substitute to H.R. 169, the No FEAR Act, is a major step in our fight to end the insidious practice of discrimination and retaliation in our Nation’s Federal workplace. That better timing than in the contrast of recognizing how important our Federal workers are, how we are united under one flag, hoping and pushing forward the democracy and principles that we all believe in.

Madam Speaker, in fiscal year 2000, Federal employees filed nearly 25,000 complaints against Federal agencies through the EEOC process. These complaints resulted in over $26 million in discrimination complaint settlements and an average processing time of 384 days per complaint in 1998, while a case traveling through the entire complaint process from filing through appeal could take up to 38 months. These numbers and process times indicate that discrimination complaint settlements are not used as a deterrent for the Whistleblower Protection Act of 2000 has stood for the principles that Federal employees should have “no fear” in reporting discriminatory behavior by their Federal agency employers. Like its predecessor, the legislation before us today, H.R. 169 demands that agencies be held accountable for their misdeeds; but it expands the accountability throughout the entire Federal Government.

Let me put a face on this problem. On October 2, 2000, 1 year ago to the day, the House Committee on Science held a hearing entitled “Intolerance at EPA: Harmimg People, Harming Science?” Dr. Coleman-Adebayo, an EPA whistleblower, won a $600,000 jury decision against EPA for race and sex discrimination under title VII of the Civil Rights Act of 1964. During that hearing, the gentleman from Wisconsin (Mr. SENSENBERN), the then chairman of the Committee on Science, illuminated the dangerous precedent set by the EPA, stating: “While EPA has a clear policy on dealing with employees who discriminate, harass, and retaliate against other EPA employees, no one apparently involved in the Coleman-Adebayo or Nolan cases have yet to be disciplined by the EPA.”

I note with concern that an internal EPA memo dated August 2, 2001, praised the managers named in Dr. Coleman-Adebayo’s case as environmental leaders without a single mention of their role in violating her civil rights. When coupled with the high-profile nature of the case, I believe these actions send the wrong message to EPA and Federal employees.

One manager was actually transferred from his original office, the Office of International Activities, to Dr. Coleman-Adebayo’s present office. He
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will now be the counselor to the assistant administrator for Pollution Prevention, Pesticides and Toxic Substances.

I'd like to thank Judiciary chairman JAMES SENSENBRENNER, Ranking Member JOHN CONYERS, and all the Members from both sides of the aisle for supporting this important civil rights legislation. This bill before us today, a substitute to H.R. 169 (the No Fear Act), is a major step in our fight to end the insidious practice of discrimination and retaliation in our Nation's Federal workplace.

Under the Civil Rights Act of 1964, it is illegal to discriminate against Federal employees on the basis of race, color, sex, religion, national origin, age, or disability. These laws have taken us a long way toward ensuring equality, job security, and the rule of law in the Federal workplace. The law protects Federal employees from retaliation for filing complaints against either the agency or other employees of the Federal Government who act in supervisory roles.

Currently, Federal whistleblowers may file reprisal complaints with the Office of Special Counsel, (OSC), the Merit Systems Protection Board, (MSPB), and the Department of Labor's Occupational Safety and Health Administration, (OSHA). Federal whistleblowers are protected under several Federal laws, the primary one being the Whistleblower Protection Act of 1989. But the numbers of actions and extensive process times indicate that further legislation is greatly needed.

Since its introduction in the 106th Congress as H.R. 5516, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2000 (No Fear Act), has stood for the principle that Federal employees should have "no fear" in reporting discriminatory behavior by their Federal agency employers. Like its predecessor, the legislation before us today, H.R. 169, demands that agencies be held accountable for their misdeeds, but H.R. 169 expands accountability throughout the entire Federal Government.

Let me put a face on this problem. On October 2, 2000, 1 year ago to the day, the House Science Committee held a hearing entitled "Intolerance at EPA—Harming People, Harming Science?" Dr. Marsha Coleman-Adebayo, an EPA whistleblower, won a $600,000 jury decision against EPA for race and sex discrimination under title VII of the Civil Rights Act of 1964.

During that hearing, the chairman of the Science Committee SENESSEN BRENNER illuminated the dangerous precedent set by the EPA, stating, "While EPA has a clear policy on dealing with employees that discriminate, harass and retaliate against other EPA employees, no one apparently involved in the Coleman-Adebayo case have yet [sic] to be disciplined by EPA."

I note with concern that an internal EPA memo dated August 2, 2001, praised the managers named in Dr. Coleman-Adebayo's case as environmental leaders without a single mention of their role in violating her civil rights. When coupled with the high profile nature of the Dr. Coleman-Adebayo's case, I believe that this is a wrong message to EPA and Federal employees.

One man, Larry Johnson, was transferred from his office (the Office of International Activities) to Dr. Coleman-Adebayo's present office. He will not be the counselor to the Assistant Administrator for Pollution Prevention, Pesticides and Toxic Substances. This assignment, given the appearance of harassment and retaliation tolerated by the EPA, and raises the issue of whether such harassment, intimidation, and violations of civil rights are ongoing.

This assignment gives the appearance that such harassment and retaliation is tolerated by the EPA, and raises the issue of whether such harassment, intimidation, and violation of civil rights is ongoing.

This is a very serious matter of discrimination, and I believe, obstruction of justice.

No Fear contains four major provisions which address this problem.

First, the bill requires accountability throughout our Federal workplace. discrimination and retaliation is tolerated by the EPA, and raises the issue of whether such harassment, intimidation, and violation of civil rights is ongoing.

Second, No Fear requires Federal agencies to notify employees about any applicable discrimination and whistleblower protection laws, and to report to Congress and the Attorney General on the number of discrimination and whistleblower cases within each agency.

Third, No Fear recognizes Congress' intent that such legislation is necessary, but that should not otherwise limit the ability of Federal employees to exercise other rights under Federal law.

Finally, No Fear requires each Federal agency to send an annual report to Congress listing, among other things, the number of cases and the disposition of the cases.

I am glad that the manager's amendment corrected the source of funds from which the recovery should come. It excludes all agency enforcement funds from being used to reimburse the general Treasury for discrimination or whistleblower judgments against the agency.

This is a timely piece of legislation. I would like to thank Kweisi Mfume, the President of NAACP, for taking the leadership in helping us to promote this legislation, and for testifying before our respective committees.

Again, let me applaud the gentleman from Wisconsin (Mr. Sensenbrenner) and the gentleman from Michigan (Mr. Conyers), and all of our colleagues. I ask that this House unanimously support the No Fear legislation in this very special time to promote our civil rights and civil liberties.

Madam Speaker, let me simply, again, offer my thanks and appreciation, and on behalf of the other Members, let me just mention that I know that several Members, the gentlewoman from Maryland (Mrs. Morella) and the gentleman from Maryland (Mr. Wynne), will have statements and have obtained their support.

Mrs. Morella, Madam Speaker, I rise today in strong support of H.R. 169, the NO FEAR legislation. This bill provides essential help to whistleblowers and those that suffer discrimination, and it penalizes agencies that attempt to practice discrimination or punish whistleblowers. Under current law, jury judgments or awards against the Federal government, including federal agencies, are paid out of a general judgment fund and are not attributed to, or accounted for, by the agency responsible for the claim. This bill requires Federal agencies to reimburse the government's judgment fund for amounts paid out in response to a court settlement, award or judgment against an agency in a discrimination or whistleblower protection lawsuit. Hopefully, by making agencies responsible for their actions, we can further decrease the reprehensible practice of discrimination and the needless punishing of whistleblowers.

This bill has several other important provisions which my colleague from Wisconsin has mentioned and so I would just like to take this opportunity to point out and recognize two individuals, who are here in the gallery today, Dr. Marsha Coleman-Adebayo and Mr. Leroy Warren, Jr. Both of these individuals live in my district, Montgomery County, Maryland and played an instrumental role in helping this legislation come to the floor today.

Mr. Warren is Chairman of the NAACP Federal Sector Task Force and was asked to investigate and address the ever-growing number of complaints of discrimination within the federal government. Mr. Warren's task force did an admirable job in bringing to light much of the discrimination that federal employees faced.

Dr. Coleman-Adebayo has become well known for her courageous fight against discrimination by the EPA. Dr. Coleman-Adebayo suffered terribly from her battle but preserved and won her case against the EPA. She has testified in front of both the Science and Judiciary Committees to alert all of us to the seriousness of what transpired in her case. And now, hopefully, because of the NO FEAR bill, the first civil rights bill of the 21st Century, victims of racial, sexual, and hostile work environments, and whistleblowers, will not have to suffer the pain and abuse that Dr. Coleman-Adebayo endured. Let us hope instead that H.R. 169 will push Federal agencies to spend their time devising effective plans to address all forms of discrimination in the workplace.

I urge my colleagues to support this bill.

Mrs. Jackson-Lee of Texas, Madam Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mrs. Biggert). The question is on the motion offered by the gentleman from Wisconsin (Mr. Sensenbrenner) that the House suspend the rules and pass the bill, H.R. 169, 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. SENSENBERG. Madam Speaker, on that I demand the yeas and nays.

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

MEMORIALIZING FALLEN FIREFIGHTERS

Mr. SENSENBERG. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 42) memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland, as amended.

The Clerk reads as follows:

H.J. Res. 42

Whereas approximately one-third of all active fire and emergency personnel suffer debilitating injuries annually; and

Whereas approximately 100 fire and emergency services personnel die annually in the line of duty; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each year, the American flag on all Federal office buildings will be lowered to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBERG) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBERG).

Mr. SENSENBERG. Madam Speaker, I ask unanimous consent that prior to September 11, but could not be committed before our very eyes. Most people did not realize that our fire and emergency personnel had already begun to respond. Shortly thereafter, it was clear that an act of war had been committed against our Nation, and our fire and emergency personnel had begun fearless rescue efforts to save their own and to save others that had become victims of these attacks.

Madam Speaker, there is no siren or warning system for a response of this magnitude. It is a call to duty, and it is a call to duty to remember all those who continue to serve or who join this noble effort by voting in support of House Joint Resolution 42. I urge all of my colleagues to take the time this weekend, I urge all of my colleagues to take the time this weekend, to attend public and private ceremonies throughout the weekend to remember all those who have fallen while serving as fire and emergency personnel, and in support of those who continue to serve or who join this noble effort by voting in support of House Joint Resolution 42.

Finally, Madam Speaker, we can join in remembrance of all Americans that have fallen while serving as fire and emergency personnel, and in support of those who continue to serve or who join this noble effort by voting in support of House Joint Resolution 42. I urge all of my colleagues to take the time this weekend, to attend public and private ceremonies throughout the weekend to remember all those who have given their lives serving as fire and emergency personnel, and in support of those who continue to provide this service.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Mr. SENSENBERG. Madam Speaker, I would like to thank the chairman and I would like to thank the author of this legislation, the gentleman from Delaware (Mr. CASTLE), legislation that was authored prior to September 11, but could not be more fitting and more timely; that is, our fire and emergency services by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

It is worth noting that 1,200,000 men and women comprise the American fire and emergency services. It is particularly worth noting that in this time that we have experienced, beginning
with the morning of September 11, 2001, how many Americans now will turn toward those who have always offered their lives, their hearts, and who have championed the cause of saving others and putting others first before anyone else.

It is worth noting that these losses are faced not only in New York, but also in the bravery of those who went to save lives in Somerset, Pennsylvania, and, as well, those who saved lives and sought to save lives at the Pentagon.

But we might just say that the devastation in New York so poignantly causes us to reaffirm this commitment to the need to acknowledge our firefighters. I believe that there is no more honor or no greater honor than to acknowledge them and associate them with the flag of the United States.

Some people may say that lighting candles around the country and paying homage to the flags and those we have lost will not allow us to move forward, but I do believe it will give us a sense of unity and it will bind us together, and acknowledge to those families that these are very special people. Might I cite to the Members a commentary in the New York Times about what the New York firefighters are experiencing:

"The hasty patchwork does little to match the physical and emotional devastation. The New York Fire Department lost 343 people of its 11,400 member force. One out of every 33 people on the force is listed as dead or missing. The名单 have been debated in the community and on the floor. The toll on the Department is evident on the faces of firefighters throughout the city. They drag themselves to funerals, sit stunned in station houses, absorbing the losses, and pick depressingly through the gigantic debris pile, with the flag of the United States.

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I want to fill my calling and to give the best of my courage to save some life, to save the others as well. To guard my every neighbor and protect them, to promote individuals who would rather not be promoted to fill in for the losses. The losses suffered by the New York Fire Department are devastating, to be sure. But even without an extraordinary catastrophe like that which occurred at the World Trade Center, approximately 100 firefighters were killed in my home State of Texas.

House Joint Resolution 42 was introduced in March, 2001, long before the recent attacks, but this joint resolution could not be more timely. This resolution would lower the flags on all Federal office buildings each year to coincide with the annual memorial service for fallen firefighters that takes place in the National Firefighters Memorial in Emmitsburg, Maryland. Maybe this year we will see such memorials around the country.

This year’s service will take place on October 7 in a nationally televised ceremony. I can think of no better time to pass this legislation to honor our Nation’s fallen firefighters whose bravery and courage saved lives every day.

I am very proud of Texas Task Force 1, a Texas group of firefighters who went to New York to be of assistance, and I am very proud of my community and the past several days at the Pentagon Fire Station, when we gathered together to raise money for the Red Cross and firefighters, and saw the pictures and recognized the need all over the country for saluting our firefighters and certainly helping those fallen in New York.

I am very proud of Texas Task Force 1, a Texas group of firefighters who went to New York to be of assistance, and I am very proud of my community and the past several days at the Pentagon Fire Station, when we gathered together to raise money for the Red Cross and firefighters, and saw the pictures and recognized the need all over the country for saluting our firefighters and certainly helping those fallen in New York.

Going to ground zero myself this past Friday, I was able to see that there are those who are still working, despite the obstruction, despite the challenge, despite the sadness. Our hats are off to all of them.

I conclude, Madam Speaker, by reciting the fireman’s prayer: ‘When I’m called to duty, God, wherever flames may be Give me the strength to save some life, whatever be its age Help me embrace a little child before it is too late Or save an older person from the horror of their fate Enable me to be alert and hear the weakest shout And quickly and efficiently to put the fire out’ I want to fill my calling and to give the best in me To guard my every neighbor and protect their property. And if according to your will I lose my life Please bless with protective hand My children and my wife.’

This bill is a tribute to the fallen firefighters from Texas, from New York, and from around the country who dedicate their lives to saving the lives of others. I urge my colleagues to enthusiastically support House Joint Resolution 42.

Even before the tragic and horrific terrorist attacks of September 11, we knew about the dangerous and life-saving work that our Nation’s firefighters perform every day. Approximately one-third of all active fire and emergency services personnel suffer debilitating injuries—making it one of the most dangerous jobs in America.

Since the attacks on the World Trade Center and the Pentagon—where we watched firefighters risk and sacrifice their own lives so that others may live—it has become even more imperative to honor firefighters who have died in the line of duty.

The losses to the New York Fire Department cannot go untold. The NYFD lost 343 people of its 11,400-member force in the September 11 attack. One out of every 33 people on the force is listed as dead or missing. Unfortunately, the rescue teams have found the remains of fewer than 50 firefighters, and the losses in New York affected both the rank and file and the elite firefighting units.

Chief Cassano of the Fire Department’s Special Operations Commands says his unit was decimated, having lost 95 of its 452 men. They are having to promote individuals who would rather not be promoted to fill in for the losses.

The losses suffered by the New York Fire Department are devastating, to be sure. But even without an extraordinary catastrophe like that which occurred at the World Trade Center, approximately 100 firefighters were killed in my home State of Texas.

H.J. Res. 42 was introduced in March 2001—long before the recent attacks. But this Joint Resolution couldn’t be more timely. This Resolution would lower the American flags on all federal office buildings each year, to coincide with the annual memorial service for fallen firefighters that takes place at the National Fallen Firefighters’ Memorial in Emmitsburg, Maryland. This year’s service will take place on October 7 in a nationally televised ceremony.

I can think of no better time to pass this legislation and honor our Nation’s fallen firefighters, whose bravery and courage save lives every day.

In closing, I would like to recite the Firemen’s Prayer.

When I’m called to duty God wherever flames may be Give me the strength to save some life whatever be its age Help me embrace a little child before it is too late Or save an older person from the horror of that fate Enable me to be alert and hear the weakest shout And quickly and efficiently to put the fire out I want to fill my calling and to give the best in me To guard my every neighbor and protect their property. And if according to your will I lose my life Please bless with protective hand My children and my wife.’

This bill is a tribute to the fallen firefighters from Texas, from New York and from around the country who dedicate their lives to saving the lives of others. I urge you to support H.J. Res. 42.

Madam Speaker, I reserve the balance of my time.
Mr. SENSENBRENNER. Madam Speaker, I yield 5 minutes to the gentleman from Delaware (Mr. CASTLE), the principal author of this resolution.

Mr. CASTLE. Madam Speaker, I thank the gentleman for yielding me the time to rise in strong support of the Fallen Firefighters Act of 2001. As the author of the bill, I am proud to be able to honor our firefighters.

This legislation serves as a remembrance to the heroic men and women who have died in the line of duty by requiring the American flag on all Federal buildings to be lowered half staff one day each year on the observance of the National Fallen Firefighters Memorial Service. This year's service will be held this Sunday, October 7, in Emmitsburg, Maryland, at the National Fallen Firefighters Memorial. President and Mrs. Bush are scheduled to attend the ceremony.

This year, because of the events of September 11, the firemen and volunteer firefighters will be especially emotionally moved in the wake of the terrorist attack on America where hundreds of brave men and women gave their lives to save those of thousands of strangers. I have personally visited the World Trade Center and the Pentagon and continue to be amazed by the courage of these men and women who continue to do on a daily basis and the work they have done that has saved thousands upon thousands of lives.

I continue to be honored as I attend numerous town ceremonies in the wake of the tragedy by the support that both for firefighters in our communities and their unwavering dedication to their communities, fellow firefighters, and our country.

Firefighters provide one of the most valuable services imaginable to this country and its people, that of saving lives and safeguarding our precious lands. With integrity, firefighters preserve the safety in the communities they serve and their annual dedication and commitment. These heroes need to be recognized and thanked by all Americans, not just in the wake of this horrible tragedy but to the nearly 1.2 million men and women who have served our country in the capacity. These men and women work tirelessly to protect and preserve the lives and property of their fellow citizens. Through this legislation, we can show our support and respect for America's fire heroes and those who carry on the noble tradition of service.

We must always remember the contributions of all of our public safety officers. In 1961 Congress passed a joint resolution honoring America's police officers who died in the line of duty in recognition of their dedicated service to their communities and amended it in 1994 to lower the flag to half staff. Today, we take the first step in beginning the same respect on the 1.2 million fire and emergency services personnel who also serve as public safety officers.

I would like to thank all the Members who sponsored this legislation, and I urge my colleagues to support this legislation and recognize these heroic men and women.

Ms. JACKSON-LEE of Texas. Madam Speaker, can the Chair indicate how much time was remaining? The SPEAKER pro tempore (Mrs. BIGGERT). The gentlewoman from Texas (Ms. JACKSON-LEE) has 13½ minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield 7 minutes to the distinguished gentleman from Maryland (Mr. HOYER), someone who has often risen to this floor in support of the outstanding work of our Nation's firefighters.

Mr. HOYER. Madam Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her leadership on this committee. I thank the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), for bringing this legislation to the floor, and I want to congratulate my good friend, former governor of Delaware, the gentleman from Delaware (Mr. CASTLE), for authoring this legislation.

I might say that the gentleman from Delaware has the honor of representing probably one of the very best fire departments in America and, indeed, the world. A service that is, I think, without denigrating my Maryland firefighters in any way, without anybody surpassing them in their role they play, not only in their community but in this country.

Madam Speaker, I have the honor of co-chairing the Fire Service Caucus with my good friend, the gentleman from Pennsylvania, Fire Chief Weldon, who temporarily is a Member of Congress for many years, but the true fire chief. He knows firsthand the dangers that exist. I have the honor of being the honorary chief at Company 26 in Prince George's County, Maryland.

I rise today in support of the gentleman from Delaware's resolution to require the flying of the American flag at half staff to honor not only all fallen firefighters but as well emergency medical response teams who are in lock step with the fire fighters in responding to crises.

The tragic events of the last month have, of course, reminded all of us of the valor and sacrifice of our Nation's first responders. The enormous loss of life would have been much higher if it were not for their selfless work displayed on television just a few days ago.

In New York, as frightened citizens raced down the staircase of the World Trade Center, firefighters raced up the staircases to fight the 2,000-degree fire; these men and women who temporarily is a Member of Congress. The task was to evacuate the wounded. Sadly, as we know, over 300, 343, as has been mentioned, lost their lives in that fire and in the buildings' collapse.

They are mourned today, along with their colleagues, who died at other fires and other emergencies. This weekend, I and many of my colleagues will go to Emmitsburg, Maryland, to attend the National Fallen Firefighters Memorial and, before we will add the names of 101 firefighters from 38 States who were killed in the line of duty in the year 2000. In one 120-minute period, we lost three and half times as many firefighters and emergency response personnel and police as we lost in all of 2000. That is the magnitude of what happened on September 11.

Madam Speaker, there was a newspaper ad in today's paper, and it said, "The True Badges of Courage. We have all heard about the Red Badge of Courage. We have all heard it said, "that is a badge of courage." The true badges of courage are those worn by our police personnel, those worn by our fire personnel, and those worn by our emergency medical response teams. These men and women who died last year may not have died in a terrorist incident, but their sacrifice is equally great and equally tragic. This resolution honors them and those that will follow, and I urge all of my colleagues to support the measure.

Now, Madam Speaker, let me add this. The gentleman from New Jersey
Mr. WELDON of Pennsylvania. Madam Speaker, I thank my colleague for yielding me this time and would now tell him that I am the proud owner of my third Dalmation. He has two; I now have three. So we are part of the Dalmation Clan.

I rise in strong support of this legislation, Madam Speaker. We have to ask the basic question: Who are the firefighters? We think they are the people that put out the fires. They are older than the country itself. The first fire department was formed 250 years ago. They are in every community, 32,000 departments. But they do not just fight the fires. They are the first in on the floods, the hurricanes, the tornadoes, and the earthquakes. They rescue the cats in the trees. They pump the cellars out when they are flooded. When a child is lost, they are the first ones to organize a search party.

The places where they work are where the Boy Scout troops meet and the Girl Scout troops meet. It is where you vote on election day. They organize the parades, the July 4 celebrations. They are the heart and soul of America. There is no single group of people in this country, none, that does what our firefighters do. Eighty-five percent of them are volunteers. Imagine, Madam Speaker, having our police department hold a chicken dinner to raise the money to buy a police car. Imagine asking our highway department to have a tag day to buy the garbage truck. Yet, all across America, fire departments, many of them volunteer, go out and scrape to raise the dollars to protect their towns.

They are now being asked to deal with unbelievable disasters. The World Trade Center is the epitome of what can occur, but they were there. I was on the scene Friday when it happened. I was talking to the head of the local volunteer fire department and he told me that the national president, Harold Schaitberger. They said firefighters have made it to the 80th floor to rescue people coming down.

The least we can do is to have our country pay tribute to them. The least we can do is what my colleague said and start to fund them at somewhere near the level that our military and police officers get. Our military gets $300 billion a year. Our police officers get $4 billion. Our firefighters get $100 million for the first time this year. We can do better.

I support this legislation. I congratulate my good friend and colleague and the chairman of the committee. I ask my colleagues to vote for the flag but vote for the support of our America's heroes, our fire and EMS personnel.

Mrs. MORELLA. Madam Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mr. CASTLE of Delaware. Madam Speaker, I thank my colleagues to vote for this bill to the floor. Madam Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her leadership.

I certainly want to rise in strong support of memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

As a member of the Dalmation Caucus, I would like to commend the gentleman from Delaware (Mr. CASTLE) for introducing this legislation, which I hope will have unanimous support of this House. These brave men and women have given the ultimate sacrifice in answering the call to help.

Yesterday, with some other Members of the House, I visited New York City and saw ground zero for the first time. It is indeed ground zero. The devastation of what more than 3,000 people have been envisioned, and I know I will never forget what I saw there.

What is even more indelibly stamped in my mind is the obvious evidence of heroism that has taken place at that tragic site. All kinds of heroisms made by firefighters and rescue workers in the moments after the planes first struck the towers. But they have continued to compromise their safety since September 11 while searching the Trade Center for survivors and in aiding in the monumental clean-up efforts.

Words cannot express our gratitude for their hard work and their sacrifice during these difficult times. As a matter of fact, 343 of these firefighters became victims themselves.

The bravery that New York has demonstrated during these times is also occurring here in the Washington, D.C. area. Firefighters, police, and other rescue workers have been working at the Pentagon to support our Nation's recovery efforts. I visited with rescue workers there shortly after the terrible tragic event occurred and noted their search for potential survivors of the terrorist attacks. The courageous workers at the Pentagon, and I want to single out the Montgomery County, Maryland, Urban Search and Rescue Team, 70 strong, like the rescue workers in New York, demonstrated selfless acts of heroism and searched for survivors of the tragedy.

All of these rescue workers during this tragedy, like all firefighters and rescue workers before and since, endure the shock, sadness and loss that we all feel from witnessing horrific events. However, they preserve, through the experience, working hard to meet the needs of our neighbors and friends who have been personally impacted by devastating events, such as the attacks on September 11. They persevere. We should certainly give them credit.

This gesture of memorializing fallen firefighters by lowering the American flag to half-staff is an appropriate thing for us to do; but, my colleagues, as we vote on this resolution, I trust that we will also commit ourselves to, at a minimum, adding $50 million as we consider the VA-HUD appropriations bill. We need not only to add the 50 million additional dollars that were put in the Senate bill to get that fund to $150 million, but we are authorized at $300 million.

The firefighters and emergency responders of America need better training and better equipment. We give billions of dollars to law enforcement through the country. It is right and proper that we do so. But we have seen a dramatic example of how critical the fire service and emergency medical response teams are in league with our law enforcement officials. My hope is that we will allocate funds to ensure that America can respond to terrorism or to other calamities, that we will empower our firefighting personnel and emergency response teams to do so with as much safety to themselves and much effectiveness on behalf of the safety of others as we can possibly do.

And so I rise in strong support of this resolution. And we ought to salute that flag when we see it at half-staff and remember those who have fallen as they responded to the call to save lives, providing them with unbelievable disasters. The World Trade Center is the epitome of what can occur, but they were there. I was on the scene Friday when it happened. I was talking to the head of the local volunteer fire department and he told me that the national president, Harold Schaitberger. They said firefighters have made it to the 80th floor to rescue people coming down.

This is a dramatic example of how critical the firefighters are. They are now being asked to deal with unbelievable disasters. The World Trade Center is the epitome of what can occur, but they were there. I was on the scene Friday when it happened. I was talking to the head of the local volunteer fire department and he told me that the national president, Harold Schaitberger. They said firefighters have made it to the 80th floor to rescue people coming down.

The least we can do is to have our country pay tribute to them. The least we can do is what my colleague said and start to fund them at somewhere near the level that our military and police officers get. Our military gets $300 billion a year. Our police officers get $4 billion. Our firefighters get $100 million for the first time this year. We can do better.

I support this legislation. I congratulate my good friend and colleague and the chairman of the committee. I ask my colleagues to vote for the flag but vote for the support of our America's heroes, our fire and EMS personnel.

Mr. WELDON of Pennsylvania. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON), who was a fire chief before his election to Congress and who, together with me, are the only Members of Congress that own Dalmations, the firefighters' mascot.
flag to half-staff is an important way of honoring those individuals who have valiantly given the ultimate sacrifice to protect their neighbors. Therefore, I do urge all Members to support this legislation, to help to remember our fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Fighters Memorial Service in Emmitsburg, Maryland, and to remember them in our prayers.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. DAVIS), the ranking member of the Subcommittee on Civil Service and Agency Organization of the Committee on Government Reform.

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentlewoman for yielding me time.

I want to associate myself with the very passionate, pointed and eloquent remarks of all of those who have spoken.

It occurs to me, as it does all of us, that during and since September 11 when the terrorist attack took place, we have seen many indications of heroics. We have seen many people rise to the occasion. But, of course, firefighters at every occasion each and every day of their lives, whether there is a national crisis or not. They wake up in the morning, knowing that they are going to an uncertain future. I commend all of those who would pause, stop for a moment, and pay tribute to these men and women. It seems to me there is nothing less we could do than to make sure that there is adequate compensation and appropriated resources for their needs.

Finally, I remember a poem that I grew up listening to, “The Charge of the Light Brigade.” It seems to me that the words of that poem suggested that “Their’s not to reason why, their’s but to do and die... into the jaws of death... they rode.”

Madam Speaker, these men and women ride or walk each and every day into an uncertain future. They are to be commended, and I commend the author of this legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman for his eloquent support of this legislation; and finally say, firefighters appeared on September 11 at the World Trade Centers, Pentagon, and Somerset, Pennsylvania, as they appear in our neighborhoods around the Nation.

I thank the gentleman from Delaware (Mr. CASTLE) and his cosponsors for this legislation and associate myself with the remarks of the distinguished gentleman from Pennsylvania (Mr. WELDON) and the distinguished gentleman from Maryland (Mr. HOYER) and advocate for greater funding for the fire act. We must do no less, for whom we honor, our firefighters asked me about greater funding. I believe the tragic events of September 11, along with this very important legislation, refocuses on these valiant heroes who offer their lives every day. We must fund them at the maximum amount.

I ask support for H.J. Res. 42. Mr. SMITH of Michigan. Madam Speaker, I rise in strong support of H.J. Res. 42, which would require all federal office buildings to be lowered to half-staff in honor of the annual National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

H.J. Res. 42 recognizes the over 300 New York firefighters who gave their lives to save others during the terrorist attack on the World Trade Center. According to the International Association of Fire Fighters, more public safety officers were lost in the terrorist attack on the United States than any other single event in modern history.

What happened at the World Trade Center will live in our memories forever. We can be proud that at a time of great peril, New York’s firefighters answered the call. They conducted themselves with a selflessness and dedication that does credit to themselves, their city, and their country.

This resolution also recognizes the heroic firefighters in every small town and suburb and big city across America who gave their lives. Last year in Michigan alone, four firefighters died in duty-related incidents. Each of these deaths is a tragedy for family, friends, and community.

I will not forget their sacrifice, and neither will America. This resolution honors all those who gave their lives to protect their communities. I urge my colleagues to support it.

Mr. GILMAN. Madam Speaker, I rise in strong support of H.J. Res. 42, resolving that each year the American flags on U.S. Federal buildings will fly at half staff in memory of our Nation’s fallen firefighters.

As our Nation moves forward with steadfast resolve in the wake of the recent terrorist attacks, we remember the bravery and selfless sacrifices of all the men and women in uniform who rushed in to save their fellow citizens in emergency situations throughout the history of our great Nation. On average, our Nation loses 100 firefighters each year. Last year, over 300 firefighters who did not make it out of the World Trade Center building and countless others may have to pay the ultimate sacrifice.

Many more will follow proudly and courageously in this uncommon profession. Many more may have to pay the ultimate sacrifice. It is a small but proper tribute to these brave men and women. Madam Speaker, I urge our colleagues to fully support this important, timely bill.

Ms. CHRISTENSEN. Madam Speaker, certainly, nothing will memorialize the courageous and outstanding firefighters of this nation, more than the vivid pictures of them responding so selflessly, endangering and too often sacrificing their own lives to save those placed in peril by the terrorists actions of September 11th. Their heroism continues even today, and will be evident far into the future in their addressing of this tragedy as it is in the everyday lives of all Americans.

I am proud of the work of our Virgin Island firefighters, who have worked tirelessly and with inadequate and substandard equipment to protect the property and the lives of my constituents. That is why our offices worked so hard to bring them badly needed equipment and dollars. I thank FEMA for hearing our pleas, and providing close to $1 million to provide the tools they need to do the job they have committed themselves to.

We are deeply and forever indebted to the over 300 firefighters who did not make it out of the World Trade building and eventual debris alive. We are also indebted to their families. I also thank the VI firefighters for their raising funds for their families and traveling to New York City to offer support and help. We also today and this week remember all of our firefighters and women who have fallen in the line of duty.

As ranking member of the Subcommittee on Parks Recreation, and Public Lands I want to especially remember those who have given their lives in fighting fires in our nations parks and public lands, and in protecting them and neighboring properties.

So I gladly join my colleagues in support of H.J. Res. 42 memorializing fallen firefighters by lowering the American flag to half staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBERGER) that the House suspend the rules and pass the joint resolution, H.J.Res. 42, 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. SENSENBERGER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

HONORING CAL RIPKEN, JR.

Ms. MORELLA. Madam Speaker, I move to suspend the rules and agree to the resolution (H.R. 247) honoring Cal Ripken, Jr., for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to baseball, to the State of Maryland, and to the Nation.

The Clerk read the resolution as follows:

H. Res. 247

Whereas Cal Ripken, Jr., played in 2,632 consecutive Major League Baseball games...
and holds the all-time record for consecutive games played by a Major League player, shattering Lou Gehrig’s record of 2,130; whereas Ripken has over 5,000 career hits and ranks 5th on the all-time hit list; whereas Ripken is 1 of only 7 players to have 400 home runs and 3,000 hits in a career; whereas Ripken was an All-Star 19 times in his career, twice winning Most Valuable Player of the All-Star Game; whereas Ripken was named to Major League Baseball’s All-Century Team; whereas Ripken won 2 Golden Gloves and 2 Most Valuable Player awards; whereas Ripken played all 21 of his Major League seasons with the Baltimore Orioles, choosing to stay with his team in an era dominated by free agency; whereas at one point during his career with the Orioles, Ripken’s brother Bill Ripken was also playing for the team, and his father, Cal Ripken, Sr., was managing; whereas Ripken has been a model citizen for Harford County, Maryland, and the Baltimore City metropolitan area while contributing millions of dollars and countless hours to community projects; whereas Ripken and his wife Kelly have led the way in projects ranging from battling illiteracy to helping inner-city youth through various foundations, including the Kelly and Cal Ripken, Jr., Foundation, the Ripken Institute, the Ripken Reading Center, and the Reading, Runs, and Ripken program; and whereas Ripken has pledged $9,000,000 for the construction of a baseball facility in Harford County, Maryland, which includes 6 baseball fields, recreational facilities, and dormitories. Now, therefore, be it

Resolved by the House of Representatives in the One Hundred Sixth Congress of the United States of America, in the City of Washington, this 2nd day of October, two thousand and one:

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mrs. MORELLA) and the gentleman from California (Mr. WAXMAN); and the gentleman from Illinois (Mr. DAVIS), the chairman of the Subcommittee on Civil Service, the gentleman from Florida (Mr. WELDON); the gentleman from California (Mr. WAXMAN); and the gentleman from Illinois (Mr. DAVIS), the ranking members respectively on the Committee on Government Reform and the Subcommittee on Civil Service for expediting consideration of this measure.

Madam Speaker, I urge all Members of the House to support House Resolution 247.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I am sure that there are those who would want to ask the question, given the circumstances of our time and our being, why are we taking time to honor athletes? Why are we taking time to tell people about individuals who have hero status that are not necessarily related to September 11? There is no question that the individuals we honor, such as Cal Ripken, represent the essence of what is good and wholesome in our Nation, the essence of courage, endurance, of skill, the kind of courage, endurance and skill that can serve us well in any endeavor.

And Ripken holds the major league record for the most consecutive games played. On September 6, 1995, in the 14th season of his streak, Ripken surpassed the previous record of 2,130 consecutive games played which had been held by Lou Gehrig in 1939, and which, for many years, had seemed unbreakable. Ripken’s streak of 2,632 consecutive games over nearly 17 seasons ended on September 20, 1998, when he was asked to be taken out of the starting lineup for the first time, due to an injury, and the American League Gold Glove was awarded for the 10th time in his career.

And although he was considered unbreakable, Ripken’s streak of 2,632 consecutive games over nearly 17 seasons ended on September 20, 1998, when he was asked to be taken out of the starting lineup for the first time, due to an injury, and the American League Gold Glove was awarded for the 10th time in his career.

And Ripken’s play in 1983 earned him the American League’s Most Valuable Player Award. Ripken’s baseball accomplishments are numerous. In 1984, he established an American League fielding record with 583 assists. Six years later, he set a single season record for fielding percentage by a shortstop when he registered a .996 mark in 1990, committing only three errors in 680 chances.

In 1991, when Ripken won the American League Most Valuable Player award for the second time, he had a .323 batting average with 34 home runs and 114 runs batted in during the season. That same year, he was also the Most Valuable Player of the All-Star Game and the American League Gold Glove winner for fielding at shortstop.

In 1997, Ripken moved from shortstop to third base. The change of position did not affect his streak. In 1998, Ripken continued at third base and led American league third basemen with a .979 fielding average. He was also voted to the All-Star Game for the 15th consecutive time.

Madam Speaker, I reserve the balance of my time.

Mrs. MORELLA. Madam Speaker, I am very pleased to yield 3 minutes to the gentleman from Maryland (Mr. EHRlich), the sponsor of this legislation.
Mr. EHRlich. Madam Speaker, I would like to thank the gentlewoman, my friend from Montgomery County, and thank her for the time.

We all just heard the records. It probably should be repeated: 2,632 consecutive games with no errors. 3,000 hits; 14th all time in hits; one of seven players to have 400 home runs and 3,000 hits in a career; American League Rookie of the Year in 1982; born, raised, bred and lives in the Second Congressional District, he lives and is truly that he grew up in the Second Congressional District. I know the gentlewoman from Maryland (Mr. CARDIN) who shares our pride in Cal's accomplishments. He is the best shortstop I have ever seen and a great athlete. Three errors in one season and all those chances, a .996 fielding percentage speaks for itself, an incredible athletic feat.

But I would like just a minute or two to talk about something outside the numbers, the statistics, the records, the legend, and, that is, what a role model is. It is an often abused term and abused term these days in this country, even prior to the events of 2 weeks ago. It is not correct in many contexts.

With regard to this man and this family and what they have meant to Aberdeen and Harford County and the metropolitan area and the State and the country and the national pastime, it is appropriate. He lives it every day. It is the way he conducts himself, like a pro, with the children and understanding the importance of giving back, as a professional athlete, the wealth of fame he has. Many do not give back. He does. Cal does. It is why he is the most popular athlete in America today.

He gives back in so many ways. He gives back with respect to literacy programs, helping kids, and $4 million for little leaguers to learn the game, learn it the right way, learn it the Ripken way, giving back to us, to make us better, giving back to our kids to make their lives better. That is what a real pro is about. That is what an American hero is truly all about.

I am really happy to join my colleagues today in honoring our friend and national hero, Cal Ripken.

Mr. DAVIS of Illinois. Madam Speaker, this Member rises in support of H. Res. 247, to honor, congratulate, and thank Cal Ripken.

In less than a week, Cal Ripken will conclude his remarkable baseball career and it's certainly appropriate to take this opportunity to recognize his contributions both on and off the field. Throughout his 21 years in the majors, Cal exemplified the highest possible level of sportsmanship. His constant dedication and unmatched work ethic earned him the respect and admiration of teammates, opponents, and millions of fans.

Quite simply, Cal knew the right formula for success. He combined a serious approach to the game's fundamentals with an infectious enthusiasm and sense of fun each time he went on the field. Cal's determination as well as his love of the game were obvious for all to see.

As the people of Maryland have enjoyed Cal's career and shown him unending support, Cal has been a strong community leader. As my colleague from Harford County pointed out, he and his family have given generously to many worthy projects and have led on many more, including the Baltimore Reads Ripken Learning Center and the Reading, Runs and Ripken programs. He has truly given back so much to our community in addition to what he does on the field.

With Cal's retirement from major league baseball, we look forward to his continued role as a leader in our community. Among other efforts, Ripken is building a major, new baseball facility in his hometown of Aberdeen, just north of Baltimore.

Madam Speaker, at a time when the sports news is often dominated by reports of labor unrest or athletes involved in unsavory behavior or owners running their team with no apparent regard for the feelings of loyal fans, Cal Ripken, Jr. has stood as a symbol of his goodness and his love for the game of baseball. For Cal, it has always been the game that matters the most. His dedication to the rhythms and rituals of the game, his commitment to doing a job he loved as well as he could, day in and day out, has served as an example to millions of Americans, and especially America's children, that we can admire and aspire to what he has done.

Madam Speaker, this weekend will be the end of an extraordinary career by Cal Ripken as he plays his last game at Camden Yards. His legacy will live on. He will serve as a model for future generations. I urge my colleagues to join me in celebrating the outstanding career of Cal Ripken, Jr.

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

After listening to all of the accomplishments of Cal Ripken, there is no wonder that we would take time to congratulate and honor him on his retirement.

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

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

I thank the gentleman for his comments and those that have been offered by all of those who have spoken on this particular issue. It is true that Cal Ripken wore the number 8 on his back but is number 1 in our hearts. We are very proud in Maryland of the record that he has set, of him as a role model, and we are very proud of him as Americans.

Mrs. BERRETER. Madam Speaker, this Member rises in support of H. Res. 247, to honor, congratulate, and thank Cal Ripken.

There are not many baseball players who are multi-talented. Cal Ripken is a perfect example of a player who is a multi-talented athlete.

Cal Ripken is a role model for all young athletes. He has always been a model for his school, his community, and his country.

Cal Ripken has set an example for all baseball players. He has shown that hard work and dedication can lead to success.

Cal Ripken is a true American hero. He has given back to his community and his country in many ways.

We are all proud of Cal Ripken and his accomplishments.

Therefore, I urge all Americans to join me in congratulating Cal Ripken and thanking him for all that he has done.

Madam Speaker, at the end of an extraordinary career by Cal Ripken, Jr. we must take time to congratulate and honor him on his retirement.

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

After listening to all of the accomplishments of Cal Ripken, there is no wonder that we would take time to congratulate and honor him on his retirement.

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

Mr. DAVIS of Illinois. Madam Speaker, this Member rises in support of H. Res. 247, to honor, congratulate, and thank Cal Ripken.

In less than a week, Cal Ripken will conclude his remarkable baseball career and it's certainly appropriate to take this opportunity to recognize his contributions both on and off the field. Throughout his 21 years in the majors, Cal exemplified the highest possible level of sportsmanship. His constant dedication and unmatched work ethic earned him the respect and admiration of teammates, opponents, and millions of fans.

Quite simply, Cal knew the right formula for success. He combined a serious approach to the game's fundamentals with an infectious enthusiasm and sense of fun each time he went on the field. Cal's determination as well as his love of the game were obvious for all to see.

As the people of Maryland have enjoyed Cal's career and shown him unending support, Cal has been a strong community leader. As my colleague from Harford County pointed out, he and his family have given generously to many worthy projects and have led on many more, including the Baltimore Reads Ripken Learning Center and the Reading, Runs and Ripken programs. He has truly given back so much to our community in addition to what he does on the field.

With Cal's retirement from major league baseball, we look forward to his continued role as a leader in our community. Among other efforts, Ripken is building a major, new baseball facility in his hometown of Aberdeen, just north of Baltimore.

Madam Speaker, at a time when the sports news is often dominated by reports of labor unrest or athletes involved in unsavory behavior or owners running their team with no apparent regard for the feelings of loyal fans, Cal Ripken, Jr. has stood as a symbol of his goodness and his love for the game of baseball. For Cal, it has always been the game that matters the most. His dedication to the rhythms and rituals of the game, his commitment to doing a job he loved as well as he could, day in and day out, has served as an example to millions of Americans, and especially America's children, that we can admire and aspire to what he has done.

Madam Speaker, this weekend will be the end of an extraordinary career by Cal Ripken as he plays his last game at Camden Yards. His legacy will live on. He will serve as a model for future generations. I urge my colleagues to join me in celebrating the outstanding career of Cal Ripken, Jr.
of consecutive games he played. It's a record that virtually everyone agrees will never be matched and it symbolizes an unequaled commitment to doing a job and doing it right.

Many of Cal's accomplishments can be quantified, but these numbers offer only a glimpse of his profound influence throughout baseball and society. He became a role model for children and adults alike who saw what can be done through preparation, hard work, and perseverance.

Cal Ripken's style of play appealed to fans on many different levels. The intense baseball fanatic admired his meticulous attention to detail and his dedication to doing a job and doing it right. The House of Representatives congratulates Tony Gwynn on the announcement of his retirement from the San Diego Padres and from Major League Baseball.

The Clerk read as follows:

H. Res. 198

Whereas Tony Gwynn has a lifetime batting average of .338, 15th on the all-time career leaders list, which includes baseball legends as Ty Cobb, Rogers Hornsby, and Tris Speaker;

Whereas Gwynn has 3,127 career hits, and only 16 players have more hits than Gwynn, including Ty Cobb, Hank Aaron, and Stan Musial;

Whereas Gwynn is the owner of eight Silver Bats for the eight batting titles he has won, tying him for the National League record with Honus Wagner, with only Ty Cobb of the American League having won more titles;

Whereas among the all-time Padres career leaders, Gwynn is first in batting average, hits, runs batted in, and runs;

Whereas Gwynn has not only proven to be a great hitter but a great defensive player, winning five Gold Glove awards;

Whereas Gwynn has been selected to 16 All-Star teams;

Whereas Gwynn has been selected to 16 All-Star teams;

Whereas Gwynn has played in two World Series, in 1984 and 1998;

Whereas, in an era when money dominates the game of baseball, Tony Gwynn chose to play in San Diego for the Padres when it was believed that he could have earned more money with another team in another city;

Whereas Gwynn has always conducted himself with dignity, and has been a role model for young people and for all Americans;

Whereas Gwynn has proven himself to be an active leader not only in the clubhouse but also in the community;

Whereas Gwynn has not only proven to be a great hitter but also a great defensive player, winning five Gold Glove awards.

Madam Speaker, Tony Gwynn has not only proven to be a great hitter but also a great defensive player, winning five Gold Glove awards. He has been selected to 16 All-Star teams and has played in two World Series, in 1984 and 1998.

Tony Gwynn epitomizes good sportsmanship, always conducting himself with dignity. He is a role model for young people, young athletes, and all Americans.

He is a leader not only in the clubhouse, but also in the community. He is a supporter of the Police Athletic League, the Casa de Amparo, the New Haven Home, the Jackie Robinson Family YMCA, the Epilepsy Society of San Diego, and many other philanthropic organizations. Additionally, Gwynn and his wife, Alicia, have established the Tony and Alicia Gwynn Foundation.
Tony has been recognized for his community involvement. He was named Individual of the Year at the 1998 Equal Opportunity Awards Dinner, was the 1995 Branch Rickey Award winner, and was the 1992 Padres nominee for Major League Baseball’s Roberto Clemente Man of the Year Award.

Madam Speaker, Tony Gwynn has been an asset to professional baseball and to his community. He has had an outstanding career; and on behalf of all Americans, I thank him for his contributions and the joy that he has brought to the sport of baseball. I want to wish him and his wife, Alicia, and his two children, Anthony II and Anisha Nicole, a very happy and fulfilling life together as Tony enjoys his retirement.

Madam Speaker, I want to take the opportunity to commend the distinguished gentlewoman from California for introducing House Resolution 198 and for her hard work in ensuring its passage.

I urge all Members to support H. Res. 198.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, when I was a child, my mother used to try and convince us to work by telling us that we should never rest until your good becomes better and your better becomes best.

Tony Gwynn is one of the best hitters in baseball history. Between 1984 and 1997, he won four consecutive batting titles, with averages better than .350. The left-handed outfielder became the first National League player in more than 70 years to accomplish this feat.

Gwynn’s eight total career batting titles tie him with Honus Wagner for second on the all-time list. Only Ty Cobb, with 12 career batting titles, has more.

Anthony Keith Gwynn was born in Los Angeles and educated at San Diego State University, where he played baseball and basketball. He was selected by the San Diego Padres of the National League in 1981 in the free agent draft. After playing in the minor leagues, he joined the Padres in 1983.

In 1984, Gwynn led the National League in batting with a .351 average and helped lead the Padres to the National League pennant. In 1987, Gwynn topped the league again, with a .370 average, the highest National League mark since Stan Musial hit .376 in 1948. Gwynn then led the league in batting for the next two seasons, with averages of .313 and .336.

He steadily won the batting title from 1990 to 1993, but he maintained his excellent hitting, registering averages of .309, .317, .317, and .358. In 1994, the Major League season ended in August because of a player strike, but Gwynn reclaimed the batting title by hitting .394 in the abbreviated campaign. This was the highest average in the major leagues since Ted Williams hit .406 in 1941.

Over the next three seasons, Gwynn extended his string of batting titles, batting .368 in 1995, .353 in 1996, and .372 in 1997. He became the first National League player to top .350 in five consecutive seasons since Rogers Hornsby achieved that feat in six straight campaigns from 1920 through 1925.

Although best known for his hitting, Gwynn was recognized for his fine fielding during several seasons and won five Gold Glove Awards as one of the best defensive outfielders in the National League in 1986, 1987, 1989, and 1991.

I congratulate the gentlewoman from California for introducing this resolution and would urge its support.

Mrs. MORELLA. Madam Speaker, I reserve my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from California, the author of this resolution.

Mrs. DAVIS of California. Mr. Speaker, I rise today in strong support of my resolution in congratulating and commemorating Tony Gwynn of the San Diego Padres upon his retirement from Major League Baseball. After 20 amazing seasons, Tony has decided to retire from the Padres and from baseball.

At San Diego State University, Tony was actually a basketball star, a game that he thought came more natural to him. But when basketball was not likely, Tony had to work hard at the game of baseball to get to the skill level he is at now.

Tony is living proof that if you work hard, you can achieve almost anything. Tony has studied the game, he has known that if you work hard enough, you can achieve almost anything.

In 1984, he took his team to the World Series.

After that season, Tony never hit below .300. He currently has a lifetime batting average of .338, which is fifteenth on the all-time career list, a list that includes Ty Cobb, Rogers Hornsby, and Tris Speaker.

Two years ago, Tony reached a coveted baseball milestone by getting his 3,000th hit. His career hit total now is 3,139; and he has got a game to go. So we are still counting.

While he has proven himself adept at hitting, Tony has proven himself also to be a great defensive player, winning five Gold Glove Awards. This year, Tony topped off a Hall of Fame career as an honorary player in the All-Star game.

As well as his leadership on the field, Tony has proven to be a leader off the field. He and his wife, Alicia, have been active in so many organizations in San Diego. Tony has been involved with dozens, such as his Tony and Alicia Gwynn Foundation. He has also lent his time to the San Diego Police Athletic League, the Tony Gwynn YMCA, and the Casa de Amparo, just to name a few of the organizations that he and his wife have been involved in.

And he was rewarded for his efforts. In 1998, Tony was named Individual of the Year at the Equal Opportunity Awards Dinner.

Throughout his career, Tony has been an example of good sportsmanship, having conducted himself with dignity. He has been such an exemplary role model for young people and for all Americans. Many people believe that Tony could have left the San Diego Padres to play in another city with another team for much more money than he was earning in San Diego. But he chose to stay. He chose to stay in San Diego for his love of San Diego and his love of San Diego, a rare act today.

On October 7 of this year, an era will come to an end in San Diego, the era of one of the greatest hitters in the game of baseball; the era of a San Diego sports icon; the era of Tony Gwynn.

It will be strange now to watch a San Diego Padres game and not see Tony come up to the plate in a clutch situation. Of course, we all expect him to get a hit.

Tony Gwynn has always been a staple of San Diego and is a true hometown hero. I hope my colleagues will join me in honoring a great baseball player and a great human being for his tremendous accomplishments.

Mrs. MORELLA. Mr. Speaker, I continue to reserve my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from Indiana, the author of this resolution.

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentlewoman from Illinois for yielding me time. I certainly also thank the honorable gentlewoman from Maryland for her kind words and for introducing this resolution and would urge its support.

Mr. Speaker, I am not going to be redundant, because there are so many wonderful accolades that we could give retiring Tony Gwynn in this hour. But in deference of time, let me just very briefly give honor to whom honor is due.

I have known Tony Gwynn; his wife, Alicia Gwynn; their son, Anthony II; and daughter, Anisha for many years. As a matter of fact, they have had dual residences. They have also property in Indianapolis, Indiana; and truly Alicia and Tony have been very generous to the community in Indianapolis, Indiana. They undergird the principle unto whom much is given, much is required.

Tony is fifteenth on the all-time hit list with over 3,130 hits. He won eight batting titles and is a 15-time All Star. He will join the baseball Hall of Fame on the first ballot. He is only the...
fifth National League player and seventeenth overall to play at least 20 seasons in the Major Leagues with one team.

In 1994, Tony hit for the highest average, .394, since Ted Williams hit above .400 in 1941.

Behind all these baseball achievements, Tony is a man who cares and supports the community. As we have heard from previous speakers, he has been acclaimed in so many ways. He was chosen as the Roberto Clemente Man of the Year Award, which recognizes the player who best combines sportsmanship and community involvement with excellence on the field. He is a man who has given back to his beloved community, San Diego. Tony and his wife, Alicia, established the Tony and Alicia Gwynn Foundation in 1994 to fund deserving local charitable organizations. He is also a leading participant in the Padres Scholars program that provides $125,000 per year in college and school scholarships to high school students. He is active in various other philanthropic organizations, including the Police Athletic League, Casa de Amparo, the New Haven Home and the Epilepsy Society of San Diego. For his work, Tony was named the 1999 Roberto Clemente Man of the Year, given annually to the Major League Baseball player who best exemplifies the character and the leadership of the Hall of Fame first baseman, both on the field and off. He has been inducted into the World Sport Humanitarian Hall of Fame in Boise, Idaho, and received the Branch Rickey Award as the top community activist in Major League baseball.

Mr. Speaker, if I was a publicist for Tony Gwynn, I think I would make it very simple and simply say “Gwynn wins,” because Tony Gwynn has won a place in the hearts of all of the sports enthusiasts across the country, across the world, and Tony Gwynn wins the hearts of all of the young people that he has touched and that he has been a wonderful example for throughout his lifetime.

As we celebrate America, let us celebrate an extraordinary American, Tony Gwynn, who stands for all that is right in America; a true sportsman, a man who exudes family values in the very highest sense. I am blessed to know the Gwynn family. I have won by knowing the Gwynn family.

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

Mr. Speaker, my mother probably just said it best when she said, good, better, and best. Never rest until your good becomes better and your better becomes best. Tony Gwynn was always among the best.

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

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

Mr. Speaker, there has been much said about the greatest major league hitters of all time. I am certain that Tony Gwynn will be mentioned with such greats as Roberto Clemente, Rod Carew, and Hank Aaron.

In 20 seasons, all with the San Diego Padres, Tony Gwynn has been the master of putting the ball into play. In the Padres 1998 National League Championship season, Tony had almost as many home runs as strikeouts, and struck out looking only three times. His hitting percentage in the season was .394. His batting average was .394. Mr. Speaker, let me tell you how amazing that is.

Tony has batted over .300 in 19 of those seasons and in the strike-shortened season of 1994, batted an amazing .394. His career batting average is an astounding .338.

Furthermore, off the baseball diamond, Tony has been a tremendous asset to the San Diego community. Tony, along with his wife Alicia, have given their time and effort in philanthropic causes. They don’t like to talk about community efforts, but the Gwynns are involved in more than two dozen organizations—San Diego Police Athletic Leagues, Sickle Cell Anemia Foundation, Padres Scholars, the Casa de Amparo, Neighborhood House, the Jackie Robinson Family YMCA to name a few—that benefit from his time, attention, and memorabilia. Tony Gwynn has no part of this. Tony stays late at events to sign autographs; he’s nice to young people; he’s nice to everybody. I hope my colleagues will join me in honoring this tremendous individual for his multitude of accomplishments. I want to submit for the RECORD a copy of a resolution that I introduced last Congress, and urge all my colleagues to support this resolution today.

Whereas Tony Gwynn was named the Individual of the Year at the 1998 Equal Opportunity Awards Dinner, was the 1998 Branch Rickey Award winner, and 1998 Padre nominee for Major League Baseball’s Roberto Clemente Man of the Year Award;

These days children often pay to get professional athletes’ autographs, picture, or signed memorabilia. Tony Gwynn has no part of this. Tony stays late at events to sign autographs; he’s nice to young people; he’s nice to everybody. I hope my colleagues will join me in honoring this tremendous individual for his multitude of accomplishments. I want to submit for the RECORD a copy of a resolution that I introduced last Congress, and urge all my colleagues to support this resolution today.

Whereas in 1998, Tony led all Padre players in community appearances and joined seven-time American League batting champion Rod Carew for a historic youth batting clinic in Culiacan, Mexico, in March 1998.

In 1998, Tony led all Padre players in community appearances and joined seven-time American League batting champion Rod Carew for a historic youth batting clinic in Culiacan, Mexico, in March 1998. In addition, Tony was named the Individual of the Year at the 1998 Equal Opportunity Awards Dinner.

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Whereas in 1998, Tony led all Padre players in community appearances and joined seven-time American League batting champion Rod Carew for a historic youth batting clinic in Culiacan, Mexico, in March 1998.
Resolved, That the House of Representatives congratulates and commends Tony Gwynn of the San Diego Padres for his amazing accomplishments on and off the baseball field, and thanks him for many years of unsurpassed baseball excitement.

Mr. HUNTER, Mr. Speaker, I want to commend the outstanding achievements of baseball great, Tony Gwynn, and give my full support to H. Res. 198, introduced by my San Diego colleague, SUSAN D. AVIS. Throughout his 20 year career as a professional baseball player with the San Diego Padres, Tony Gwynn has been a role model both on and off the field.

October 7th will mark the end of Tony Gwynn's professional baseball career as a player; a career played entirely in San Diego. Only 16 players in baseball history have played at least 20 seasons and spent their entire career with one team.

Throughout his remarkable career, the future Hall of Famer compiled a lifetime batting average of .338, gained over 3,000 hits (17th most in major league history), won 8 batting championships, 5 Gold Gloves, and is a 15-time National League All-Star. He currently leads all active players in career batting average, plate appearances, hits, and strikeout to walk ratio. He has 20 championship, 5 Gold Gloves, and is a 15-time National League All-Star. He currently leads all active players in career batting average, plate appearances, hits, and strikeout to walk ratio. He has 20 championship, 5 Gold Gloves, and is a 15-time National League All-Star. He currently leads all active players in career batting average, plate appearances, hits, and strikeout to walk ratio. He has 20 championship, 5 Gold Gloves, and is a 15-time National League All-Star. He currently leads all active players in career batting average, plate appearances, hits, and strikeout to walk ratio. He has 20 championship, 5 Gold Gloves, and is a 15-time National League All-Star. He currently leads all active players in career batting average, plate appearances, hits, and strikeout to walk ratio. He has 20 championship, 5 Gold Gloves, and is a 15-time National League All-Star. He currently leads all active players in career batting average, plate appearances, hits, and strikeout to walk ratio. He has 20 championship, 5 Gold Gloves, and is a 15-time National League All-Star. He currently leads all active players in career batting average, plate appearances, hits, and strikeout to walk ratio. 

Announcement by Committee on Rules Regarding Amendments to H.R. 2883, Intelligence Authorization Act for Fiscal Year 2002

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

Mr. Sessions. Mr. Speaker, a “Dear Colleague” letter has been sent to Members informing them that the Committee on Rules plans to meet at 2:30 p.m. on Wednesday, October 3, 2001, to grant a rule for the consideration of H. R. 2883, the Intelligence Authorization Act for fiscal year 2002. The Committee on Rules may grant a rule which would require that amendments be printed in the Congressional Record prior to their consideration on the floor.

The Committee on Intelligence filed its report on the bill on Wednesday, September 26. Members should draft their amendments to the bill as reported by the Committee on Intelligence.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

National Small Business Regulatory Assistance Act of 2001

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 203) to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes, as amended.

The Clerk read as follows:

H.R. 203

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 “National Small Business Regulatory Assistance Act of 2001”.

SECTION 2. PURPOSE.

The purpose of this Act is to establish a pilot program to—

(1) provide confidential assistance to small business concerns;

(2) provide small business concerns with the information necessary to improve their compliance with Federal and State regulations;

(3) create a partnership among Federal agencies to increase outreach efforts to small business concerns with respect to regulatory compliance;

(4) provide a mechanism for unbiased feedback to Federal agencies on the regulatory environment for small businesses concerning with respect to regulatory compliance; and

(5) utilize the service delivery network of Small Business Development Centers to improve access of small business concerns to programs to assist them with regulatory compliance.

SEC. 3. DEFINITIONS.

In this Act, the definitions set forth in section 302 of the Small Business Act (as added by section 4 of this Act) shall apply.

SEC. 4. SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.

The Small Business Act (15 U.S.C. 63 et seq.) is amended—

(1) by redesigning section 36 as section 37; and

(2) by inserting after section 35 the following new section:

SEC. 36. SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers.

(2) ASSOCIATION.—The term ‘Association’ means the association, established pursuant to section 25(a)(3)(A), representing a majority of Small Business Development Centers.

(3) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term ‘Participating Small Business Development Center’ means a Small Business Development Center participating in the pilot program.

(4) PILOT PROGRAM.—The term ‘pilot program’ means the pilot program established under this section.

(b) REGULATORY COMPLIANCE ASSISTANCE.—The term ‘regulatory compliance assistance’ means assistance provided by a Small Business Development Center to a small business concern to enable the concern to comply with Federal regulatory requirements.

(c) SMALL BUSINESS DEVELOPMENT CENTER.—The term ‘Small Business Development Center’ means a Small Business Development Center described in section 21.

(7) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(8) AUTHORITY.—In accordance with this section, the Administrator shall establish a pilot program to provide regulatory compliance assistance to small business concerns through participating Small Business Development Centers, the Association, and Federal compliance partnership programs.

(c) SMALL BUSINESS DEVELOPMENT CENTERS.

New.

In general.—In carrying out the pilot program, the Administrator shall enter into arrangements with participating Small Business Development Centers under which such centers will provide—

(A) access to information and resources, including current Federal and State nonprescriptive compliance and technical assistance programs established under section 307 of the Clean Air Act Amendments of 1990;

(B) training and educational activities;

(C) confidential, free-of-charge, one-on-one, in-depth counseling to the owners and operators of small business concerns regarding compliance with Federal and State regulations, provided that such counseling is not considered to be the practice of law in a State in which a Small Business Development Center is located or in which such counseling is conducted;

(D) technical assistance; and

(E) referrals to experts and other providers of compliance assistance who meet such standards for educational, technical, and professional competency as are established by the Administrator.

(2) REPORTS.—

(A) IN GENERAL.—Each participating Small Business Development Center shall transmit to the Administrator a quarterly report that includes—

1545
Any data and information obtained by the center shall be used for regulatory compliance that the agency intends to be disseminated to small business concerns.

(B) ELECTRONIC FORM.—Each report referred to in paragraph (A) shall be transmitted in electronic form.

(C) INTERIM REPORTS.—During any time period falling between the tranmittal of quarterly reports, a participating Small Business Development Center may transmit to the Administrator any interim report containing data or information considered by the center to be necessary or useful.

(D) LIMITATION ON DISCLOSURE REQUIREMENTS.—The Administrator may not require a Small Business Development Center to disclose the name or address of any small business concern that received or is receiving assistance under the pilot program, except that the Administrator shall require such disclosure if ordered to do so by a court in any civil or criminal enforcement action commenced by a Federal or State agency.

(E) DATA REPOSITORY AND CLEARING-HOUSE.—

(1) IN GENERAL.—In carrying out the pilot program, the Administrator shall—

(A) establish and maintain a clearing-house for data and information submitted by Small Business Development Centers; and

(B) transmit to the President and to the Committees on Small Business of the Senate and the House of Representatives an annual report that includes—

(i) a description of the types of assistance provided by participating Small Business Development Centers under the pilot program;

(ii) data regarding the number of small business concerns that consulted participating Small Business Development Centers regarding assistance under the pilot program;

(iii) data regarding the number of small business concerns assisted by participating Small Business Development Centers under the pilot program;

(iv) data and information regarding outreach activities conducted by participating Small Business Development Centers under the pilot program, including any activities conducted in partnership with Federal agencies;

(v) information regarding each State program that the Administrator designates to be included as a pilot program;

(vi) any recommendations for improvements in the regulation of small business concerns; and

(vii) a list of regulations identified by the Administrator, after consultation with the Small Business and Agriculture Regulatory Enforcement Ombudsman, that best meet burdens on small business concerns, and recommendations to reduce or eliminate the burdens of such regulations.

(2) ELIGIBILITY.—

(1) IN GENERAL.—A Small Business Development Center shall be eligible to receive assistance under the pilot program only if the center is considered by the center to be necessary or useful. The Administrator may transmit to the Administrator any interim report containing data or information considered by the center to be necessary or useful.

(2) EFFECTIVE DATE.—This subsection shall take effect on October 1, 2001.

(SELECTION OF PARTICIPATING STATE PROGRAMS.)

(1) IN GENERAL.—In consultation with the Association and giving substantial weight to the Association’s recommendations, the Administrator shall select the Small Business Development Center programs of 2 States from each of the following groups of States to participate in the pilot program established by this section:

(A) Group 1: Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(B) Group 2: New York, New Jersey, Puerto Rico, and the Virgin Islands.

(C) Group 3: Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(D) Group 4: Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(E) Group 5: Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(F) Group 6: Texas, New Mexico, Arkansas, Oklahoma, and West Virginia.

(G) Group 7: Missouri, Iowa, Nebraska, and Kansas.

(H) Group 8: Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(I) Group 9: California, Guam, Hawaii, Nevada, and Arizona.


(K) Group 11: New Hampshire, Vermont, Maine, and Rhode Island.

(L) Group 12: Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.


(N) Group 14: Texas, New Mexico, Arkansas, Oklahoma, and West Virginia.

(O) Group 15: Missouri, Iowa, Nebraska, and Kansas.


(Q) Group 17: California, Guam, Hawaii, Nevada, and Arizona.


(S) Group 19: Delaware, Maryland, and Washington, D.C.


(2) MEETINGS.—The Administrator shall meet with the representatives of the associations of small business concerns and the National Small Business Development Center Council to select the Small Business Development Centers participating in the pilot program, including any activities conducted in partnership with Federal agencies.

(3) EVALUATION AND REPORT.—After providing notice and an opportunity for comment and after discussing with the Small Business Development Center Council, the Administrator shall promulgate final regulations to carry out this section in the fiscal year shall be $200,000. Under this section (f) for the fiscal year.

(5) PROMULGATION OF REGULATIONS.—After providing notice and an opportunity for comment, the Administrator may issue regulations to establish standards for requiring disclosures during a financial audit under subparagraph (A)(ii).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentleman from New York (Ms. VELAZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

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

This legislation is supported on both sides of the aisle as an example of how Republicans and Democrats can work together in the interests of small business and the Nation as a whole. The gentleman from New York (Mr. SWEENEY) is the principal author of the legislation, and I commend him for his hard work in shepherding this bill.

The bill is designed to help small businesses cope with the maze of Federal, State, and local regulations that have created such a heavy monetary and time-consuming burden for Main Street, America. Every day, we all receive complaints from our constituents about the inability to understand regulations that are written in legalese rather than plain English, and about arbitrary actions taken by some regulatory agencies.

The bill establishes a pilot program to provide regulatory compliance assistance to small businesses. We will keep a watchful eye on whether the pilot program is accomplishing the objective of helping small businesses cope with regulations.

The bill requires that the Congress receive a progress report annually on the pilot program’s accomplishments.
The General Accounting Office is also required to provide a program of evaluation to Congress no later than 3 years after the pilot program is established.

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

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

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

Ms. VELAZQUEZ. Mr. Speaker, in today's business environment, one of the greatest obstacles blocking the path to prosperity for this nation's small businesses is regulatory compliance. Small businesses regularly find themselves lost in a maze of Federal regulations that are designed to create safer and healthier workplaces. In fact, a recent poll ranked regulatory burdens as the seventh biggest concern for small businesses, and the Small Business Administration estimates those burdens cost up to $5,100 per employee.

Small firms are less equipped to deal with regulations than large corporations. Business owners want to comply with regulations because they know that a safe and healthy workplace environment makes them more productive. But often, they do not know how to comply or where they should start.

Today, we take a big step in supporting our nation's small businesses navigate the regulatory process with the passage of the National Small Business Regulatory Assistance Act. This legislation establishes a 3-year pilot program to provide confidential and nonpunitive advice to small businesses that are trying to weather a storm of complex Federal regulations.

Business owners sometimes fear approaching agencies for compliance assistance because they are the very agencies charged with enforcement. They worry, can I talk about OSHA requirements with the Department of Labor? Can I discuss environmental regulations with the EPA?

By creating a compliance program through the SBDC national network, we will provide a neutral, nonthreatening environment which small business owners may use to get important information and advice without fear of retaliation. The SBDCs already have a good reputation for aiding local enterprises. Now the legislation creates a one-stop shop for regulatory compliance that will help small business owners who want to do the right thing to do the right thing.

In addition, this legislation will establish a database clearinghouse for information generated by the SBDC based on their interaction with local businesses. This data would be useful in further identifying the compliance needs of small businesses and tailoring assistance.

But while SBDCs provide more compliance assistance and gather more information, we must ensure that the sensitive information brought forward by small businesses is kept absolutely confidential. This legislation guarantees privacy for those who receive compliance assistance and extends this protection to all small businesses that seek any assistance from their local SBDC. This legislation bars the sharing of information that collects on a business with any third party or agency. This will guarantee that small businesses receive the assistance they need in complete confidence and privacy.

Mr. Speaker, we want all our businesses to comply with the regulations that preserve the health, environment, and well-being of our workers and our communities; but oftentimes, small businesses do not have access to the resources they need if they want to comply with regulations in good faith. With the adoption of this legislation, we are giving small businesses the support they need to navigate the often-complicated arm of Federal regulations.

In closing, let me thank the gentleman from New York (Mr. Sweeney), my colleague, for this bill. I strongly urge the adoption of this legislation.

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

Mr. MANZULLO. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from New York (Mr. Sweeney), the author of this legislation.

Mr. SWEENEY. Mr. Speaker, first, let me begin by thanking the chairman and the ranking member for the opportunity to speak on behalf of my bill and for their diligence and their effort and their patience in working with me in introducing this bill.

Mr. Speaker, for nearly 25 years, Congress has recognized that small businesses face substantial regulatory burdens. The Small Business Regulatory Enforcement Fairness Act recognized the value of a pilot program. Within the pilot program, the act would require Federal agencies to prepare plain-English compliance guides when issuing new regulations that would have a significant economic impact on a substantial number of small business entities.

The act simply represents a start in providing regulatory assistance to small businesses; and as a former member of the Small Business Administration, I have a vested interest in maintaining the success of small business and will continue to build upon this foundation with this bill.

Unfortunately, there exists a multitude of regulations that small businesses find difficult to understand, let alone comply with. We know that the vast majority of small business owners are honest, hard-working people who want to do the right thing. Clearly, this bill is an effort to help these small business owners.

Mr. Speaker, it is highly unlikely that my colleagues or their staffs or even the committee staffs read the Federal registry on a daily basis; yet that is what Government asks small business owners to do in order to determine which regulations affect them and what they must do to comply.

Let me give an example. The proposed regulation to prevent ergonomic injuries was just in pages long. However, OSHA admitted that 11 pages were not self-explanatory and that determining the best method of complying would have required a small business owner to wade through nearly 1,500 pages of supplemental explanation and economic analysis.

In the spirit of helping these entrepreneurs, I have reintroduced the National Small Business Regulatory Assistance Act, H.R. 203. This legislation would assist small businesses in successfully finding their way through the maze of regulations that have proliferated in recent decades.

After a great deal of effort and energy during the last Congress, we breathed new life into what began as an outstanding initiative but, unfortunately, had little prospects for implementation. This new and improved legislation has a proven record of support. On September 26, 2000, the House passed the previous version of the National Small Business Regulatory Assistance Act by voice vote. The differences between H.R. 203 and the bill that passed under suspension last year are minor and I believe constitute necessary improvements. Whether the House is making an authorization of funds to ensure that the pilot project does not detract from the important role played by SBDC.

Mr. Speaker, H.R. 203 would amend the Small Business Act to establish a pilot program in 20 States. The administrator, in consultation with the National Association of Small Business Development Centers, would select two States from each of the 10 Federal regions.

In the pilot program, small business development centers would develop partnerships with Federal agencies and be a point of contact for small businesses to turn to for free-of-charge confidential advice concerning regulatory issues. I would expect that these consultations will take place with those individuals who have experience and expertise in a particular area of regulatory compliance.

To continually track progress and submit reports, the Small Business Administration is required to submit regular reports on the assistance provided by the centers to the Small Business Administration. The SBA would, in turn, maintain a clearinghouse of all the information submitted and reports to the President, the House and the Senate small business committees.

In addition, the General Accounting Office would conduct a study of the pilot programs' efficiencies in determining whether the programs should be expanded and/or modified. The reports submitted by the SBDC to the Small Business Administration will include a
H.R. 203 is not meant to replace current regulatory reporting compliance programs, but to supplement them. When relevant, participating SBDCs may refer businesses to existing regulatory compliance programs. H.R. 203 intends to take these successes and apply them nationwide to ensure small business has somewhere to turn for every regulatory concern with a Federal agency, not just those emanating from the EPA, OSHA, or the IRS.

An example: A wholesale auto salvage business in upstate New York is one such success story. The owner purchased his business unaware the soil was contaminated, having been a salvage yard for the previous 60 years. Unfortunately, he exhausted his funds with the cleanup and pending buyout of his partner.

With no place to turn and the possibility of losing his livelihood, he contacted the local SBDC for assistance in obtaining funds. The SBDC counselor was able to work with the New York State Department of Environmental Conservation liaison to agree to some type of remediation.

The result: After 40 hours of invested time and effort, the counselor was able to get the city to back away from its original threat to close his business. This business's inventory is now growing after a nearly terminal reduction to facilitate the cleanup, and cash flow figures are improving steadily.

All we know that compliance with Federal regulations remains one of the main hurdles confronting small business owners. These entrepreneurs are not seeking to evade the law. Due to the complexity of the regulatory process, they often simply do not know the right course of action.

Mr. Speaker, before being elected to Congress, I served as the Commissioner of Labor in New York. I know firsthand the difficulty that exists in trying to balance the needs of running a small business and maintaining a safe working environment.

While I was State Labor Commissioner, I instituted an exhaustive review process that evaluated nearly 150 rules and regulations, resulting in the elimination of 56 regulations. That represented a 30 percent reduction of out-dated, unnecessary, and redundant restrictions on New York’s businesses.

In addition, I implemented a directive for the Public Employee Safety and Health Program, PESH, which increased workplace compli-
ance. This proposal had three objectives: to educate employers and employees, to increase regulatory compliance rates, and to reduce what I considered a hidden tax on small businesses.

As a result of that approach that I have just described, in 1995, failure to abate notices, which inform an employer that it has not corrected a violation in a timely manner, numbered only 99 in the entire State of New York, down from 244 the previous year.

With government working cooperatively with employers and businesses in a non-threatening environment, compliance rates are proven to dramatically reduce workplace injuries and deaths are significantly reduced. This type of partnership is what is needed to assist our small businesses with navigating the maze of Federal Government regulations.

My legislation, H. R. 203, will forge a partnership among the regulatory agencies, the Small Business Administration, and the Small Business Development Centers for the purpose of helping small-sized companies comply with complex regulations, rather than resorting to heavy-handed enforcement activities.

Again, Mr. Speaker, I want to thank the gentleman from Illinois (Mr. MANZULLO) for all his efforts and all his support, and the ranking member, the gentlewoman from New York (Ms. VELAZQUEZ), a fellow New Yorker.

Mr. Speaker, this is a good government bill, and I urge the support of all my colleagues.

Ms. VELAZQUEZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Ms. CHRISTENSEN).

Mr. CHRISTENSEN. Mr. Speaker, I rise today in support of the two Committees on Small Business bills before us today, which are aimed at improving and expanding the extent and scope of services provided by the Small Business Administration’s Small Business Development Centers’ program, and encouraging entrepreneurship.

The SBDCs are the premier technical assistance providers to America’s entrepreneurs. Many small businesses often operate near or at their profit margin and do not have the resources to hire legal and technical experts.

The SBDC in my district, the U.S. Virgin Islands, as well as those across the Nation, are always looking for innovative and cost-efficient ways to improve their services to the small business community.

To counter the difficulty in meeting the regulatory burden, the House Committee on Small Business, under the leadership of our ranking member, the gentlewoman from New York (Ms. VELAZQUEZ), and our chairman, the gentleman from Illinois (Mr. MANZULLO), has held many hearings to examine the complex and wide web of regulations that small businesses are subjected to in the health care industry, through the Center for Medicare Services, formerly known as the Health Care Financing Agency.

The National Small Business Regulatory Assistance Act of 2000 would assist small businesses in handling their regulatory burden without the threat of sanctions for doing so. Without a doubt, small businesses need and would benefit from as much free technical assistance as Congress can provide available. As a matter of fact, it is only appropriate that we provide some relief from the regulatory morass that Congress is partly responsible for. The SBDCs provide businesses that receive technical assistance are twice as likely to succeed in the marketplace as those which do not. H.R. 203 would utilize the existing SBDC network to provide free counseling, training, and education on the intricacies of Federal regulations.

The second bill that will be before us, establishing a national vocational entrepreneurship development demonstration program is a great approach to encouraging individuals to start their small businesses. The Vocational and Technical Entrepreneurship Act would allow the SBDCs to work with colleges and vocational schools. Learning to start and run your own business is a very important trade, and many who work in the trade sector enter these professions with the goal of one day starting their own business.

This initiative would develop a program that guides and provides training for future skilled workers, many of whom would begin working in other companies to obtain the skills necessary to start a business of their own.

Mr. Speaker, today, in the face of the tragedy which struck this country 3 weeks ago and its long-term and far-reaching impact, help for our small businesses is needed more than ever. I applaud and thank the gentleman from New York (Mr. SWEENEY) and the gentleman from Pennsylvania (Mr. BRADY) for H.R. 203, and Mr. Udall for H.R. 2666, as well as thank and applaud the leadership of the chairman, the gentleman from Illinois (Mr. MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELAZQUEZ), for their leadership on these two bills. I also thank the entire committee.

This would send a clear message that we intend to improve and expand the scope of SBDCs in providing needed comprehensive free and confidential services, and that we will continue to improve this, and to make help more available to our small businesses across the country.

I urge my colleagues to join me in supporting this bill, H.R. 203, and the next bill, H.R. 296.
CONGRESSIONAL RECORD—HOUSE

October 2, 2001

Mr. MANZULLO. Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from Indiana (Mr. PENCE), chairman of the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business.

Mr. PENCE. Mr. Speaker, I thank the gentleman and the chairman of the Committee on Small Business for yielding time to me, and for sponsoring this important bill, which I believe will help small businesses all across America.

I am also grateful to all of my colleagues for the support for the amendment which I offered to this legislation in committee. I believe this bill represents very important changes in the way our government assists small business owners, entrepreneurs, and risk-takers in our economy.

As chairman of the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business, I held a roundtable earlier this year to hear from dozens of national trade and industry groups that represent small businesses in America.

These groups raised concerns about a wide variety of regulations. Yet, they all had one overarching concern, Mr. Speaker, that small business owners are being deluged by complex, often arcane Federal regulations that they are unaware of until a representative of the Federal agency walks through the door and hands them a citation.

The situation engenders distrust from the Federal regulatory apparatus because businesses perceive that the Federal government is not there to help, but instead, to play the game of “gotcha.” That “gotcha” mentality is not good government. Small business owners want to comply with Federal regulations.

The agencies have even conceded that more than 90 percent of all businesses are doing their level best to comply. However, in order to do so, they must first know that the regulations apply to them. This is a necessary precondition. However, given the complexity and scope of the CFR, it is an impossible task for all business owners to be an expert on these myriad regulations, or even begin to understand what must be done in compliance.

When we pass laws here, we expect them to be followed. When Federal agencies promulgate regulations, they expect them to be followed. However, if the Federal Government does not provide a mechanism for advising small businesses on how to comply, then Federal regulations will not be followed and the goal we seek will not be met.

H.R. 203, Mr. Speaker, provides that mechanism to assist small business owners. Small Business Development Centers already exist to provide assistance to small business owners in the operation of their businesses. Small business owners come to SBDCs to help start or grow a business. At that time, the centers would also provide information on regulatory compliance. Since these centers are located at colleges and universities throughout States that will be part of the pilot project, small business owners should have easy access to regulatory compliance and assistance from these centers.

Despite what some stereotypes may suggest, Mr. Speaker, small business owners want to obey the law. They want to comply with Federal regulations. H.R. 203, finally and lastly, gives them the means to do just that. That is why I heartily endorse this bill, and I urge all of my colleagues to support this reform measure.

Mr. Speaker, I thank the gentleman from Illinois (Chairman MANZULLO) for his outstanding leadership, as well as the ranking member from New York (Ms. VELAZQUEZ), for her outstanding leadership, and for the bipartisan efforts on the part of both of these great members in moving this legislation out of the Committee on Small Business.

Finally, I would like to thank the author of this legislation, the gentleman from New York (Mr. SWEENEY) and the gentleman from Pennsylvania (Mr. BRADY) for their work in bringing this important idea into the laws of our land.

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

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

The SPEAKER pro tempore (Mr. BRADY) for their work in bringing this important idea into the laws of our land.

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

Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO) and the gentleman from New York (Ms. VELAZQUEZ) each will control 20 minutes.

VOCATIONAL AND TECHNICAL ENTREPRENEURSHIP DEVELOPMENT ACT OF 2001

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2666) to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational annual technical entrepreneurship development program, as amended.

The Clerk read as follows:

H.R. 2666
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 “Vocational and Technical Entrepreneurship Development Act of 2001”.

SEC. 2. VOCATIONAL AND TECHNICAL ENTREPRENEURSHIP DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 36 as section 37; and

(2) by inserting after section 35 the following new sections:

“SEC. 36. VOCATIONAL AND TECHNICAL ENTREPRENEURSHIP DEVELOPMENT PROGRAM.

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Small Business Administration.

“(2) ASSOCIATION.—The term ‘Association’ means the association of small business development centers recognized under section 21(a)(3)(A).

“(3) PROGRAM.—The term ‘Program’ means the program established under subsection (b).

“(4) SMALL BUSINESS DEVELOPMENT CENTER.—The term ‘small business development center’ means a small business development center described in section 21.

“(5) STATE SMALL BUSINESS DEVELOPMENT CENTER.—The term ‘State small business development center’ means a small business development center from each State selected by the Administrator, in consultation with the Association and giving substantial weight to the Association’s recommendations, to carry out the program on a statewide basis in each State.

“(b) ESTABLISHMENT.—In accordance with the program requirements under this Act, the Administrator shall make grants to State small business development centers to enable such centers to provide, on a statewide basis, technical assistance to secondary schools, or to postsecondary vocational or technical schools, for the development and implementation of curricula designed to promote vocational and technical entrepreneurship.

“(c) MINIMUM GRANT.—The Administrator may make no grant under the program for an amount less than $200,000.

“(d) APPLICATION.—Each State small business development center seeking a grant under this Act shall submit an application to the Administrator in such form as the Administrator may require. The application shall be subject to the approval of the Administrator.

“(e) REPORT TO ADMINISTRATOR.—The Administrator shall make a condition of each grant under this Act that not later than 18 months after the grant is made, the grantee shall transmit to the Administrator a report describing how the grant funds were used.

“(f) COOPERATIVE AGREEMENTS AND CONTRACTS.—The Administrator may enter into a cooperative agreement or contract with any State small business development center receiving a grant under this section to provide additional assistance that furthers the purposes of this section.

“(g) EVALUATION OF PROGRAM.—Not later than March 31, 2004, the Administrator shall submit a report to Congress containing an evaluation of the program.

“(h) CLEARINGHOUSE.—The Association shall act as a clearinghouse for information and expertise regarding vocational and technical entrepreneurship. The Association shall provide additional assistance to the Association to carry out the functions described in this subsection.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for this section $7,000,000 for each of fiscal years 2002, 2003, and 2004. Such sums shall remain available until expended.”
The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

General Leave

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks in their floor material on this legislation.

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

There was no objection.

Mr. Speaker, I yield such time as he may consume.

Mr. Speaker, the purpose of H.R. 2666 is to provide entrepreneurial assistance to persons with vocational and technical skills to help them own and operate their own businesses, rather than being employees of companies in which they have no direct ownership interest.

A further and equally important purpose of the Act is to stimulate economic activity to create new job opportunities and to help tradesmen and tradeswomen realize the full potential of the free enterprise system.

Many persons within the United States have technical or vocational skills, but do not have business experience and need help. Let us not forget them, and help them succeed in the small business community. Currently, small businesses employ mechanics, technicians, carpenters, plumbers, machinists, and draftsmen. However, the Act is needed to provide the essential training in business consistently necessary for these skilled workers to start their own businesses, to survive in the business world, and to grow.

In providing these needed services, the Act relies upon the present infrastructure of the Small Business Development Centers, which are proven by past performance to deliver services that greatly enhance the chances of a small business surviving as compared with those who do not receive such assistance.

The present global economy requires that this Nation remain as a competitor. Fostering the growth of small business, as it is anticipated this Act will do, is another building block in strengthening our international competitiveness.

The Act establishes a 3-year pilot program providing Small Business Administration grants to Small Business Development Centers for technical assistance to secondary schools and postsecondary vocational and technical schools. It also aims to develop and implement curricula to promote vocational and technical entrepreneurship.

The grant applicant must outline its program and report the results of this evaluation to Congress.

Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would like to take the time to thank the gentleman from Illinois (Chairman MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), of the Committee on Small Business, as well as the committee staff, for the hard work he has put in as the author of this legislation. I urge my colleagues to support H.R. 2666.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield as much time as she might consume to the gentlewoman from New York (Ms. VELÁZQUEZ), ranking member of the Committee on Small Business.

Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.

Ms. VELÁZQUEZ. Mr. Speaker, I want to thank my friend, the gentleman from Pennsylvania (Mr. BRADY), for producing this innovative legislation.

At the core of H.R. 2666, The Vocational and Technical Entrepreneurship Development Act is a great idea. Start with two of the most powerful forces for productivity and innovation in the American economy, join them, and then harness their combined energy.

This bill will join the productive powers of a skilled workforce with the innovation of entrepreneurship. This act will help develop a curriculum that will help these workers get the training they need to build and grow their own small business.

There are many skilled workers out there who see a demand for more of this field. They may be working for shops that have to turn away new jobs. So they decide to start their own business to meet that demand, but in many cases, they do not know where to start. Starting your own business is complex and requires new skills, skills that can be taught and learned. It is even more important now as we enter less certain times that we harness the talent and energy of this entrepreneurial class.

Small business forms the backbone of our communities and our economy. In the past decade, small businesses realized unprecedented growth and job creation. We want to spur even more growth in this untapped market sector of our economy at a time when we really need it.

The gentleman from Pennsylvania's (Mr. BRADY) bill will do just that by by
joining the innovation of entrepreneurship with the hard work of skilled labor. Combined, they build a new strong force for our economy.

I urge my colleagues to support this legislation.

Mr. Speaker, I rise today in support of H.R. 2666, the Vocational and Technical Entrepreneurship Development Act and would like to commend the gentleman from Pennsylvania, Mr. BRADY, for his proposal.

This initiative brings together two great traditions of American enterprise. First is our well-founded faith in hard work and skills as the sure way to a better life. Plumbers and carpenters, joiners and electricians, auto mechanics and computer technicians, they would all agree—you must have skills to succeed. We know that Americans work harder and smarter than anyone else in the world. Our families, communities and nation benefit from this hard work.

Mr. Speaker, there is another American tradition leading to a better life. That is entrepreneurship, taking the responsibility for their own business. It is a bedrock truth that these small businesses support half of our economy. More importantly, small businesses employ our skilled workers—our mechanics, technicians, electricians, and carpenters. Small businesses furnish half our jobs, and nearly half our gross domestic product. There is no boundary to what small business can do, and we want to help expand this limitless sector.

My colleague’s legislation would create a one-of-a-kind program that unites these two long-standing traditions by assisting vocational and technical students become entrepreneurs in addition to skilled workers. Many of today’s workers who participate in career training or vocational education, are not provided the entrepreneurial knowledge that can assist them to successfully grow and develop their own business venture. H.R. 2666 utilizes the existing network of small business development centers (SBDCs) to transfer their entrepreneurial expertise to students enrolled in secondary schools, or postsecondary vocational and technical schools. The purpose of the partnership is to develop a cohesive curriculum on starting and operating a successful business venture, thus assisting students in these institutions obtain the entrepreneurial knowledge they need to strike-out on their own. The curriculum will be offered to students in the classroom and in the workplace. In addition, the curriculum can be modified by the teacher to provide assistance that is relevant to the particular industry sectors for which the students are learning the skills. The local SBDC service center will also be available if students need further counseling or training during, or even after, their schooling.

SBDC counselors will play an important role during the initial development phase by assisting the teacher prepare and deliver the curriculum. After the initial assistance will not become permanent. I want to assure my fellow colleagues that SBDC resources will not be used to staff educational institutions. The purpose of H.R. 2666 is not to replace teachers with SBDC counselors, but to develop the curriculum that enables teachers to transfer the entrepreneurial knowledge to their students. It is important to differentiate the curriculum developed through the partnership from current classroom training sessions offered by SBDCs. These training sessions are offered after students present their ideas, and in no way should H.R. 2666 be construed to limit them.

H.R. 2666 will also increase the productivity and strength of the overall SBDC Program. By increasing the number of potential entrepreneurs, the number of potential SBDC clients increases. It also increases the effectiveness of current SBDC assistance by offering entrepreneurial knowledge during the learning phase and before the initial entrepreneurial phase. As students learn about their career or vocational training, students will have the basic tools and understanding that will make future SBDC assistance more efficient and productive, increasing the rate of successful start-ups.

In closing Mr. Speaker, by providing entrepreneurial knowledge at the same time workers are learning a specific trade skill, career opportunities are expanded. Students not only become more marketable in the workforce, but can become a small business owner. In addition, the local SBDC expands the local job market, and revitalizing and developing the economic growth of the community.

Mr. Speaker, we want more Americans to run their own shop. This proposal goes a long way to helping build a new entrepreneurial generation that will create more jobs and provide for more families while serving our communities.

I urge my colleagues to support this innovative initiative.

Mr. MANZULLO. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield as much time as he might consume to the gentleman from New Jersey (Mr. PASCRELL), a dear friend.

Mr. PASCRELL. Mr. Speaker, I rise today in strong support of my good friend, the gentleman from Pennsylvania’s (Mr. BRADY) bill, H.R. 2666, The Vocational and Technical Entrepreneurship Development Act.

I support this bill because it provides well-needed assistance to a critical, critical element of our workforce. Often neglected on this floor, a workforce that is often neglected by society as well. Many who work in the trade sector, from construction to plumbing to automotive, go out every day and perform jobs that are absolutely essential to our Nation and our economy. Yet there are seemingly few incentives offered to young people who may wish to pursue such a career.

I certainly provide accolades to the young student who studies the liberal arts. Indeed, the young man, the young lady who reads Ellison or Dickens is often touted and rightfully provided with loans or grants to help with his or her studies.

But what about the student whose skills and interests lie with an area of vocation? They are just as valuable to America, just as intelligent. They need our support.

I applaud the gentleman from Pennsylvania (Mr. BRADY) for this bill. I certainly know of many people in my own hometown of Patterson, New Jersey, who would benefit from this initiative. Providing grants from the Small Business Administration to provide technical assistance to high schools and vocational and technical schools to promote small business ownership in their curriculum, I believe, is a great idea.

Many who work in the trade sector enter these professions with the goal of one day starting their own business. So this program offers a perfect initiative, a perfect incentive to enter the trade sector by giving students greater opportunities and providing training as a business owner.

This legislation will help get young future trade workers thinking about what they actually take to run and own a business. This is a great, well-needed initiative; and I urge my colleagues’ support.

I might add in conclusion, Mr. Speaker, that while I commend the sponsor of this bill, I also commend the gentleman from Illinois (Mr. MANZULLO) and the gentleman from New York (Ms. VELAZQUEZ) for establishing an environment within the Committee on Small Business to respond to all of America, not just a particular segment. They have provided such an environment, and I commend them for that. And I also commend the gentleman from Pennsylvania (Mr. BRADY).

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS), and I want to thank the gentleman from New Jersey (Mr. PASCRELL) for his remarks. Unfortunately, in these last couple of weeks, we all feel, in our heart, that we are all truly providing, yet are given permission to revise and extend his remarks.)
Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of this legislation; and I want to commend the chairman, the gentleman from Illinois (Mr. MANZULLO), and the ranking member, the gentlewoman from New York (Ms. VELAZQUEZ), for their leadership of the Committee on Small Business in seeing to the expeditious as well as impartial manner in which they handle our business. I think it is a testament to their leadership that both these bills are on the floor today, and I simply commend them.

I also want to commend the gentleman from Pennsylvania (Mr. BRADY). He has put his finger right on a tremendous need. I interact with many small business operations, with many trades persons, and I can guarantee the moment this legislation is put into effect the Chicago Public School System, the Chicago Federation of Labor, the City Colleges of Chicago, and many other small units in the area where I live and work will pounce on it as a godsend and a lifesaver.

I also want to commend the gentleman from New York (Mr. SWEENEY), because he also put his finger on another great need, and that is the need to help small businesses comply with the regulations that sometimes have to go through and really have difficulty figuring out what to do. So this is a great day, I think, for small business and a great day for the Committee on Small Business. And so I commend them.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I thank the gentleman for yielding me this time, and I commend my colleagues for bringing H.R. 2666 forward. There probably is no better time, Mr. Speaker, for us to bring this forward today.

We know entrepreneurship makes our country great. In San Diego, there are many new businesses in technological and biological fields that have mushroomed as an impetus for our robust economy. We know at the university level, San Diego State University’s highly acclaimed business administration school has an entire program teaching its students the skills of entrepreneurship, and that is why it is so important we resolve and bring this measure forward today because it provides the equity we all need for making such training available to students of vocational and technical schools.

I know as a school board member that we often wrestled with the programs that were coming forward, actually bringing students often out of the vocational arena. We need to value their creativity and their moxie, their desire to really have an impact, to have their own businesses and to bring their creativity and often their risk-taking to this arena and make this kind of training available to them.

So I applaud my colleagues for this. We need to provide for all business entrepreneurs at all educational levels as we move forward with these kinds of initiatives.

Included in this initiative is a report back to the Congress in 18 months, and I will certainly be very interested in learning what became of these dollars. Often we do not always know. It will give us an opportunity to look at the great improvements and the successes that came out of the program and give us an opportunity to learn as well from the students, from the people that were involved.

I know that we are going to have many new businesses created out of this initiative, and I look forward to seeing that happen.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I simply want to thank the chairman and ranking member and the staff of the Committee on Small Business for allowing this bill to come to the floor today.

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 2666, as amended.

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

A motion to reconsider was laid on the table.

VIRGIN RIVER DINOSAUR FOOTPRINT PRESERVE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2385) to convey certain property to the City of St. George, Utah, in order to promote the protection and preservation of certain rare paleontological resources located within the exterior boundaries of the Virgin River Dinosaur Footprint Preserve.

The Clerk read as follows:

H.R. 2385

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 “Virgin River Dinosaur Footprint Preserve Act".

SEC. 2. VIRGIN RIVER DINOSAUR FOOTPRINT PRESERVE.

(A) AUTHORIZATION FOR GRANT TO PURCHASE FOOTPRINT PRESERVE.—As soon as is practicable after the date of the enactment of this Act, if the City agrees to the conditions set forth in subsection (b), the Secretary of the Interior may award to the City a grant equal to the lesser of $500,000 or the fair market value of up to 10 acres of land (and all related facilities and other appurtenances thereto) described on the map entitled “Proposed Virgin River Dinosaur Footprint Preserve”, numbered 09/06/2001-A, for purchase of that property.

(B) CONDITION.—The grant under subsection (a) shall be made only after the City agrees to the following conditions:

(1) USE OF LAND.—The grantee shall use the Virgin River Dinosaur Footprint Preserve in a manner that accomplishes the following: (A) Preserves and protects the paleontological resources located within the exterior boundaries of the Virgin River Dinosaur Footprint Preserve.

(C) Provides the public with opportunities for educational activities in a manner consistent with subparagraph (A).

(2) REVERTER.—If at any time after the City acquires the Virgin River Dinosaur Footprint Preserve, the Secretary determines that the City is not substantially in compliance with the conditions described in paragraph (1), all right, title, and interest in and to the Virgin River Dinosaur Footprint Preserve shall immediately revert to the United States under consideration on the part of the United States, and such property shall then be under the administrative jurisdiction of the Secretary of the Interior.

(3) CONDITIONS TO BE CONTAINED IN DEED.—If the City attempts to transfer title to the Virgin River Dinosaur Footprint Preserve (in whole or in part), the conditions set forth in this subsection shall transfer with such title and shall be enforceable against any subsequent owner of the Virgin River Dinosaur Footprint Preserve (in whole or in part).

(D) COOPERATIVE AGREEMENT AND ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the City for the management of the Virgin River Dinosaur Footprint Preserve by the City.

(E) ASSISTANCE.—The Secretary may provide to the City: (A) financial assistance, if the Secretary determines that such assistance is necessary for the protection of the paleontological resources located within the exterior boundaries of the Virgin River Dinosaur Footprint Preserve; and (B) technical assistance to assist the City in complying with subparagraphs (A) through (C) of subsection (b)(1).

(F) ADDITIONAL GRANTS.—(A) IN GENERAL.—In addition to funds made available under subsection (a) and paragraph (2) of this subsection, the Secretary may provide grants to the City to carry out its duties under the cooperative agreement entered into under paragraph (1).

(G) LIMITATION ON AMOUNT; REQUIRED NON-FEDERAL MATCH.—Grants under subparagraph (A) shall not exceed $500,000 and shall be provided only to the extent that the City matches the amount of such grants with non-Federal contributions (including in-kind contributions).

(H) MAP ON FILE.—The map shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

(I) DEFINITIONS.—For the purposes of this section, the following definitions apply: (1) CITY.—The term “City” means the city of St. George, Utah.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Mr. Speaker, a very unique thing happened to me this time, and I commend my colleague from Utah (Mr. HANSEN) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, a very unique thing happened to me this time, and I commend my colleague from Utah (Mr. HANSEN) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.
George, Utah. That is in Washington County. There was a retired ophthalmologist by the name of Dr. Sheldon Johnson. He had some property to the east of St. George and wanted to level it. So he had a backhoe and all the necessary things, a front loader. He was working there. He had gone down about 10 feet and all of the sudden he came to some very large flat rocks. He turned one over and lo and behold he found dinosaur prints like the one sitting right here.

This dinosaur print is one of the most unique ones that I think has ever been found in America. He was a little nervous about it so he kept turning others over. Before long there was actually dozens of dinosaur prints. There was not only prints like this one, but there was tail drags and the whole thing. He said, What have I found here? I found something quite amazing.

Paleontologists started coming from all around the world. In fact, over 50 countries have been there to see these things. He goes to the State and the State people say, That is wonderful. As he tells you, this is a wonderful thing to see. People come from France and say, This has to be seeing that were discovered last year. It is interesting that in September of 1996 the President created the Grand Staircase Escalante, 1.7 million acres; and all that money has been devoted to the protection of the Grand Staircase Escalante. They walked this Earth, and people can come to see it.

Mr. Speaker, I think this is interesting because just outside of St. George this site has created worldwide attention. People from South Africa have come there, people from Brazil, people from Australia, New Zealand. We will now ask some of them to pony-up a few bucks to help this thing out.

Mr. Speaker, it is interesting that in September of 1996 the President created the Grand Staircase Escalante. 1.7 million acres; and all that money has gone into it and all that work has gone into it. In 1997, as we have looked around, it has had a higher visitation than the Grand Staircase. Of course, there is nothing to see in the Grand Staircase but sagebrush, but maybe some people want to see that.

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

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

Mr. Speaker, I am just as fascinated by the gentleman from Utah (Mr. MATHESON), the new chairman of the Subcommittee on National Parks, Recreation, and Public Lands. The administration, while generally supportive, also had a number of concerns with the bill as drafted. Mrs. CHRISTENSEN, members of his staff worked closely with the minority and the administration to address the concerns of the bill. As a result, an amendment in the nature of a substitute was adopted by the Committee on Resources that incorporated the suggestions made by the minority regarding the acquisition of this site, as well as the changes suggested by the administration.

I believe that the committee amendment significantly improves the bill and would provide a very efficient way to assist in the preservation of the unique and well-preserved dinosaur tracks in Utah. I appreciate the willingness of the gentleman from Utah (Chairman HANSEN) and his staff to address the issues identified with his legislation. I support the passage of H.R. 2385 and commend our chairman on this project.

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

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. RADANOVICH), the new chairman of the Subcommittee on National Parks, Recreation, and Public Lands.

Mr. RADANOVICH. Mr. Speaker, I lend my support to this bill. I believe it is a rare opportunity to protect these resources by creating a long-lasting public-private partnership that will protect these fossils, while at the same time provide opportunities for the scientific community to study these important findings and allow the general public rare glimpses into life during that crucial time in history. I think it is exceptional that this is getting more attendance than the Grand Staircase Staircase Monument.

Mr. Speaker, I urge my colleagues to support the passage of H.R. 2385.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, today we have an opportunity to pass legislation that will truly preserve history. Not our history, but the history of the Earth over 200 million years ago, the history of the dinosaurs. 200 million years ago, scientists believe that the redrock desert of Southern Utah was part of a large shallow lake. Dinosaurs fed at the shoreline of this lake. They walked this Earth, and they left their tracks.

Early last spring, in a time far removed from the dinosaurs, a retired ophthalmologist living in St. George, Utah, began leveling out a part of his yard and discovered what is now being cited as one of the best collections of dinosaur footprints ever on Earth.
October 2, 2001

CONGRESSIONAL RECORD — HOUSE

H6095

These 150 footprints show the tracks of multiple species of dinosaurs. They are detailed, revealing claws, three toes, and the joints where dinosaurs may have crouched down.

Paleontologists currently believe these footprints may be a record of the first dinosaurs. The dinosaur age and potentially include a previously unknown species.

Since the discovery of these tracks, Dr. Sheldon Johnson and his wife, LaVerna, have generously shown thousands of visitors through their property to see the tracks. In one 2-week period, over 12,000 people journeyed to Southern Utah to witness this amazing discovery.

Despite the individual generosity of the Johnsons, in the long term these tracks must be preserved. This bill will allow the appropriate preservation of these tracks in the necessary condition. It will help the city of St. George cope with the visitors, and it will leave a history of dinosaurs preserved for over 200 million years for many more generations to discover.

Mr. Speaker, I am pleased to support this legislation, and I personally look forward to visiting this site often during my frequent trips to the St. George area.

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

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

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.

TOMAS G. MASARYK MEMORIAL

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1161) to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia, as amended.

The Clerk read as follows:

H.R. 1161

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

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) In General.—The Government of the Czech Republic is authorized to establish a memorial in the District of Columbia to honor Tomas G. Masaryk on the Federal land in the District of Columbia.

(b) Compliance With Standards for Commemorative Works.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.), except that sections 2(c), 6(b), 8(b), and 16(c) of that Act shall not apply with respect to the memorial.

(c) Limitation on Payment of Expenses.—The United States Government shall not pay any expense for the establishment of the memorial or its maintenance.

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

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

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

Mr. Speaker, H.R. 1161 introduced by the gentleman from New York (Mr. GILMAN) would authorize a memorial to be built on Federal land in the District of Columbia to honor Tomas G. Masaryk, the first President of Czechoslovakia.

Mr. Masaryk embodies the close ties between the governments of the United States and Czechoslovakia. He was well acquainted with the United States from repeated trips to this country over the period of 4 decades as a philosopher, scholar, and teacher.

President Masaryk’s close personal relationship with many Americans, including President Woodrow Wilson, ultimately led to the recognition by the United States of a free Czechoslovakia in 1918.

The bill, as introduced, specified an exact location for the memorial, but was later amended to merely state that the memorial would be established on Federal land in the District of Columbia and that the memorial would be in compliance with the Commemorative Works Act.

Moreover, the passage of this bill would not result in any expense to the Federal Government. The bill, as amended, specifies that the United States will pay no expenses associated with the establishment or maintenance of the memorial.

Mr. Speaker, this legislation is not controversial. It is supported by the majority and minority of the Committee on Resources and the administration. I urge all of my colleagues to support H.R. 1161.

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

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of H.R. 1161, to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia. Tomas Masaryk, the first President of Czechoslovakia, stands in history as the embodiment of the close ties between the United States and Czechoslovakia.

H.R. 1161 celebrates Tomas Masaryk’s life achievements and quest for democracy, peace, freedom and humanity. The statue of Mr. Masaryk exemplifies the democratic ideal best expressed by his words, “Not with violence but with love, not with sword but with plow, not with blood but with work, not with death but with life, that is the answer to Czech geniuses, the meaning of our history and the heritage of our ancestors.”

I have a community in the neighborhood where I live and the district where I represent who are descendants of Czech heritage. On behalf of all of them, I would urge all of my colleagues to support H.R. 1161.

Mr. GILMAN. Mr. Speaker, I want to thank the Chairman of the House Resources Committee, Representative JAMES HANSEN and Ranking Member, Representative NICK RAHALL, National Parks, Recreation and Public Lands Subcommittee Chairman RADANOVICH, and former Chairman HERLEY who were instrumental in bringing H.R. 1161 before us today. I would also like to express my thanks to the leadership for bringing H.R. 1161 to the Suspensions Calendar today.
H.R. 1161, which enjoys bi-partisan support was introduced earlier this session and authorizes the Government of the Czech Republic to establish a memorial in honor of Tomas Garrigue Masaryk, the first President of Czechoslovakia.

Consideration of this bill is very timely as H.R. 1161, which enjoys bi-partisan support is awaiting referral of this legislation. I am hopeful that with the passage of this bill all present in support of H.R. 1161. I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1384) to amend the National Trails System Act to designate the Navajo Long Walk National Historic Trail and Fort Sumner, New Mexico as part of the National Trails System.

Mr. Speaker, the Long Walk Trail is significant due to the fact that in the fall of 1863 and the winter of 1864, the United States Government forced thousands of Navajos and Mescalero Apaches to relocate from their ancestral lands in Arizona and New Mexico to Fort Sumner, New Mexico, where the tribal members were held captive, virtually as prisoners of war, for over 4 years. During that time, thousands of Navajo and Mescalero died from starvation, malnutrition, disease, exposure or conflicts between tribes and United States military personnel.

Mr. Speaker, this legislation is not controversial. It is supported by the majority and minority of the Committee on Resources and the administration. I urge an “aye” vote on H.R. 1384.

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

The SPEAKER pro tempore. Without objection, the gentleman from New Mexico (Mr. UDALL) will control 20 minutes.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 1384, the Long Walk National Historic Trail Study Act.

New Mexico’s Third Congressional District is one of the most majestic regions in this country. It is a sparsely inhabited land with a unique civilization that is part Native American, part Spanish and part Anglo. As such, the history of the region speaks to some of the most proud moments in American history. However, we have also seen some of our nation’s most tragic.

The most tragic is the Long Walk of the Navajo people and Mescalero Apaches. In 1863, the Navajo and Mescalero villages.
Apache Indian tribes were forced by gunpoint from their ancestral lands to walk roughly 350 miles from northeastern Arizona and northwest New Mexico to the Bosque Redondo in eastern New Mexico.

More than 150 years ago, the United States engaged in a military campaign against the Navajo and Mescalero Apache people. This campaign was an extension of U.S. policy to remove the Navajo and Mescalero Apaches from their homelands. This was an attempt to quash their rebellion against what was an unwelcome intrusion from the U.S. Government. Colonel Kit Carson then ordered his men to “round up” and remove the Navajo from their native area. The campaign was a brutal one and the Navajo and Mescalero Apaches were forced to surrender themselves to Carson’s forces in 1863.

The U.S. chose the Bosque Redondo, a very remote and desolate site near Fort Sumner, New Mexico, as the place where the Navajo and Mescalero Apaches would be confined and forced to live. More than 8,000 Navajo and 500 Mescalero Apaches were then forced to trek over 350 miles under military escort from portions of Canyon de Chelley, Albuquerque, Canyon Blanca, Anton Chico and Canyon Piedra Pintado, New Mexico, to Bosque Redondo, New Mexico. Once imprisoned at Fort Sumner, the Navajo and Mescalero Apaches faced starvation, malnutrition, and inadequate clothing because of inadequate clothing and unsuitable shelter. Thousands perished under these deplorable conditions.

After roughly 4 years of imprisonment, President Ulysses S. Grant issued an executive order terminating the military’s role and entered into treaty negotiations with the Navajo and Mescalero Apaches. When an agreement was made, the Navajo and Mescalero Apaches were allowed to return home in the same way as they had arrived, on foot. Thus, the Navajo and Mescalero Apaches had spent nearly 4 years total as prisoners from their own land.

Mr. Speaker, this period in our Nation’s history is a sad one. Our relationship with the tribes has come a long way since that time, but there is still much to be done to strengthen the relationship. For this reason, I am hopeful that the National Park Service, in conducting this feasibility study, will engage in a proper amount of collaboration and consultation with the Navajo nation and the Mescalero Apaches. I am grateful that the gentleman from Utah (Mr. HANSEN), the gentleman from West Virginia (Mr. RADANOVICH), Mr. HUFLEY and the gentleman from New Mexico (Mrs. CHRISTENSEN) have allowed this bill to come to the floor for a vote today. I hope that once the feasibility study is conducted, we can enter into the next step of designating the Long Walk as a national historic trail. The Long Walk remains one of the most tragic events in our Nation’s history, yet today very few Americans realize the atrocities that were committed against native peoples. By taking these necessary steps to declare this area a national historic trail, we will commemorate the people who made the treacherous Long Walk and were interned at Bosque Redondo. The 8,000 Navajo and 500 Mescalero Apaches who made the Long Walk, and especially the 3,000 who perished, should be remembered. I am hopeful that designating the Long Walk a national historic trail will prove to be a significant step in recognizing and learning from this tragedy.

Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. MATHESON), a leader in this Congress on Native American issues.

Mr. MATHESON. Mr. Speaker, I want to thank the gentleman from Utah (Mr. RADANOVICH) and the gentleman from New Mexico (Mr. UDALL) for bringing this important piece of legislation to the floor.

In 1863, one of the darkest incidents in American history occurred in what is now the state of New Mexico. It was in that year that Colonel Kit Carson began his campaign against the Navajo people.

Riding out of Fort Defiance, Colonel Carson’s troops stormed into the Navajo’s sacred Canyon de Chelley and burned hogans, stole food and slaughtered livestock. The mission was to subdue the peaceful Navajo, and when the ransacking was over, 8,000 men, women and children were forced to March 350 miles to a barren wasteland. This was nothing more than a prison camp. There was no wood for fires, the ground could not support crops and the water was brackish.

For 4 years, the Navajo starved until the mission finally relented and granted the Navajo a new reservation that included their sacred lands. During their confinement, 25 percent of the Navajo died. This legislation is just a small tribute to the suffering and the proud heritage of the Navajo nation.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

One historian once said that those that don’t know their history are condemned to repeat it. We could never want to repeat the sad chapter of history known as the Long Walk. By designating this trail as a national historic trail, we can learn from our mistakes. Inhumane treatment of human beings, atrocities against native peoples, should not occur. The Long Walk National Historic Trail will stand as a monument, reminding us we can do better. We can be a better people. We can be a more compassionate and humane Nation.

I would like to thank the gentleman from California (Mr. RADANOVICH) for his hard work on this and I look forward to working with him through the legislative process to get this done. I thank him very much for his bipartisanship.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 1384, as amended.

The point of order 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 amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System, and for other purposes.”

A motion to reconsider was laid on the table.

BOOKER T. WASHINGTON NATIONAL MONUMENT BOUNDARY ADJUSTMENT ACT OF 2001

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1456) to expand the boundary of the Booker T. Washington National Monument, and for other purposes.

The Clerk read as follows:

H.R. 1456
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 “Booker T. Washington National Monument Boundary Adjustment Act of 2001.”

SEC. 2. BOUNDARY OF BOOKER T. WASHINGTON NATIONAL MONUMENT EXPANDED.

The Act entitled “An Act to provide for the establishment of the Booker T. Washington National Monument,” approved April 2, 1956 (18 U.S.C. 490), is amended by adding at the end the following new section:

“SEC. 5. ADDITIONAL LANDS.

“(a) LANDS ADDED TO MONUMENT.—The boundary of the Booker T. Washington National Monument is modified to include the approximately 15 acres, as generally depicted on the map entitled “Boundary Map, Booker T. Washington National Monument,” published by the appropriate offices of the National Park Service, Department of the Interior.

“(b) ACQUISITION OF ADDITIONAL LANDS.—The Secretary of the Interior is authorized to acquire from willing owners the land or interests in land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

(c) ADMINISTRATION OF ADDITIONAL LANDS.—Lands added to the Booker T. Washington National Monument by subsection (a) shall be administered by the Secretary of the Interior as part of the monument in accordance with applicable laws and regulations.”.

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

The Chair recognizes the gentleman from California (Mr. RADANOVICH). Mr. Speaker, I yield myself such time as I may consume.

H. R. 1456, introduced by the gentleman from Virginia (Mr. GOODE), would expand the boundary of the Booker T. Washington National Monument in Franklin County, Virginia, through the purchase from willing sellers of 15 acres adjacent to the existing monument.

Mr. Speaker, Booker T. Washington, perhaps the most notable African American educator of his day and founder of the Tuskegee Institute in Alabama, was born into slavery in 1856 on a 200-acre tobacco farm in southwestern Virginia, today, the Booker T. Washington National Monument preserves and protects the birthplace and childhood home of Mr. Washington and interprets his life experiences and his significance in American history.

The monument is one-half mile from the rapidly growing commercial crossroads of Westlake Corner and commercial and residential development is visible from the park. Much of the farmland around the park is for sale, including the 15-acre proposed piece of property. If authorized and acquired, the 15-acre parcel of land would be added to the park's agricultural permit program in order to preserve the agrarian setting of the park.

The Park Service estimates the purchase and acquisition cost of the 15-acre parcel will be approximately $400,000. The Park Service's Northeast Region has determined this project as its top land acquisition funding priority for fiscal year 2003.

Mr. Speaker, this legislation is not controversial. It is supported by the majority and minority of the Committee on Resources, the administration, and the surrounding communities in southwestern Virginia.

I urge an "aye" vote on this bill.

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

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume. I would first like to associate myself with the remarks of the gentleman from New Mexico (Mr. UDALL), his closing remarks on H. R. 1384, establishing the Navajo Long Walk National Historic Trail.

On this bill, Mr. Speaker, H. R. 1456, which would modify the boundary of the Booker T. Washington National Monument in southwestern Virginia, we are pleased to also be in a position to support the bill. H. R. 1456 would include approximately 15 acres of adjacent agricultural land to the monument.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume. In my closing remarks on H. R. 1384, establishing the Navajo Long Walk National Historic Trail, I stated, for purposes of controlling expansion on all sides of it. This 15 acres is in a high area which would preserve a good vista for the monument as it exists today. If we do not act right away, I am afraid the opportunity will be lost.

The park is comprised of rolling hills, woodlands, fields, the Burrough homeplace, and two slave cabin sites. The park portrays Washington's rural life on a small tobacco farm and what it was like, and the rural character is critical to the park's portrayal of the life on such farms during the period just prior to the Civil War.

I hope that we can maintain the rural character of the Booker T. Washington National Monument. I believe that this is a worthwhile endeavor for the National Park Service, it is worthwhile for the memory of Booker T. Washington, and I urge my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. MCHUGH). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H. R. 1456. 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.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H. R. 2385, H. R. 1161, H. R. 1384 and H. R. 1456, the four bills just considered.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. R. 2646, FARM SECURITY ACT OF 2001

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 107-238) providing for consideration of the bill (H. R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule 1, the Chair declares the House in recess until approximately 5:30 p.m. Accordingly (at 5 o'clock and 6 minutes p.m.), the House stood in recess until approximately 5:30 p.m.
Mr. OLVER. Mr. Speaker, I offer this motion to instruct, and I hope every Member of this House supports this motion.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question was taken; and the yeas and nays were ordered.

Mr. OLVER. Mr. Speaker, on that I will make further comments. The President requested almost $900 million in military construction projects overseas. The committee carefully reviewed those projects, and we have supported them. It meets needs for barracks, for maintenance facilities, for runways for our air forces, for warehousing, family housing, barracks, all of those. It all will make substantial contributions to our readiness.

But the House has added, in addition, several items. Through the leadership of the chairman, he and I have had an opportunity to visit several of the bases that are involved in this. Members of the subcommittee joined us, and other Members of the House joined us in that. We have directly visited and can bear witness to the severe inadequacy of some of these facilities. The total of that is less than 1 percent of this military construction budget as it was passed through the House. They cover all the projects, as both the chairman and I can attest.

Let me just give a couple of examples. In Japan, actually in Okinawa, which is where a lot of our forces in Japan are, there is a what-was-never-adequate facility for the training of our Army Special Forces in urban warfare. It is now utterly worn out and virtually unusable. That is additionally in this legislation. In Korea, there is a barracks replacement for singles in Korea. The conditions of housing in Korea up and down the line are well known as being abysmal. Families avoid, if at all possible, deployment in Korea, so the vast majority of our units are in fact singles, and their housing is anywhere from rundown to positively disgusting. So that has been funded in our bill.

Then, as another example, we have a modernization of the base engineering complex and maintenance, and all of the operational facilities at our largest Air Force base. In the process of that modernization, which is in Korea at our main air base, which is at the front line of protection for our substantial forces in Korea, that will allow hundreds of housing units to then be brought within the perimeter of the protection of that base. Those are all extremely important things to be done, and they need to be done in this legislation. Mr. Speaker, they are badly needed. They are in direct support of the missions that we know will come, even if September 11 had not happened.

Mr. Speaker, I urge all Members to vote in favor of this motion to instruct.

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

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

Mr. Speaker, I want to congratulate my ranking member for working with me on this bill, and working with me and the other members of the Committee on this issue.

We have seen what we ask our troops to do. We have seen them to do a lot of things for us, especially at this time. Today, the U.S. is blessed with the most well-trained military forces in our history. Soldiers, sailors, Marines, and airmen are ready and willing to accept any challenge presented by our adversaries.

Yet, for all their training, many of these facilities they work in are decrepit and falling apart. There is an increasing concern that the performance of our troops could be jeopardized by the conditions of the buildings in which they work.

As the Quadrennial Defense Review points out, the defense infrastructure has suffered from underfunding and neglect. Facility sustainment has been funded at only 75 to 80 percent of the requirement, resulting in a backlog of repair bills estimated at almost $60 billion. Likewise, the average rate of replacing existing facilities is 10 years. That is not a pace for particularly with the technological changes needed to deal with today's security threats.

The result of neglecting the facilities is a decaying infrastructure that is less and less capable of supporting our troops, sailors, Marines, and airmen. The infrastructure needs of the facilities in the U.S. are important, but no less important than the infrastructure needs in bases located overseas.

Like bases in the U.S., there are antiterrorism and force protection measures we must take at all bases overseas. Similarly, housing must be decent, safe, and working conditions must not jeopardize the troops' performance.

One of the things that happened in our committee, for the first time that I can remember, is that three of the CINCs, General Rastall, General Blair, and General Schwartz, all came in and testified that overseas MILCON, and especially housing, was their number one priority on their list of priorities for their troops.

This is a time when we ask young people to go out and put their lives on the line. They should do that, and they will do that, with great honor and dignity for this country. This country owes them the same dignity in the places where they work every day and where they live.

So I want to thank my ranking member for putting up this motion, and I hope every Member of this House supports this motion.

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

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

The SPEAKER pro tempore. The previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Massachusetts (Mr. OLVER).

The question was taken; and the yeas and nays were ordered.

Mr. OLVER. 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 until 6 p.m.

RECESS

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

Accordingly (at 5 o'clock and 43 minutes p.m.), the House stood in recess until 6 p.m.
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 169, as amended, on which the yeas and nays are ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules and then the motion to instruct conferences on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 169, by the yeas and nays; pending the rules and passing the bill; H.R. 169, as amended.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: “A bill to require that Federal agencies accountable for violations of antidiscrimination and whistleblower protection laws; to require that each Federal agency post quarterly on its public Web site, certain statistical data relating to Federal sector equal employment opportunity complaints filed with such agency; and for other purposes.”

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Issa). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules and on the motion to instruct on which the Chair has postponed further proceedings.
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**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The Speaker pro tempore, Mr. ISAKSON. Pursuant to clause 8 of rule XX, the Chair will require up to 5 minutes of the time for the vote on the motion to instruct conferences on H.R. 2904.

**APPOINTMENT OF CONFEREES ON H.R. 2904, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002**

The Speaker pro tempore. The pending business is the question of agreeing to the motion to instruct conferences on the bill (H.R. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, offered by the gentleman from Ohio (Mr. HOBSON), on which further proceedings were postponed earlier today. The Clerk read the title of the bill.

The Speaker pro tempore. The question is on the motion to instruct offered by the gentleman from Ohio (Mr. HOBSON), on which the yeas and nays were ordered.
The SPEAKER pro tempore (Mr. Isakson). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

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

SUPPORT A REASONABLE LIMIT ON FARM PRICE SUPPORT PAYMENTS

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

Mr. SMITH of Michigan. Mr. Speaker, tomorrow we will be taking up the agricultural bill for agricultural programs for the next 10 years.

Farmers are in a predicament right now in terms of low commodity prices. In fact, some of those commodity prices are the lowest they have been in 20 years. So we are seeing a lot of farmers go out of business, go into bankruptcy, especially because the land value is the value of the assets that we can use by use for use by people that want a country estate, is bidding up those land values far more than can be accommodated by current commodity prices for those farm products those farmers are producing.

The question this Nation is facing is do we want to maintain a strong agricultural industry in the United States so that we do not have to be dependent on importing our foodstuffs, our feed, our food, like, for example, we have in the past lost some of our domestic rice to accommodate that limitation of $150,000. Yet, our technical language of the limit that is being hung tomorrow says any farmer that is big enough, and there are 30,000- 40,000-80,000-acre farms; in fact, in Florida, there is one landowner that owns 130,000 acres, receiving over $1 million in government benefits.

My amendment that I hope this body will consider tomorrow sets a real limit by saying it is not only loan deficiency payments and marketing loans, but it includes limitations on the benefits from certificates and forfeitures from the unlimited use of commodity certificates. That is a real limitation on those farmers that need the help most, and that is the average family farm in this country.

SUPPORT A REASONABLE LIMIT ON FARM PRICE SUPPORT PAYMENTS

(The Associated Press reported recently that over 154 individuals received more than $1 million in farm aid last year; Limit massive government payments to the largest recipients—Vote for the Smith/Clayton/Holden/Armey/Shays/McInnis payment limitation amendment to the Farm Bill!!)

My amendment that I hope this body will consider tomorrow sets a real limit by saying it is not only loan deficiency payments and marketing loans, but it includes limitations on the benefits from certificates and forfeitures from the unlimited use of commodity certificates. That is a real limitation on those farmers that need the help most, and that is the average family farm in this country.
of wheat and 17,000 acres of rice! Note: The average U.S. farm size is 450 acres.

The Bush Administration recently released a report, Food and Agricultural Policy: Taking Stock for the New Century, that clearly refers to the flaws with current farm price supports, stating, “Past attempts at tailoring or directing benefits to particular groups of farmers have proved very unsuccessful for American agriculture. Setting a real limit on farm payments will help to maintain this support, and save taxpayers $528 million dollars!”

Please consider cosponsoring and speaking in favor of this amendment on behalf of the American family farmer.

Sincerely,

NICK SMITH, Member of Congress.

SUPPORT MILLER-MILLER AMENDMENT TO H.R. 2646

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Davis) is recognized.

Mr. DAVIS of Illinois. Mr. Speaker, like my colleague from Michigan, I also rise to talk about the farm bill that we will be debating on tomorrow. Of course, in that bill is the sugar subsidy. The sugar program has been beneficial to many sugar processing companies and to the sugar producers; it reduces price supports modestly and increases the penalties that sugar processing companies must pay when they fail to repay their government loan.

Mr. Speaker, I believe that the sugar program, and I strongly believe in supporting farmers, but I believe that we have to support the needy and not the greedy. So I urge my colleagues to vote for the Miller-Miller amendment and give the workers throughout America, and especially those in the confectionery industry, an opportunity to work and not see their jobs moved to other countries and other places.

Mr. Speaker, I rise to talk about the sugar industry. There are 31,000 confectionery employees in Illinois, with 15,000 of those in Cook County. Unfortunately, employment in the confectionery industry in Chicago has fallen 11 percent since 1991. The sugar program has contributed to this decline.

Along with other members of the Illinois delegation, I have repeatedly spoken on this floor about the injury caused to my constituents by the sugar program. We have not been alone. Mayor Daley and the Chicago City Council strongly oppose the sugar program. They are joined in this opposition by city business leaders and the Chicago Federation of Labor.

For companies that make nonchocolate candy, sugar is a large portion of their total costs. The U.S. sugar program supports prices in our domestic market so that candymakers in Chicago can compete more successfully than they otherwise would have to. The price of raw sugar in the United States was 20.65 cents per pound. On the same date, the world price of raw sugar was 24 cents per pound.

Candy manufacturers and workers must compete with the candy that is made offshore, using world-priced sugar. Imports of hard candy have been rising, from less than 12 percent of the U.S. market in 1997 to 19 percent in 1999. These imports make it difficult for our companies and workers to compete, because a major part of their ingredient cost, sugar, is so much cheaper on the world market. It is the classic unlevel playing field that we hear our colleagues from agriculture districts talk about so frequently. But in this case, it is the workers in Chicago and other places throughout the country who are on the wrong end of the field.

The sugar programs helped cause the candy industry’s problems through price supports and import quotas. The Miller-Miller amendment reforms the price support system; it does not abolish the sugar program. The amendment does not say that there should be no assistance to sugar growers and producers; it reduces price supports modestly and increases the penalties that sugar processing companies must pay when they fail to repay their government loan.

Mr. Speaker, I believe that the sugar program, and I strongly believe in supporting farmers, but I believe that we have to support the needy and not the greedy. So I urge my colleagues to vote for the Miller-Miller amendment and give the workers throughout America, and especially those in the confectionery industry, an opportunity to work and not see their jobs moved to other countries and other places.

1900

CLAYTON AMENDMENT TO FARM SECURITY ACT OF 2001 WILL HELP FARMERS, THEIR FAMILIES, AND COMMUNITIES

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

Mrs. CLAYTON. Mr. Speaker, on tomorrow we will have the Farm Security Act of 2001. It is our farm bill. It is our farm bill for the next 10 years.

I want to tell the Members, food security is very important to this country. Indeed, we should protect the opportunities for our producers to produce, but also to make a decent living.

As I said, the value-added portion will simply add funds to our farmers’ capacity to have long-term profitability of their raw products. As I said, we know that this will not benefit farmers. We are just recognizing that the crisis in rural communities includes the farmers, but it does not stop at the field. It includes the communities that are losing because there is a high-tech industry leaving the area. It includes the despair that out of 250 poorest counties.

There are just recognizing that this will not benefit farmers. We are just recognizing that the crisis in rural communities includes the farmers, but it does not stop at the field. It includes the communities that are losing because there is a high-tech industry leaving the area. It includes the despair that out of 250 poorest counties.
Ms. WOOLSEY. Mr. Speaker, we have all been affected by the tragedies of September 11 in one way or the other. As a Nation, we see things in a new way. We are looking through a veil of shock, of anger, and of grief. Congress has already moved with breathtaking swiftness to approve $15 billion for an airline bailout, a bill, by the way, that allows the top executives in the airline industry to keep their current salaries while their companies receive massive financial commitments, and while their workers are losing their jobs.

But so far, when it comes to the airline workers, Congress just cannot seem to find time to help. But one thing has not changed: This Congress is still overlooking the needs of American workers.

Mr. Speaker, more than 100,000 airline employees have already been laid off as a result of the terrorist attacks. It is clear that in the coming weeks, the number of layoffs will increase. Yet, no action has been taken to help workers in the airline industry.

Mr. Speaker, it is disgraceful that we have done nothing to help the pilots, the flight attendants, baggage handlers, and the other employees who have lost their jobs as a result of September 11. It is certain that many of these workers will depend on unemployment benefits for longer than usual. Some will not be able to return to their jobs in the airline industry and will need training to qualify for new jobs. Displaced workers and their families will also need health care coverage while they are getting their lives back to normal.

That is why I am an original cosponsor of H.R. 2955, the Displaced Workers Assistance Act. This legislation provides an important piece of the puzzle to those workers who have lost their jobs as a result of the terrorist attacks on September 11.

The Displaced Workers Assistance Act makes those workers eligible for an additional 52 weeks of unemployment insurance, and displaced workers who normally would not be eligible for unemployment insurance would receive 26 weeks of federally-financed payments. These workers who cannot reasonably expect to return to their jobs within the airline industry would be eligible for retraining.

Finally, H.R. 2955 would ensure that displaced workers and their families have health care by reimbursing the cost of their COBRA payments, or for workers who do not qualify for COBRA, it would cover them under Medicaid.

As the airlines need our help because of the tragic events of September 11, so do the airline workers, those who find themselves without jobs, without the skills they need to obtain new jobs, and without health insurance for themselves and their families. These are the very people that made the airline industry successful in the first place.

We have used their skills, we have used their dedication, and now we need to make sure that they are safe, as well as the airlines. As we help the industry overcome its losses as a result of the September 11 attacks, let us not forget the airline workers.

THE DISPLACED WORKERS ASSISTANCE ACT

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

Mr. BACA. Mr. Speaker, last month the House of Representatives voted to help our Nation’s airlines keep flying. We also promised relief for American workers. I will state that we promised, we promised help for American workers.

I am here today to remind Members of that promise, and to remind Members that it is not the money that keeps our planes in the air, it is not the money that keeps our economy growing, it is hard-working Americans. We must refocus our efforts. This is not about an industry, this is about hard-working Americans being able to feed their families, being able to feed their families.

Laid-off ground crews and flight attendants deserve a guarantee of health care coverage and an unemployment benefit. Also, it is our duty, I state, it is our duty to provide additional training to those whose duties will forever be changed, and I state, forever be changed.

We all realize that over 100,000 have been laid off. In my immediate area, it is expected that 12,000 will be expected from L.A. International Airport to be laid off.

I am also proud to be a cosponsor of H.R. 2955, this Displaced Workers Assistance Act. That is what the bill is. Mr. Speaker, we must bring this bill, we must bring this bill to the floor. We must stand in solidarity with the airline industry workers and hundreds and thousands of those other hard-working Americans across the Nation impacted by this massive layoff and jobs lost.

Hard work will be our Nation’s strength, and I state, will be our Nation’s strength. Hard work will fuel our self-reliance.

Mr. Speaker, let us get to work on behalf of the airline employees. Let us get to work on behalf of the working people, on behalf of the working people affected by this tragedy across the Nation.

On September 11, our enemy struck us at the heart. Our enemy struck innocent Americans, and I state, innocent Americans in their workplace, in their workplace, not on the battlefields. Those who died in the World Trade Center and the Pentagon, in the hijacked planes, died at work, died at work. At the top of the towers were restaurant employees preparing for the day, financial analysts devoted to keeping our economy strong, government employees securing our Nation.
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from the Pentagon. Eight pilots and 25 flight attendants were sacrificed for the terrorists’ causes, and were struck down while doing their job, not to mention the 80 police officers and the 329 firefighters who also lost their lives.

It is impossible to imagine an event with greater carnage to compel America to unite in action, to unite and to take action. No citizen was untouched. No citizen across the United States or the world was untouched. Working people around the country all wanted to know what could be done to help. They continue to ask, “How can we help our Nation?” Firemen and women, police officers, medical crews, labored around the clock in dangerous and dramatic conditions. No doubt that their work was straining and heartbreaking, but they did it. Why? Because they believed in helping America.

We, too, as Members of Congress must do all that we can. I state, we, too, as Members of Congress, must do all that we can. We must work for the American people must commemorate their hard work and the sacrifices. We must never forget that for some of those, it was the ultimate sacrifice.

We must provide relief, and I state, we must provide relief related to the workers who lost their jobs, the pilots, the ground crew, security workers, as well as workers in the hospitality industry. We must do what is right for America. We must help working families. We must support this legislation. We must work together. We must bring it to the floor.

Only together in solidarity in working can we bring our Nation back to its strength. We must all come together.

RELIEF FOR DISPLACED WORKERS

The SPEAKER pro tempore (Mr. Simmons). Under a previous order of the House, the gentleman from Rhode Island (Mr. Langevin) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, I urge quick action to address a crisis in our country. The number of workers displaced from the airlines and related industries since the devastating terrorist attacks of September 11 have been steadily growing and now stretches beyond 100,000.

Our air infrastructure is, in many ways, the backbone of our economy; and its strength is essential to the economic health of the United States. The September 11 tragedy and subsequent shutdown of the airways had a severe financial impact on carriers, which led to massive layoffs. In response, this House passed, with my support, a $15 billion package of cash assistance and loan guarantees to help the airlines weather this recent storm.

It cannot be my strong hope that by promoting the continued viability of air travel this aid will also help other businesses relying upon the airline industry, businesses like aircraft manufacturers, travel agents, rental car agencies, hotels and restaurants, all of which have been affected by the recent shutdown in air travel.

Unfortunately, the airline assistance package is likely to help the thousands of workers who have lost their jobs in recent weeks, and we must not turn our backs on them in this critical time. If we truly hope to boost our Nation’s economy, we must ensure that these men and women receive unemployment benefits, have the finance to pay their bills, have the training needed to minimize the transition time between jobs.

Mr. Speaker, I am proud to be an original co-sponsor of legislation which will give these workers a helping hand at a time when it is desperately needed. These measures introduced by the gentleman from Missouri (Mr. Gephardt) and the gentleman from Florida (Mr. Hastings) and the gentlewoman from Pennsylvania (Ms. Hart) would allow displaced airline industry employees to petition the Department of Labor for special benefits akin to those provided under the Trade Adjustment Assistance program.

Specifi cally, eligible employees would receive unemployment benefits for 78 weeks instead of the usual 26, and even those who would not otherwise qualify for unemployment would be entitled to 26 weeks of benefits.

In addition, laid-off workers would receive up to 18 months of job-training assistance, in addition to the wages that they would receive while in training. Those who would receive unemployment benefits, health care, and the training needed to minimize the transition time between jobs.

Finally, displaced workers would be provided up to 18 months of federally subsidized COBRA premiums, and those workers without COBRA would receive temporary Medicaid coverage.

Just as importantly, the assistance would be available to all airline and airport workers, including transit workers, as well as employees of airline suppliers, such as service workers and airplane manufacturers.

Mr. Speaker, we took an important first step by providing financial assistance to stabilize the airlines, restore confidence in air travel, and protect the millions of workers still employed in the airline industry. However, our work cannot end there. We must act quickly on behalf of the workers and their families who have been impacted by widespread layoffs. They desperately need our help to pay bills, buy groceries, maintain access to health care, and learn the skills they need to quickly find new employment.

Mr. Speaker, I urge my colleagues to join me in telling these hardworking Americans that we have heard their plea and they can count on us to respond.

AIRLINE WORKER RELIEF

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from Florida (Mr. Hastings) is recognized for 60 minutes as the designee of the minority leader.

Mr. HASTINGS of Florida. Mr. Speaker, I can pretty much assure the Speaker that I will not take the whole hour, but the gravity of why I am here and the time that I5
In the past 2 weeks, Mr. Speaker, more than 100,000 airline employees have been laid off as a result of the terrorist attacks on September 11. In the coming days, weeks, and months, it is almost certain that the number of layoffs in the airline industry alone, as well as the airlines directly and indirectly affected by airline travel, will affect all of us as far as the change that comes; will affect us all and the effects of same will be drastic increases in unemployment.

Though not from this tragedy is beyond anything of us ever comprehended would happen in our homeland. And it has not only devastated one portion of our industry that we rushed, correctly, to assist, the airline industry, the linchpin, the literal vertebra of this country insofar as our commercial activity is concerned, we correctly addressed that. But at that time, we left out the airline workers; and we left out the collateral. And now we say we are going to come back to that.

I want to make it very clear that while I am advocating this evening in this legislation for airline workers, I really am advocating for all of America and all of America’s workers. Though National Airport is not open, it does not just affect United States Congress persons, it affects 16 million people that travel through that airport, and it affects everybody from the salesperson of the checks to the mechanics, to the restaurant workers. All of us are affected when this kind of tragedy occurs.

Aviation experts as well as the Government Accounting Office note that the airline industry has a high multiplier effect. It is thought by some that for every 100 jobs created by the airline industry an additional 250 jobs are created by those industries who service the airline industry. As many of the workers may have already lost or will soon be on the brink of losing their jobs.

I was standing on the floor speaking with both the representatives from Hawaii, and I am sure the gentlewoman from Hawaii (Mrs. MINK) will not mind my telling this story about the loss that is occurring not only in Hawaii, but in my home State of Florida, in California, and all over this Nation. The Miami-Dade Mayor wrote me confirming that 80 percent of their 5000 hotel rooms had a 50 percent registration in its hotels. But the gentlewoman from Hawaii was telling me that she and her family were planning a celebration, a family reunion. And what transpired when she went to a meeting where they were organizing the effort, they learned that the hotel that they were scheduled to hold their family reunion in is closing. I can tell my colleagues that that is going to happen in a awful lot of places.

The vignettes, Mr. Speaker, the anecdotes that we all have picked up on both sides of the aisle from our colleagues are ad infinitum with reference to the losses that are occurring.

I went to the Miami International Airport yesterday. I had received a letter from the Miami-Dade Mayor, Alex Penelas, as well as my county commissioners in Broward and Palm Beach County that have come here to discuss, among other things, the losses that are occurring as a result of the attack yesterday. I saw two people that were leaving the airport, having been alerted that their jobs were no longer needed, one woman, a Latino lady, with tears in her eyes. Now, we have a responsibility to do something about that, and I quite frankly, believe that we will and that we can.

One of the things that Minority Leader GEPHARDT or Senator CARNAHAN’s bill, and I cannot continue to talk about this bill without continuing to mention my colleague, the gentlewoman from Pennsylvania (Ms. HART), but what we forgot was something that a lot of us forget, that is definitional with reference to legislation. We said to Americans, and American Samoa and the Virgin Islands and Puerto Rico and the District of Columbia in our definition. So I will be amending my legislation to reflect that. And I thank my colleague, the gentleman from Guam (Mr. Unser-Wood) for bringing that to my attention.

Very occasionally we file legislation not mindful that Americans in our territories also need to be contemplated. What would have happened had my legislation foreclosed is that Guam would not have been eligible for any of the consideration that I had offered.

That must be corrected. Those kinds of little things are why we need to share, why we do need to make sure that we are talking with each other.

The Mayor of Dade County wrote me about the airline and aviation industry, that it is the county’s primary economic engine, consisting in that county alone of more than 90,000 workers and representing more than 9 percent of the county’s total workforce. The loss of jobs and income in Miami-Dade and in Broward, that is Ft. Lauderdale, my major city that I am fortunate and privileged to represent, and in Palm Beach County, the multiplier is something in the neighborhood of 100,000 workers at airports alone. Without them there is no doubt that Florida’s economy is going to be hindered for years to come.

If Florida’s economy, just like the District of Columbia’s economy, is hindered, then all of America’s economy is hindered.

I am fond of teasing my friends who act parochially all the time by telling them if the sparrow falls, it will not necessarily fall in their district. I mean no offense when I say that, but it is not a district thing. It is an American thing. It is an international thing. We live in a global village, and we are fortunate that God has given us the privileges that we have in this country. To preserve them, this Congress, this institution, has the responsibility of passing not just this legislation but companion legislation that will address all of our needs.

I want us to take into consideration the human dimension when tragedy occurs. I want us to be sure that, while we did what I perceive to be the right thing in protecting airplanes, that we do what is the right thing in protecting people.

One of the points in companion legislation, among the things that the gentlewoman from Pennsylvania (Ms. HART) and I feel would happen is that we would extend unemployment benefits from 26 to 78 weeks. This is the same amount provided to workers under the Trade Adjustment Assistance Program.

We hope and we believe that it would be helpful to provide 26 weeks of unemployment insurance benefits for workers who would not otherwise qualify. The gentlewoman from Pennsylvania (Ms. HART) and I feel that to extend job-training benefits from 15 to 78 weeks, this is the same amount provided under the Trade Adjustment Assistance Program, and it is the right thing to do for America.

We would want to provide up to 78 weeks of federally subsidized Consolidated Omnibus Budget Reconciliation Act of 1985 premiums. COBRA it is referred to in the vernacular here. We will provide up to 72 weeks of optional Medicaid coverage to workers who are not covered under COBRA, and they are too numerous to mention.

Under either bill, all airline and airplane workers, including transit workers as well as employees who work for airline suppliers, such as service employees, and plane manufacturers, like those hundreds of 30,000 people in the State of Washington in the Boeing manufacturing part of the airline industry, not to mention the other places where parts are made, those persons too will be eligible to receive these benefits. The two bills are cost-effective ways to assist workers and their families as they deal with these hard times and at the same time, help stimulate our faltering economy.

Working families will not be saving this economic assistance that we are trying to provide them. On the contrary, they will be putting it back into the economy at a time it desperately needs it. Everywhere I look in this country industries and businesses are hurting. Hotels are reporting record lows in occupancy levels.

I am a native Floridian. For the very first time in Florida, Florida’s hotels are occupied at a single digit level. Need I remind people of Las Vegas and Mississippi and California and Hawaii and other places, not to mention just New York and the places where the tragedy impacted severely, physically. The residual is that we are losing.
I filed another measure to assist in protecting travel agencies who were losing customers by the dozens, and their number of unemployed within the next 2 weeks is expected to be 8,500.

The cruise industry that borders my shores in my district every day currently is a key industry, those persons that provide some luxury, and I will be filing another measure that will now address the American family and the American middle class who misses out so often when we do things here in the House of Representatives, and that measure that will be introduced before the end of the day tomorrow or at the earlier portion of the next day, that will be co-sponsored by the gentleman from California (Mr. Furman) and the gentlewoman from Hawaii (Mrs. Mink) and the gentleman from Hawaii (Mr. Abercrombie), will give the hotel industry and the travel industry a shot in the arm if we would allow tax deductions for families that take their vacations in the places that we need to get back to normal.

Service industries dependent upon airlines are closing their doors as we speak. Let us look to me going to the Fiji Islands, people got off of the airplane and were ready to go on their cruise. They were deboarded from the cruise line because the tour operators at the rest of their destinations, which included the territories, had gone bankrupt.

We need to fly planes but protect people. Both of the bills that we are using as vehicles here in Congress can use all of my colleagues to address the human and national tragedy we all know affects us all.

Mr. Speaker, let us look at another country which is accustomed to terrorism and how they handled their situation.

Yesterday morning, USA Today ran an editorial arguing that Congress should not be helping out hurting industries and unemployed workers in this time of need. The paper claimed that the assistance to these whining industries is unnecessary and fails to truly stimulate the economy. Fortunately, USA Today was fair, and I had the opportunity to respond to what I perceive to be a misleading and incorrect editorial.

Mr. Speaker, I take tonight as an opportunity to ask USA Today to consider again the response that I offered and to allow for other Members of Congress to share their views, which I am sure they are willing to do.

In preparing the response, I was curious as to how other countries dealt with acts of terrorism and the result of these cowardly acts. As many of us would have done, I sought a visual, a country which has dealt with terrorism for more than 50 years. Interestingly enough, in responding to decreasing profits in many industries and increasing unemployment as a result of continuing terrorist attacks in Israel, the Israeli Government has responded in a similar manner to how we are responding here in the United States.

Just in the last week and a half, the Israeli Government provided the hotel industry with emergency funds to offset their single digit occupancy levels. The Israeli cabinet has approved emergency measures to fight unemployment that have some of the increasing amounts of terrorism within Israel's borders. It is time for Congress to follow that kind of lead and not allow any unemployed worker to go on living without help.

Mr. Speaker, I have been joined by several of my colleagues, and I yield to the gentlewoman from Indiana (Ms. Carson).

Ms. Carson of Indiana. Mr. Speaker, when we come in on a daily basis, we 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.

Mr. Speaker, I rise tonight in support of the Displaced Workers Assistance Act, and assurance that is pending before this Congress; and I am here to enlist the eyes, ears and hearts for support for the Displaced Workers Act and any other measure that may be out there.

Mr. Speaker, how would my colleagues, Members of the United States Congress, feel if we appropriated billions of dollars to this institution, and show up the next day once that measure had been enacted, only to find that the area involved, that our employment has been abruptly terminated without notice, that we are no longer receiving a paycheck or severance pay or insurance or benefits.

That is why I believe that any delay in assisting those workers who were dramatically affected by the September 11 incident would be a delay in justice and thus a denial of justice to the numerous people who were affected by the horrendous and tragic September 11 event.

In 1900, Mr. Speaker, when Wilbur Wright designed this remarkable instrument that would eventually annihilate space and circumscribe time, the Wright brothers’ idea some 98 years later, sought and obtained billions of dollars in bail-out funds from this Congress.

We preserve the Wright brothers’ marvelous invention. Now with equal lateral damage that has been done in the United States, let us help those persons that provide some luxury, the people, the sky caps that were on the curb, the baggage handlers, the cargo handlers, the ticket agents, all of these people who have been affected by that tragic situation on September 11.

We helped out the airline industry. Let us help out the people who are we the people of the United States who are in dire need.

I extend my heartfelt gratitude to the honorable gentleman from Florida for allowing me to speak on behalf of this measure and to applaud him for having the foresight and the insight to try to help all of those who have been severely affected.

Mr. Hastings of Florida. I thank the gentlewoman.

Mr. Speaker, I am very pleased to yield to the gentleman from Washington (Mr. Inslee). I mentioned earlier the losses. I am sure that the gentleman from Washington will be able to bring us current. I am sure that my statistics do not reflect all of the collateral damage that has been done in his great State.

Mr. Inslee. I thank the gentleman from Florida (Mr. Hastings), I thank the gentlewoman from Pennsylvania (Ms. Hart) and Minority Leader Gephardt for their leadership in bringing this to the attention of the House. I and about 100 other Members were in New York City to see the devastation. The personal loss of life there is so stunning it defies description, but I think it is the responsibility of this House to very promptly deal with the consequences of the loss of living ability of many other families across the country that have been caused by this terrorist act.
In my neck of the woods, I represent the area north of Seattle. We have 20 to 30,000 workers at Boeing that may have layoffs hit them in the next year as a result of the decline in airline usage in the next year or so. There are 20 to 30,000 families as a direct result of this terrorist act that are looking at a loss of health care benefits, potentially a change in their career and a real problem paying the grocery bill. It seems to me very important for our Chamber this week to pass a measure that will give some change to those families. They will not be left out in the lurch when we deal with this terrorist act.

There are a couple of reasons for that, I think. One, we have got to realize that while we have responded to the immediate corporate needs of the corporations that run our airlines, and I think that was an appropriate and necessary thing to keep this infrastructure going in our country, it is impossible for me to go home and explain to my family who have been directly laid off as a result of these terrorist acts why the U.S. House would deal with the needs of the corporations, legitimate as they are, and not deal with the personal needs of the workers who have suffered as well.

They have needs to pay the grocery bill and their rent that are every bit as much pressing as the needs to keep those lines of credit going for the airlines. We hope that the House will send the legislation that the gentleman from Florida (Mr. HASTINGS) for his leadership in organizing this issue and how quickly he moved with legislation, in fact, the week of this tragic and terrible incident, in addition to the need for stabilization of airlines, along with the need for the infrastructure of our airports, to begin to put in place a structure that will respond to the numbers of individuals, again I want to emphasize, working people who are being impacted by this heinous act.

We all know that terrorism is all about. Tomorrow, the Committee on the Judiciary marks up the antiterrorism bill. We have used that word more often now than we have ever used it probably in our lifetime. Terrorism is fear, intimidation. It wants you to turn on your fellow neighbor. It wants you to feel crushed. There is nothing more crushing than a hardworking individual, Americans who believe so much in our flag of the United States with our arms around the world, the American worker, who makes the engine of this economy move. They are falling on hard times now. This legislation is not a handout, it is an original cosponsor. As I entered the airport today, sky caps were saying thank you, because we restored privilege to have curbside check-in. Changes are being made, but it is still important to have legislation that extends the unemployment assistance and provides job training because we do not know where this will lead us.

So, Mr. Speaker, I want to join my colleagues and I want him for this special order and allowing me to proceed because of the time element. But I am very much concerned that we do not move this legislation quick enough. I want to note my appreciation to the Leader and as well the Speaker. I believe that the two of them can help us move this legislation quickly. I hope that maybe, I assume we want it marked up, I do not know the procedures, I would almost like a suspension bill, but if it has to go through Committee, I would ask those committees to mark this up quickly. I would like to see this on the floor, as I said, this week, but certainly next week because there is nothing like supporting the flag of the United States with our arms around the American worker, who makes the engine of this economy move.

They are falling on hard times now. This legislation is not a handout, it is a hand up. Each of us in our respective districts know these families. We go to church with these families. We have got to help them.

I ask the airlines as I close, each of them would do well, and I would welcome it if they would send us a letter of support indicating their commitment as well to these workers and those who are impacted tangentially through the industry. We are all one big family. For the airlines to stabilize, I wish them well, and I will be working with them as hard as I can.

I see my colleague from Texas. We represent Continental Airlines in our community. We want them to survive. Let us work with the American worker as well. I thank the gentleman for his kindness.

Mr. HASTINGS of Florida. I thank the gentleman. I made note of the fact that when we passed the legislation, the gentlewoman was the second person to speak with me about being an original cosponsor.
Mr. Speaker, I yield to my distinguished colleague and good friend from Houston, Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I join my colleagues tonight in support of our Nation’s working men and women who are laid off as a result of the terrorist attacks. I thank the gentleman from Florida (Mr. HASTINGS) for spearheading not only this legislation, but also tonight’s special order.

Just a week ago, we gathered in the House and passed bipartisan legislation designed to take care of the critical needs of one of the mostvisible victims of the economic effects of these attacks, our national air transportation system. Due to the restrictions placed on air carriers in the aftermath of this tragedy as well as the understandable reluctance of Americans to resume flying, Congress passed the Air Transportation System Stabilization Act which provides critically needed economic assistance to our airlines. I believe that that bill was a necessary and responsible action to these attacks. I was hoping we could do it even the week of the tragedy, but it ended up the next week. I support other measures that will provide additional aid to industries that have been similarly impacted.

However, in our rush to help out these companies across America, we must not forget the working Americans who are losing their jobs because of these attacks. Even with the aid that Congress provided, layoffs at the airlines since September 11 have passed the 100,000 mark. For example, Continental Airlines, our hometown airline in Houston, the largest employer in my hometown of Houston, has announced that they are laying off as many as 12,000 workers systemwide, 3,000 of them locally in Houston. These layoffs, combined with a decrease of close to 100 flights a day into Continental’s hub at Intercontinental Airport, will have a substantial impact that will be felt throughout our local economy. That is just the tip of the iceberg. It is still possible that additional layoffs could happen in the airline industry. Further, other transportation-related businesses, such as restaurants, hotels and car rental agencies have all begun laying off significant portions of their workforce. That is why I feel that the Displaced Workers Relief Act is so crucial.

This legislation will provide needed relief to hardworking Americans and families as they deal with this difficult time. At the same time, this relief will serve as a stimulus for our economy. The bill would extend unemployment and job training from 26 weeks to 78 weeks for these workers. This is the same amount provided to workers under the trade adjustment assistance program. For workers not otherwise qualified for unemployment insurance benefits, the bill would provide 26 weeks of unemployment insurance. More importantly, it would provide up to 78 weeks of federally-subsidized COBRA premiums and provide optional temporary Medicaid coverage for these workers without COBRA. COBRA is the part where if you are laid off, you can continue to buy your insurance from your group insurance, your employer. The problem is that if it is so expensive, you are laid off, you do not have any income, you cannot even afford the insurance. That is why we need to pass this legislation as a package. Hopefully the airline security is immediately so we can do it. All airline and airport workers, including transit workers as well as employees who work for airline suppliers, such as service employees and plane manufacturers, will be eligible for these benefits.

That is why I urge the House quickly to do that. Mr. Speaker, I am proud that Continental Airlines was one of the airlines that said that they would not abrogate their union contracts, they would pay their employees under their union contract and not have the emergency provisions in their contracts. I am proud that they are our hometown airline and they are treating their employees well. Other airlines were not.

That is why today I was disappointed when I heard that Reagan was reopening the airports and he was not getting some of the slots based on being the fifth largest airline. We are working on that as a delegation from Houston.

I thank the gentleman for this bill. Hopefully there are a lot of things we can do, and this is one of the things we need to do for our employees. Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman. I have a very strong feeling that American Airlines should have some of those slots. Even though it is 500. It is safe for all of the airlines to be able to undertake to do their responsibilities as well.

Mr. Speaker, sometimes bipartisan-ship takes on characteristics where even on one side of the aisle there may be divisions on issues. Tomorrow, if America is looking, my good friend, and he is my good friend, the gentleman from Chicago, Illinois (Mr. DAVIS), is going to be opposing a measure that Continental was told they want to see Democrats in a cat fight, wait until tomorrow when the gentleman and I go at it. But tonight, for America, the gentleman and I stand totally together. We will have our dispute about the sugar industry and the confectionery industry on tomorrow. I do not want to take too much of the time, since I control it.

I now yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the Displaced Workers Relief Act of 2001 as proposed by my colleagues, the gentleman from Florida (Mr. HASTINGS) and the gentlewoman from Pennsylvania (Ms. HART). I want to commend both these Members, because, once again, the gentleman from Florida (Mr. HASTINGS) is out front dealing seriously with the needs of working class Americans, making sure that everyone gets benefits, so that everybody gets a piece of the action.

This bill will provide much-needed relief and assistance to families that are affected as the airline industry is still very tough and the balances, the balanc is sometimes inines, so that everybody gets a piece of the action.

We have just entered the fall season, meaning that children are back in school, mortgages have to be paid, and life must continue. To minimize anticipated hardships affecting hardworking families of our respective districts, I support wholeheartedly H.R. 2946, known as the Displaced Workers Relief Act of 2001, and once again commend and congratulate the gentleman from Florida (Mr. HASTINGS) and the gentlewoman from Pennsylvania (Ms. HART) for taking to heart the needs of American workers.

Mr. HASTINGS of Florida. Mr. Speaker, I was about to commit a major mistake. The previous speaker pro tempore, the gentleman from Connecticut (Mr. SIMMONS), is a cosponsor of this measure as well. And, in light of the fact that he was in the chair, I was not ignoring that. I want to acknowledge and thank the gentleman, not only for his support, but for his demonstrated leadership here in the House of Representatives.

Mr. Speaker, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON), a champion of working and rural Americans, who clearly understands that this tragedy has impacted us all and has impacted North Carolina’s industry, its hotel industry, its tourism, and its rural communities.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding and the leader him for his leadership.

Mr. Speaker, Congress passed within 10 days of the terrorist attack a bailout package for our airline industry, which they indeed needed. Now, about 10 days later, we have an opportunity to pass a bill, H.R. 2946, to provide relief for displaced workers. We must support America’s workers.

I again want to congratulate the gentleman from Florida (Mr. HASTINGS) and the gentlewoman from Pennsylvania (Ms. HART) for their collective leadership, and all of those who are cosponsors. I am pleased to say I am also a cosponsor of this bill.
In addition to the hardships suffered by airlines during this crisis, thousands, indeed, hundreds of thousands, of airline and airport workers have lost their jobs or may lose their jobs and need help from the Federal Government.

We also should find ways to help the millions of workers in hotel and travel industry jobs who also may become unemployed during this crisis.

I would like to place into the RECORD a statement by Mr. John Wilhelm, President, Restaurant Employees International Union.

STATEMENT BY JOHN W. WILHELM, PRESIDENT

The devastation of the hospitality industry nationwide cannot be overstated. Between one-third and one-half of our Union’s members will be laid off this week, and the same proportions are true for the larger non-Union sector of our industry, resulting in at least three million workers laid off.

Our Union supports temporary relief for the companies in our history. In addition, we believe temporary relief for the employees is essential, not only for the sake of the workers and their families, but for the sake of our nation. The hospitality industry has driven the recovery of central cities over the last decade. We are the largest welfare-to-work employer. The collapse of our industry has dire implications.

Supplemental Federal unemployment insurance is important, and has considerable precedent. It may also prove necessary, in New York and perhaps in other states, to provide Federal help for state unemployment systems.

But the most important issue we need to focus on is health care for these laid-off workers and their families. They will be able to scrape by on unemployment compensation, but in no way will they be able to pay for continued health care coverage after layoff.

Moreover, it is very much in the national interest for the existing health plans, both corporate and union, to continue to cover them. We cannot afford for those existing health plans to be decreased, because that will mean that even when the industry recovers, the trend toward more uninsured Americans will continue. In addition, the public health system in this country cannot absorb all these laid-off workers.

Mr. Speaker, Mr. Wilhelm is giving the needs of what he saw on September 25, the needs of millions of laid-off hospitality workers for Federal help with unemployment compensation as well as with continued health care coverage.

These workers and small business operators in communities all over our Nation constitute the backbone of their local economies, in North Carolina as well as other States. These workers may be expendable to the airlines but they are essential to the economic well-being of their families and their communities. Their economic security is as important to the Nation as the fiscal soundness of our airlines. We should help both.

These workers receive low wages and have meager resources to draw upon during a crisis like this. Neighborhood food pantries and food banks currently are facing increased demand and may be unable to maintain the sudden increase of unemployed workers. We must expedite this package and hope that the distribution of these funds to families becomes a reality, because the community resources will not be sufficient to address this emerging food and housing and utilities in the interim.

Our economy was declining before the attack of September 11. It is now getting worse. We must find ways to restore the public confidence, capacity, and commitment to our economy; that is, for people to travel and spend money. We must ensure the safety of Americans when they travel. We also must retrain unemployed workers and marshal their talents and skills into productive end-use infrastructure development in rural and urban communities and the development of affordable housing. We also must raise the minimum wage to a meaningful level of wage.

We must take those steps and others towards recovery. We must understand we have already depleted our Social Security trust funds and are resorting to deficit spending, because already we have spent the projected budget surplus. And we have very few resources because of the unwise, huge tax cuts earlier this year.

These are tough times and require wise stewardship of our economy. As we move forward, Mr. Speaker, to recover and rebuild, we should move forward together. We have bailed out the airlines, and now we have an excellent opportunity to respond and help workers who so desperately need it. They have lost their jobs due to the crisis resulting in 10 years from now. We, with the few resources we now have an opportunity to support the American workers. We must support the American workers.

Again, I congratulate the gentleman from Florida (Mr. HASTINGS) on his leadership and all of those who coponsored this legislation.

Mr. HASTINGS of Florida. I thank the gentlewoman.

I would alert my colleague, the gentleman from Pennsylvania (Mr. WELDON), to his traveling companions, and I would ask the American public to pay attention to the next hour that interrelates in this global village. I just want the gentleman from Pennsylvania (Mr. WELDON) to know that we have less than 10 minutes, and I will not take all of that time. His traveling companions are my good friends, the gentleman from Texas (Mr. ORTIZ) and the gentleman from Texas (Mr. REYES), with whom I serve on the Permanent Select Committee on Intelligence to consume the next hour, and I am sure they are going to enlighten us with reference to recent and laborious travel they have undertaken and as it relates to our present circumstances.

Mr. Speaker, last week I received a call from George Mador. Mr. Mador is the President of L&M Aircraft Services, and he called my office looking for a help. L&M is a maintenance company that services charter airlines transporting passengers to and from the Bahamas. L&M has only seven employees, and many of them have been with the company for the majority of the company’s existence. In the wake of terrorist attacks on September 11, L&M is now facing imminent bankruptcy; and its seven employees, therefore, are facing certain unemployment.

George told me that he did not want to get out of bed this morning because of the reality that he will have to lay off at least half of his staff by the end of the week as a result of zero income in the past 3 weeks.

Last week’s payroll left George and several of his employees without a paycheck and L&M $500 in the hole. With no apparent income coming in the past 2 weeks, the future of L&M airport services and its seven employees are undoubtedly in jeopardy.

Three international airports that I am privileged to serve, Fort Lauderdale/Hollywood, Palm Beach, and Miami, there are more than 300 small businesses like L&M that are now on the verge of bankruptcy as a result of lost income. In Miami-Dade County, as I have said earlier, the airline industry is the economic engine representing more than 9 percent of the county’s total workforce. Thousands of employees already have or will lose their jobs, and hundreds of businesses will go under nationwide if Congress does not expedite this legislation, as well as other legislation.

The headline in this morning’s Palm Beach Post read, ‘Florida’s layoffs double in 10 years.” This is not unique to Florida. It happens to be the place that I am privileged to represent. But those layoffs nationwide are immense, and we have a responsibility here in this institution to do something about it and to do it now, for all of the workers of this country.

This country has a historical precedence in protecting our economy when it needs it most. During the Depression, and I was born during that period, my mother saw the end stages of the real Depression, the 1929 crash. Although we were in a different kind of society, I can tell you that the week of the crash itself, 1,000 persons committed suicide.

So last week when I introduced this legislation someone said I was being incendiary, because I was using the facts to demonstrate what can and likely will happen in this country, and among those things are increased child abuse, increased domestic violence, increased alcoholism, and, indeed, crime will increase.

People ask, how can we afford to do what you are saying, Al? I ask them,
how can we afford not to? During the Depression, President Roosevelt worked with Congress and initiated the New Deal. From Social Security to Job Corps programs, the WCC and the WPA, the New Deal succeeded in stimulating a dead economy, much more dead than ours is now, while at the same time creating a safety net and programs such as Social Security that would provide immediate relief as well as long-term security.

Reflecting on the programs that were created by the New Deal, President Roosevelt in 1936, the year of my birth, said, “America got something for what we spent, conservation of human resources through the CCC camps and through worker relief, conservation of natural resources, of water, soil, and forest; billions of dollars for security and a better life. While many who criticize today were selling America short, we were investing in the future of America.”

Today, at a time when our country mourns and hurts, it is the responsibility of the Federal Government and the United States Congress to do what it needs to do in order to help all Americans deal with these hard times, all working Americans especially. For Congress, as you know, hundreds of thousands of Americans have lost their jobs as a result of the terrorist attacks would be nothing short of irresponsible.

Another Roosevelt quote from May of 1932, President Roosevelt said, “The country needs, and unless I mistake its temper, the country demands, bold, persistent experimentations. It is common sense to take a method and try it; if it fails, admit it frankly and try another. But above all, try something.”

Domestic security is not just protecting our borders with guns and soldiers. It is not just protecting our planes and airports. On the contrary, domestic security is also about protecting our economy.

I ask all of our colleagues, what would we be doing, what would we be doing if a terrorist nuclear weapon had been used in any of the three sites where folks were victimized and lost their lives and families who are still mourning them? And what is silent at all is that every American has some sense that if these fools had the nuclear weapon that they would not have used them, for they think they have some divine mandate from God to eliminate people who do not think like them.

Had it been a nuclear tactical weapon, none of us would have gone home, no airports would be open, and we would be here in this building and the people in the other body would be in that building until such time as we could confer with real solutions, not just for big dogs feeding at the trough, but for all Americans. I entreat this country to answer that question, How can we afford it? Simply by saying, we cannot afford not to afford it. There would be no reason to take any tax cut that has been put forward. Anybody in their right mind would know that we can repeal those tax cuts in the years 3, 4, 5, 6, 7, 8, 9 and 10, and take care, as Franklin Roosevelt did, of the needs of our country now.

**DISPLACED WORKERS RELIEF**

The SPEAKER pro tempore (Mr. Gephardt) said, “The country needs, and unless I mistake its temper, the country demands, bold, persistent experimentations. It is common sense to take a method and try it; if it fails, admit it frankly and try another. But above all, try something.”

Domestic security is not just protecting our borders with guns and soldiers. It is not just protecting our planes and airports. On the contrary, domestic security is also about protecting our economy. We know that tourism is $6.7 trillion to this economy. If we do not have tourists coming to the various States coast to coast, workers will lose their jobs in the aftermath of this cowardly act of September 11.

It is the thousands of workers, including workers from Boeing and other aviation and engine manufacturers, who face massive layoffs as a result of this tragedy. It is essential for the administration and Congress to move aggressively in addressing the needs of America’s workers. These men and women are hard-working individuals who are buying their homes, raising their families, and making significant contributions to the greater economy.

In the days and weeks ahead, we will face enormous financial pressures, and so will they, including credit card bills, mortgage payments, and utilities, tuition bills, medical bills, and other essential outlays. I would like to see the Congress take up a package which would address the medical care needs, job retraining, and severance pay. The tragic incidents of September 11 have already touched and affected so many Americans. Mr. Speaker, we should do everything in our power to limit further damage to the American economy and, most importantly, to American families.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of the 140,000 airline industry workers who have been or are expected to be laid off.

I am a cosponsor of Mr. Gephardt’s legislation, H.R. 2955, the Displaced Workers Assistance Act. I urge the House swift adoption of this or similar legislation. However, I also want to call attention to legislation introduced in March, long before this crisis. My bill, H.R. 886, would eliminate Federal income taxation of unemployment benefits.

The Congressional Budget Office estimates that 95 percent of all unemployment compensation claims are funded by the Federal government, and the Federal taxation eats up 17 percent of their benefits. This is a form of taxation that is regressive and cruel, because it takes...
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from those who need it most at a time when they are most in need.

The aviation sector is certainly the hardest hit due to the September 11 events. The effects are now rippling throughout the economy and have pushed an economy that was teetering on the brink of recession over the edge. My bill was not written to relieve the economic hardship that airline workers will experience but also the hardship that workers in other parts of the economy will experience as the economic downturn continues.

What we must cut is eligible to individuals who become unemployed regardless of their income, it would have the greatest benefit to low-income taxpayers who have to make the greatest adjustments to meet basic necessities such as rent, utilities, food, and clothing for themselves and their children.

Mr. Speaker, I urge swift adoption of H.R. 886, as a stand-alone bill, as part of an airline employee relief package, or in a broader economic stimulus package.

The terrorist attacks of September 11 not only caused tremendous physical destruction to lives and property but also dealt a body blow to our air carriers. Airlines hemorrhaged more than $1 billion in the week following the attacks, when their planes were ordered by the Federal Government to be grounded. They continue to lose money because passengers are still hesitant to fly.

Airlines have taken painful steps to control their costs, including reducing flight schedules and laying off thousands of workers.

Congress acted swiftly and decisively to stabilize the financial situation of the airlines, by passing a $15 billion package of grants and loan guarantees. I supported this legislation because I recognized that if it did not pass, American Airlines in my district could be forced to lay off even more workers and other airlines could be forced to file bankruptcy.

At the same time, I was troubled that the financial stabilization bill was an incomplete package that did not also provide relief for the heart and soul of our airlines—its workers.

Now that the airlines are already receiving their distributions in grant assistance, it is time to finish the job. We must ensure that there are adequate resources to provide airline workers with extended unemployment benefits, training opportunities, and continuation of health care coverage for them and their families.

Mr. Speaker, I urge expedited consideration of the Displaced Workers Assistance Act and my bill to eliminate Federal taxation of unemployment benefits.

Mr. TOWNS. Mr. Speaker, I want to join my colleagues in voicing support for a legislative initiative to address the tremendous economic stimulus package. While my tax cut is eligible to individuals from those who need it most at a time when they are most in need. Roosevelt said, "A New Deal for America’s airline employees." Mr. WELDON, to the near 

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travel to Moscow by the American Council of Young Political Leaders. I have continued to visit Russia since my election to Congress, as a member of the House Armed Services Committee and later as co-chairman of the Duma-Congress Study Group, the official interparliamentary exchange between the U.S. and Russia.

My travels with leaders across Russia have taught me that the Russians are a proud people, historically aware, and mindful of Russia’s unique global role. Increasingly, they are becoming aware of the limitless possibilities for U.S.-Russian cooperation on a host of issues.

This brief paper, then, is an effort to weave together the comprehensive program of U.S.-Russian cooperation across a wide-range of issues.

Too often, the focus of our bilateral relations has been on defense and security—precisely the issues on which our interests often collide. It would be more useful, as we move forward with a Russian policy for the 21st century to take a more holistic approach—one that takes into account Russia’s myriad concerns as well as our own.

Therefore, in consultation with many of the leaders across Russia, I propose a series of initiatives to engage Russia on issues like the environment, energy, economic development, health care—as well as defense and security. Some of these are new ideas, but many are not. Many of these initiatives are already underway, and need additional support to move even greater progress.

Such engagement is in the U.S. interest as well as Russia’s. For if the U.S. and Russia are cooperating on issues across the board, Russia will be more likely to work closely with America on the national security issues that matter most to us— missile defense, the war against terrorism, and proliferation.

This plan will never be a finished product. The contours of our bilateral relationship change daily with world events. Not will it like be turned into a grand legislative proposal, although certainly parts of it may be. I hope only that it is a starting point for discussions between Russia and America on ways that we can forge a new relationship that will benefit both our countries.

For if we make a new American-Russian relationship, one based on common interests that benefit the citizens of both countries, then we will make great progress—not just for America and Russia alone, but for peace and stability across the globe.

A NEW TIME, A NEW BEGINNING

SUMMARY OF KEY RECOMMENDATIONS

Cultural Development

Expand cultural ties outside the major cities.

Assist Russian regional museums generate tourism.

Provide for more Russian language and cultural studies in U.S. schools.

Economic Development

Help facilitate Russia’s accession to the WTO and its acceptance of all WTO agreements.

Increase funding for OPIC and EX-IM Bank projects.

Work with Russia to improve intellectual property rights.

Energy/Natural Resources

Foster cooperative pilot projects, starting with oil and gas exploration in Timan Pechora.

Convene bilateral task force to discuss the energy ramifications of the war on terrorism.

Eliminate bureaucratic obstacles to joint cooperation on energy.

Defense and Security

Initiate new bilateral talks similar to the Ross-Mamedov talks on a Global Protection System.

Move forward with joint talks on a new nonproliferation regime.

Encourage progress on the RAMOS program and restructure the Nuclear Cities Initiative.

Environmental Cooperation

Develop a revolving fund to assure development of promising Russian technologies.

Expand debt for nature swaps.

Dramatically expand cooperation on marine science research.

Health Care

Increase emphasis on chronic diseases like cardiovascular and diabetes.

Develop more extensive physician exchange programs.

Augment existing cooperation between NIH and appropriate Russian research institutes.

Judicial Systems

Support expansion of jury trials into all Russian regions.

Expand Environmental Public Advocacy Centers into Russia.

Encourage a doubling of the number of legal clinics in Russia.

Local Governments

Propose ways to expand the tax base available to local governments.

Encourage greater participation by increasing local partisan affiliations.

Encourage the gradual devolution of services to the local level.

Science and Technology

Increase cooperation in the area of nuclear fuel cycles.

Expand cooperative fusion research on nonpolluting energy solutions.

Involve Russian industry in embryonic U.S. nanotechnology efforts.

Space and Aeronautics

Utilize commercial joint ventures to enable Russia to meet its Space Station obligations.

Increase joint projects on space solar power, propulsion technology, and weather satellites.

Cooperate on mutually-beneficial planetary defense tracking technologies.

Mr. WELDON of Pennsylvania. This entire document, which we have briefed to the administration, and which I have given to Senator LEVIN and Senator LUGAR and have talked to Senator BIDEN about on the phone, will be presented to our colleagues in a formal context after we have had a chance to make some modifications and changes.

We have also presented this initiative to the White House, to the Vice President’s staff, to the National Security Council, the Defense Department, and the State Department.

Truly, it was a landmark opportunity for us, a historic opportunity, to change the direction in our relationships with the Russians.

Mr. Speaker, the other activity that we did on this trip, which grew out of the September 11 incident, was to try to find a way to further support our President to build an international alliance that would work together on terrorism. At the end, we drafted a piece of legislation, had it translated into Russian, faxed it over in advance of our trip, and asked the leaders of the Duma, which is their congress, to consider passing an identical bill to one that we have passed in the House. This legislation calls for the creation of a joint task force on terrorism involving Members of the House and the Senate, the Duma, and the Federation Council.

Our Russian colleagues were very much supportive, indicated that they could pass such a measure in 3 weeks. At this point, Mr. Speaker, I will enter the actual resolution in the CONGRESSIONAL RECORD.

Mr. Speaker, this is a bill that I hope our colleagues will support. The 11 members of our delegation will be the original bipartisan sponsors of this bill. We have not yet dropped it. But it will be, I believe, the first time that the parliaments and the government legislatures of Russia and the U.S., pass an identical bill, perhaps even on the same day, because they are 8 hours ahead of us, that calls for the creation of a joint task force to work together on terrorism.

Mr. Speaker, we thank our Russian friends for their condolences, we thank them for offering to allow our airplanes
to use their airspace to assist us in intelligence, and we thank them for their support of our trip on the second leg of our journey to Rome.

In Rome, Mr. Speaker, we traveled for 30, 40 minutes outside of town under heavy security to visit the King of Afghanistan, living in exile.

The king of Afghanistan was thrown out of that country in 1973. He has lived outside of Rome under heavy security since that time. We made a special visit to him to enlist his support in eventually returning to his native country to convene a cooperative effort with those leaders in the northern front, now called the Joint Task Force, or the Unified Front, to overturn the Taliban government, to remove Osama bin Laden, and to support the people of Afghanistan taking over their government.

Our meeting with the King lasted for 90 minutes. It was extremely constructive. Our colleagues will discuss it in more detail when they speak.

Following that meeting, we met for 90 minutes with approximately 10 or 12 leaders from military factions in Afghanistan who had flown in to meet with us and the King. We were convinced that this new effort is broad, it is across the spectrum in Afghanistan, and involves all the various tribes.

We are convinced that we should continue, as our President has said, to support this Unified Front with both money and any type of military support that they would require. In fact, we have prepared recommendations to present to President Bush, the Secretary of State, Secretary of Defense, the National Security advisor, on additional efforts that can assist this Unified Front to remove Osama bin Laden. Politically and geographically, we met with the King and the Unified Front, we went on to Ankara, Turkey.

On Sunday and Monday in Turkey we met with leaders of their parliament, leaders of their government, and thanked them for their support of our people. We thanked them for their steadfast loyalty to America during very difficult times.

Turkey has been one of our strongest partners during good times and bad times. Turkey, a 50 percent Muslim nation, has no problem standing up with America and proudly performing any task that we ask them. In fact, Turkey has a unique position. They are best of friends, not just with the U.S., but also with Israel, with Russia, and with Pakistan.

In our meetings with the Turkish military and with the Turkish leadership, we came to the conclusion that we should put further emphasis on Turkey playing a lead role in helping us to remove Osama bin Laden and to remove the Taliban, assuming they continue to disagree with the President’s request to turn bin Laden over.

Again, we make specific recommendations to the administration which are contained in a document that I will offer as part of the CONGRESSIONAL RECORD.

The document referred to is as follows:

U.S.-RUSSIA-TURKEY PARTNERSHIP: ANTI-TERRORISM AND AFGHANISTAN

[A Bi-partisan Congressional Delegation led by Representative Curt Weldon: Russia-Italy-Turkey—September 26-October 1, 2001]

OVERVIEW

This Congressional delegation to Moscow was originally planned in August as part of the continuing dialogue of the Congress-Duma Study Group, chaired by the U.S. side by Chairman Weldon (R-PA). After the September 11 terrorist attack in New York and Washington, the delegation saw an opportunity to reinforce President Bush’s coalition building effort and expanded its mission to consult with leaders in the region to gain information that could prove helpful to the Congress in formulating the war on terrorism. As a result, additional stops were scheduled for Rome and Ankara.

In addition to the original agenda in Moscow that sought to enhance bilateral discussions with the Duma (atch 4, “A New Time, A New Beginning...”), an eleven point agenda, the delegation prepared and presented to the Russians (annex 5) on our national interest and strategy in Afghanistan. The delegation hopes to see passed in both the Duma and Congress.

In Moscow, representatives of the Duma, Federation Council, and the President's office officials were enthusiastic about both the eleven point program proposed for broadened Congress-Duma discussions, and the counter terrorism-related discussions with the United Front/North Alliance leadership in Rome.

The main objective of the counter terrorism effort was to explore recommendations by key allies that would enhance the understanding of Congress by seeking insights into the difficult challenges in the fight against terrorism, especially in Afghanistan. In Rome, the delegation had a one hour discussion with Zaher Shah and United Front field commanders from diverse areas of Afghanistan provided a detailed briefing on the current military situation. During the meeting, the Russian officials encouraged the delegation to pursue its fact-finding opportunity with the exiled Afghan King and United Front/North Alliance leadership in Rome.

In all countries, there appeared to be unanimous support and approval for the President’s efforts to build a strong coalition against the Taliban and to remove Osama bin Laden (OBL) and the extremist Taliban regime. Russian and Turkish leaders supported the delegation’s effort to meet with King Zaher Shah and United Front field commanders from diverse areas of Afghanistan provided a detailed briefing on the current military situation. During the meeting, Russian and Turkish leaders, as well as members of Parliament, gave the delegation poignant insights and their perspectives on defeating the Taliban and other terrorist forces.

FINDINGS

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MEETING WITH AMBASSADOR ZIYAL, UNITED STATES MINISTRY OF FOREIGN AFFAIRS, TURKEY—OCT. 1, 2001

KEY POINTS

- There is no "nation" of Afghanistan, just a collection of various groups/tribes/clans/warloads. They unite to confront foreigners. It is near impossible to assert central control, but the exiled-King could be a unifying symbol.
- The Taliban originated in Pakistan. They were initially welcomed because they established order out of the chaos of the end of the war against the Soviet invasion. They "bring it under order." They are "hardest on their own" who deviate from their hard line —viewed as heretics. They were supported by Arab Afghans —"radical Sandus pumped in millions" and support was provided by other Gulf Arabs. The Taliban became force of evil. OBL is a supreme organizer. He created a "senseless organization of chaos".
- The OBL/Taliban network "recruits the young to brain wash them." It is impossible to protect society against suicide bombers.
- There has been a humanitarain (3 clinics) presence in Northern Alliance areas of Afghanistan.
- Turkey had a school in Kabul, but couldn't agree with Taliban on a curriculum and the Turks left —"Taliban wouldn't listen to reason —they are fanatics.
- The King is a figure. Authority lies with tribal leaders. There could be a role for him as an umbrella, interim leader. Tribal leaders will cooperate if they see it in their interest to do so. Valuable very early —for various reasons: money, power, jealous.
- Rep. Bartlett: (Referring Turkish General Staff) He tries to be a bumbling array of terrorist groups. The US is focusing on the Taliban. How much of the "problem" is the Taliban? Ambassador: OBL is 5 percent of the terrorist problem. US tends to personify issues, for example Saddam and Sadat. Particular realities of each nation need to be considered. We have been involved in.

Mr. Speaker, I yield to our good friend and colleague, the gentleman from Texas (Mr. ORTIZ), an outstanding senior Member of the Congress who has been in the House for 20 years, a senior member of the Committee on Armed Services.

Mr. ORTIZ. Mr. Speaker, I would like to thank the gentleman from Pennsylvania for his leadership. I think it was a great trip, a very productive trip. We were able to learn things that we were not used to talking about from countries like Turkey, Russia, some of the other countries who have had terrorist acts. For the United States, it was something new. I think that individually I was able to learn a lot from Turkey. Turkey will continue to play a very, very important role in the defense of this country that is so dear to them. But we feel sometimes that we have neglected Turkey. They are proud citizens, they are proud soldiers. They have stood by our side during almost every conflict that we have been involved in.

One of the things that really impressed me was the relationship that our own Chairman of the Committee from Pennsylvania (Mr. WELDON) has with the officials from Russia and the people of Russia.
We were received with open arms. Not only that, they stated that they were willing to work with us. This legislation that the chairman is talking about is very, very important, not only for the United States, but for the rest of the world. This is a cancer that has to be removed.

Bin Laden, even though we were able to dispose of him, to remove him from power, he has been able to train many young men to conduct the same terrorist activities that have been conducted all over the world. We just hope that the Muslim and Islamic leaders can explain to the rest of the world that this is not Islamic religion, this is not the teachings of the Muslim world; this is hatred, this is murder. Hopefully, we will be in a position to do better as a world, to be more understanding.

I know Muslims do not preach hate. They do not condone the killing. But I am so happy that I went on this trip, because it was really a fact-finding trip, Mr. Speaker. I want to say again, I thank the gentleman for his leadership.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my good friend and colleague for his leadership and support as a co-leader of this delegation. We came away with some very special feelings, and he came away with some special symbols of our relationship. I thank him for the cooperation that he has given me.

I yield to the gentleman from Tennessee (Mr. CLEMENT), our next member of the delegation.

Mr. CLEMENT of Tennessee. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I returned Monday from a very successful bipartisan congressional delegation that included meetings with the Russian Duma, the exiled king of Afghanistan, representatives of the United Front fighting the Taliban, and Turkish foreign and military officials.

I want to praise my colleagues, the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Texas (Mr. ORTIZ), for chairing this trip. I also want to commend all of my colleagues for their hard work and dedication to these meetings. We had a real team working together, and I think because of our teamwork, we were very successful.

Mr. Speaker, I want to say also that this is not a battle between the East versus West, it is not a battle that is Muslim versus Christian. It comes down to a travesty that happened September 11th that hurt, injured, and lost the lives of many Americans.

But what I learned on this trip when we traveled to Russia and Italy and Turkey is that the rest of the world has experienced terrorism for a number of years. We have been immune from terrorism, but not anymore. Now we have to face up to our responsibilities, knowing that other countries have had to live with it for many years, and now we, as the superpower.

We are the only superpower now. It used to be the Soviet Union and the United States, so now it has come down to just the United States. It puts us in a position where we must act, and we will act. The United States and our allies will move against the terrorists. It probably is very soon.

But I have just returned from meeting with the other countries that they accept and are excited about the possibilities of the United States working with them to combat terrorism in the world. Because if we do not work together, we cannot solve the problem. We cannot capture or even if we bring to justice Osama bin Laden, and even if the Taliban regime comes to an end very shortly, which very well could happen, that does not mean it is the end of terrorism, because there are many terrorist groups and organizations, some of which are even operating in the United States, many of which operate in other countries.

But if we work together, if we share our intelligence, if we understand another, it does not have to happen. People can live in peace, and people do not have to live in fear. But we have to bring these people to justice, and we have to demonstrate to the world that we care about their fellow man.

We know that there are a lot of wonderful Muslims in our own country. They care about their faith, just like we Christians care about our faith. We do have a great country, and it was a great honor to be with the gentleman from Pennsylvania (Chairman WELDON), to be with him on this wonderful trip, which was a fact-finding trip.

As the gentleman mentioned a while ago, we are going to share this trip with the Secretary of State, with the Defense Department, with the national security agencies, and with a lot of entities, even our fellow Congressmen and U.S. Senators, for them to know what happened, how it happened, and that through our trip, and I really believe this, we are going to save a lot of lives. We are going to minimize the loss of life that could have occurred if we had not taken this trip.

God bless the gentleman and God bless this country.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman from Tennessee (Mr. CLEMENT), our good friend and colleague.

To follow up, we met with the King for 90 minutes at his residence on Sunday, and following that we met for 90 minutes with a dozen or so members of the Unified Front. It was on Monday, the day after we left, that that group came together and publicly announced a solidarity.

We would like to think that our conversations with both of those groups helped to convince them that America was there to work with them as Afghanis take over their own country and take back their land from this terrorist operation, this Taliban organization, that does not abide by the rules of civilization, but rather, abides by some commitment to destroying and killing people.

We also said to them, Americans are good people. In fact, we are the largest supplier of humanitarian aid to the Afghan people even today; that assuming we can get rid of the Taliban and Osama bin Laden, and begin to clean up this terrorist network, we are prepared for the long haul to support efforts and endeavors to help them improve their health care, feed their people, take care of their housing and environment problems, to help them join the community of nations.

I think, in fact, this trip did have a significant part of the success in allowing, the day after we left, the King and the opposition leaders to come together in a way that we have not seen up until now.

Mr. Speaker, the gentleman from Michigan is another one of the vital leaders of the task force who was a leader back in the early days of the House. He played a critical role and was involved in both our discussions and in meetings, and in engaging in our meetings. We had some 19 meetings in each of our stops.

I yield to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Pennsylvania very much.

Quite often, we in Congress get in part of debates here, and are, in effect, sort of in a shell. But on this CODEL, 11 Members of Congress broke out of that shell and went on a CODEL to other parts of the world that was totally bipartisan, probably the most effective trip that I have ever taken.

For the record, I say to the gentleman from Pennsylvania (Mr. WELDON), allow me to read in the Members that went on that CODEL.

Of course, the chairman of the CODEL was the gentleman from Pennsylvania (Mr. WELDON).

The cochairman was the gentleman from Texas (Mr. ORTIZ), a Democrat.

Other Members were the gentleman from Tennessee (Mr. CLEMENT), a Democrat; the gentleman from California (Mr. ROHRABACHER), a Republican; the gentleman from Florida (Mr. STEARNS), a Republican; the gentleman from Alabama (Mr. CRAMER), a Democrat; the gentleman from Maryland (Mr. BARTLETT), a Republican; the gentleman from Iowa (Mr. REYES), a Democrat; the gentleman from Indiana (Mr. KRENS), a Republican; and the gentleman from Pennsylvania (Mr. PLATT), a Republican.

Sometimes when legislators go and meet with legislators from other countries, the discussion back and forth is more frank than it is sometimes with the bureaucrats, with the diplomats, who have a more formal agenda. So some of the debate and the discussion and some of the criticism of the United States for things that it might have done in the past I think were more
readily outcome to end up not only with a frank discussion, but with actual friendship of these legislators in these other countries.

So I think some of the information that we have garnered is going to be the information that the State Department, as well as the President of the United States. I saw somewhat of a welcoming by these other countries that have experienced terrorism, that finally the United States is taking it seriously enough to help them do something.

Mr. Speaker, I now yield as much time as he may consume to the gentleman from Texas (Mr. REYES), my good friend on the other side of the aisle and this was truly a bipartisan effort. We are good friends anyway, but when the plane took off the ground, we were all one group working together.

This gentleman is the chairman of the Hispanic Caucus, representing all of our Hispanic Members in the House, and besides that, a senior member of the Committee on Armed Services, and mentioned in this trip, he is a senior member. So, Mr. Speaker, this is an important time for our country.

I as well as a number of our colleagues that had the privilege of traveling this weekend and going to Russia, going to Italy, and then winding up the trip in Turkey feel confident that this is one of the most important trips we have taken. This has the ability of redefining the way we look not just at our foreign policy but at the way we deal with the world, because the world has changed.

I want to congratulate our chairman and very good friend Chairman WELDON for putting together a comprehensive document that I hope we will use to define a new relationship between us and Russia.

I had the privilege of participating in a number of the discussions, and it was clear the respect that Chairman WELDON enjoys in Russia, but more importantly, the respect that we heard in Moscow, that we heard in Rome, and that was we do not need to risk American lives on the ground. All we need to do is support the Afghanistan’s United Front versus the Northern Alliance that we refer to now. More importantly, the fact that if we do not need to risk American lives on the ground, we should not do it.

Secondly, we should support the Afghanistan movement. The Northern Alliance, whether we call them the Northern Alliance or the United Front, I want to congratulate them, they know what they are doing, and they explained to us that they have the capability, they have the wherewithal to bring this to a conclusion and defeat the Taliban and its government and take care of Osama bin Laden in the process.

We all know and we have heard from a number of colleagues today that Osama bin Laden and the Taliban are a small part of the bigger challenge we face as we fight terrorism, but a fight that we are able to bring to bear. The gentleman from Texas (Mr. ORTIZ) in including me in this delegation, I am very proud this evening, jet lag and all, I am proud to stand here before the American people
and tell my colleagues that the kind of dedication and commitment we saw on behalf of our country with this delegation will bring us great results.

Mr. WELDON of Pennsylvania. I thank my distinguished colleague, the gentleman from Texas (Mr. REYES). Besides his intellect, besides his aggressiveness and his common sense, his wit added much to the trip. He kept us all smiling as we went from city to city, plane to plane, nonstop, in trying to accomplish and did accomplish all of our objectives.

So it was great and the gentleman’s humor added much to our trip. I thank him.

Mr. REYES. I thank the gentleman. Mr. WELDON of Pennsylvania. Mr. Speaker, the next member of the delegation who traveled is a senior Member of the House, someone who has earned the respect of our colleagues on both sides of the aisle. He is involved in a number of issues. This, I believe, was his first trip to Moscow; but he was as involved as any other Member and played a key role in helping us articulate our message to the leaders in each of the countries we visited, the gentleman from the State of Florida (Mr. STEARNS).

Mr. STEARNS. I thank the gentleman for yielding to me, and I am delighted to be here. I thought I would select this side of the aisle just to show what a bipartisan effort the gentleman created. His leadership on this is very strategic and important trip that we took to Moscow and, of course, the outskirts of Rome to meet with the exiled king of Afghanistan, and then back into Turkey.

I think, as has been expressed by my other colleagues, Turkey has a key role to play here; and we can learn much from what Turkey has done to combat terrorism. More specifically, in the last 20 years, Turkey has had 30,000 people killed by terrorist acts. Certainly this is a menace in the country, but they have put together an entire program to combat terrorism. And we were briefed by the general staff of the Turkish army on what they had done to protect themselves and their country, and they made broad recommendations for the United States and all countries around this globe of ours to put into place what is necessary if we expect to control terrorism.

Turkey, as my colleagues know, is a land between Europe and Asia and is protected by the straits between the Black Sea and the Mediterranean. Turkey is quite simply one of the most important countries in the region. It is interesting to note that some of their neighbors are the most hostile, aggressive people: Syria, Iraq, Iran. Prior to that, of course, they were close to Russia, with Georgia, Armenia, and Azerbaijan. So it is a very difficult, tough neighborhood, and Turkey occupies a strategic position and is of utmost importance to us.

In fact, Incirlik is an Air Force Base we have there; and through the kindness and support of the Turkish government, we have our military planes there, which has a radius which covers all these countries. So it is extremely important to have the friendship of Turkey. I thought I would put into the record some of the recommendations they have to us, and I hope President Bush will take note of some of these recommendations.

President Bush has done an outstanding job of bringing together consensus. The Prime Minister of England today gave an outstanding speech, putting in perspective some of the things that we have to cope with as a free democracy, a civilized country, when we deal with terrorists.

The terrorist attacks of September 11 have shown that we need international consensus. There are four things that the Turkish government has recommended. First of all, believe it or not, there is not a common definition of what terrorism is throughout the world. Each country has a little different definition for it. If we cannot define what it is, it is going to be hard to go after it. So the first thing we have to do is to define what terrorism is.

And the second thing the Turkey generals suggested is international law related to terrorism, specifically oriented to reciprocity, so that if we are trying to get a terrorist returned to the country where the crime occurred, there will be the ability to do so.

The third thing they said was to establish an international organization that would actually struggle day to day and work out strategic and tactical efforts to defeat terrorism. Today we have not established either in the European Union or in NATO or any community that encompasses all the countries and international organizations.

The last thing they say we should do is to publicize a list of active terrorist organizations and where they are. I think a lot of Americans would be extremely surprised to find that a lot of the cells of these terrorists organizations are in the free democracies. There are a lot of countries that we think they would try to extricate these cell organizations, but indeed they are there. They are being harbored there, and perhaps some of these democratic countries do not know it. But in many cases if these terrorist organizations were listed and were discussed and publicized throughout the free world, the countries that are interested in democracy and freedom, they would try to make greater efforts to rid themselves of this menace.

I would conclude by also saying that the gentleman from Pennsylvania (Chairman WELDON) did an excellent job. My colleague, the gentleman from Texas (Mr. REYES), gave an excellent job. Whomever who came into Congress with me in 1986 did an exceptional job also. The gentleman from California, when he was able to set up some of these appointments and because of his long experience dealing with Turkey and also dealing with Afghanistan, and, in fact, having been over there many times on his own participating, he understood a lot about the nuances of this situation. It is nice to have his support.

I hope all my colleagues will read some of the recommendations of our report. I hope tonight the gentleman from Pennsylvania (Mr. WELDON) will perhaps touch on some of them. Considering the fact that Turkey has lost so much because of the embargo on Iraq, we might consider forgiveness of Turkey’s IMF debt. That is something the gentleman might push on. It will probably be anathema to many Members of Congress; but if you put into perspective some of the sacrifices that Turkey has made, I think there might be some way to help them, be they economic, because the U.S. is their most loyal ally, has approximately $5 billion of foreign military sale debts, that we have sold them equipment to help defend our interests and their interests in the region.

On the involvement in Desert Storm where they immediately supported the U.S. President’s position against Iraq in 1991, when that occurred, they cut off approximately 2 to $3 billion of sales annually of products to Iraq, resulting in a $30 billion net decrease in their economy. They did that because they are our friends. When our President asked them to respond, they did not hesitate. They immediately cut off sales, they immediately, even though it cost them billions of dollars, they immediately, said we are going to stick with America because America stuck with us back at an earlier time when their sovereignty was being threatened.

So the comments of the gentleman about the need for us to consider forgiving that $5 billion of debt, maybe over a period of time, may be all at once, whatever it might be, I think is an outstanding recommendation and one that I would wholeheartedly support.
Mr. STEARNS. Mr. Speaker, if the gentleman would yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman.

Mr. STEARNS. Mr. Speaker, maybe a forbearance or some type of policy, as you point out, where they are strategically located, and to give us an Air Force presence, could have gone to Incirlik, and to allow us to have this full freedom with our Air Force is absolutely crucial to that area to protect it.

As I pointed out earlier, their neighbors and aggressors and their economy is faltering. A lot of the problems they are having is perhaps because of their loyalty to the United States. I think in times of crisis like this, where you have opportunity and danger, it is probably very important to consider how to help them so that their economy is strong and they can continue to support us without any kind of reservation. So some type of forbearance should be thought of by us here in Congress.

Mr. WELDON of Pennsylvania. Mr. Speaker, I agree with the gentleman and thank him for his comments. I would just add that as we found out that Turkey is a 99 percent Muslim state, yet it is 99 percent behind America and the allies in this effort.

That proves the point that President Bush and all of us have been making. This is not a war against Islam. This is not a war against Muslims. This is a war against a radical band of cowards who hide in the hills, right now hiding in the deep caverns of the mountains of Afghanistan because they know they have done wrong and they are afraid to show their faces. They are being hidden and kept by the Taliban government that is just as bad as they are because they are harboring these terrorists that will not bring them forward.

Turkey is a critical player. I thank the gentleman for raising that point, and I thank him for his comments.

Mr. Speaker, I would like to turn to one of our junior members. When you first come to Congress you are not expected to play a pivotal role. You are expected to be involved and learn and try to sort out what is going on; but this gentleman has hit the ground running. He has been in the House less than a year. He come from a very dynamic state, Pennsylvania. He jumped into the opportunity to play a role as we asked to have some younger Members in seniority go on the trip with us.

Two freshmen Members traveled on this trip with us. They were outstanding contributors. This gentleman, who should have a seat on the Committee on Armed Services because of his interest on defense and security issues and because of his commitment to America's security, was an outstanding contributor. He was involved in our discussions. He was articulate in asking questions, and he was credible in offering advice in each of our meetings.

Mr. Speaker, it is a great pleasure to welcome the gentleman from the State of Pennsylvania (Mr. PLATTS). Mr. PLATTS. Mr. Speaker, I appreciate the gentleman yielding time to me and allowing me to share some thoughts. I especially want to thank the gentleman for organizing this delegation trip to Russia, to Rome, and to Turkey, and for including me as a freshman Member. From a personal sense, it provided an exceptional opportunity for me to become much more informed on a number of foreign affairs matters dealing with Russia, dealing with our challenges in Afghanistan, dealing with Turkey in a broad sense but also in a very specific sense.

Mr. Speaker, I felt in our nonstop visits throughout the three nations, I received a crash course in the issues of national security and foreign affairs. I also echo my thanks to the ranking Democratic Member, the gentleman from Texas (Mr. Ortiz), for his welcoming of international travel and, as a freshman Member, being given this opportunity.

Mr. Speaker, before a couple of comments on the stops, I would like to thank the Air Force and Navy personnel that was involved in making this trip happen. Our Navy liaisons were our escorts at all the stops, the Air Force personnel who assured our safe travel abroad and back, the State Department personnel who played critical roles in our meetings being facilitated. There is a tremendous team of public servants throughout the world doing great work on the Nation's behalf.

I took away from every meeting we had, whether it be with military officials, with civilian elected officials, with private citizens, every person started their conversation with us first with a deep expression of sympathy to our Nation and the loss of lives that we have encountered as a result of the attacks on September 11; and second, from the civilian and military leaders, a strong commitment of support in our war against terrorism, and a strong commitment of support to ensure that justice does prevail as we track down the murderers of our citizens on September 11.

As Americans we have united here at home in this battle against terrorism. Abroad our friends are uniting with us. They are putting in place the laws and the procedures to bring justice to bear against the culprits involved in these attacks.

When I look at the three sites of our stops, I will share some quick comments. In Moscow I came away greatly enthused that the good that we look for in all evil in talking about the attacks on September 11, making sure that we find the good; and one of the good is going to be our relationship with Moscow, specifically relating to joining together and fighting terrorism, and the opportunity to build a strong and lasting relationship with Russia on a whole host of issues: agriculture, energy, national security and defense issue, law and justice issues, environmental issues. The opportunity is extremely important that we move forward and develop much further a relationship with Russia for the good of our Nation and our citizens and Russia and her citizens and the world in total.

Mr. Speaker, before I yield, I would add that as we found out that Turkey is a 99 percent Muslim state, yet it is 99 percent behind America and the allies in this effort.

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that the King and the military leaders did not come to us and say, come in and save us and do their work. They came to us and said, help us liberate ourselves. They did not ask us to go into the country to rid them of the evil, but help them in doing it themselves. This is the America we are talking about, standing up on one’s own two feet. That is what they are trying to do. They just need some assistance.

I conclude by saying it was a privilege of being included and being given the opportunity to garner such information and knowledge from this trip.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. PLATTS) for his involvement and participation in the trip. He was a vital part of our delegation. He will be a continuing rising star in the Congress.

Mr. Speaker, it is now my honor to introduce another member of our delegation who played the most critical role in the Italian portion of our trip. The expertise of the gentleman from California (Mr. ROHRABACHER) on Afghanistan is broad and deep, and it did not start with the bombing of the World Trade Center. He has traveled to that country of the world on numerous occasions. He has interacted with the leadership of Afghanistan, those in exile and those trying to take back their country, and probably has as good a perspective as anyone in the Congress, if not on the Hill, on Afghanistan as anybody. He just coordinated the trip and support of his assistant, Al Santoli.

Mr. Speaker, I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. I thank the gentleman very much. We have a very special system of government and we have a special group of people that live in the United States of America. We are a group of people who are not one race, but we are every race on the planet because we have people who have come here from every ethnic and racial group. We do not represent just one nationality, because we have people who have come here from Europe, from Asia, from Africa, from Spanish-speaking countries and from French-speaking countries.

We have Muslims and we have Buddhists and we have Christians and we have Catholics, and we have about every religion there is, but what ties us together as a people is a love of liberty and justice that was first discovered back about 225 years ago when our Founding Fathers saw that this was something that bound them together as a Nation, and that would be the unifying factor and established this government that we have. How government is made in our country and how policy is made is not just by passing laws today but by having a competition of ideas and a national debate that moves forward on any important issue.

What we just did with the leadership of the gentleman from Pennsylvania (Mr. WELDON) or should I say Chairman WELDON, not as chairman of our delegation but chairman in the Committee on Armed Services of a very important subcommittee I was in this delegation is make sure that we became part of the national debate, first by educating ourselves firsthand as to what the people on the scene were experiencing and feeling, what was the information and to then try to educate ourselves, and then to be articulate and to speak out on the issues as we see them.

That is what has happened. We are now part of that national debate. I really appreciate the leadership that the gentleman from Pennsylvania has provided on this and, by the way, many of the other issues that I have personally involved myself on, I find the gentleman from Pennsylvania got there first and the gentleman from Pennsylvania was providing some leadership when I just sort of jumped on.

I was very happy that on this trip I was able to contribute because I do have a long-term commitment to the people of Afghanistan. We are trying to help them while I was in the Reagan White House to help get them the weaponry they needed to defeat the Soviet Union. It was their defeat of Soviet troops in Afghanistan in the 1980s that permitted us in the 1990s to have an era, a 10-year period of prosperity and happiness and peace. The fact is we were spending $100 billion a year on military than we did during the Cold War. This, because the Afghan people were so brave. But we walked away from the Afghan people. We walked away and we let them sleep in the rubble. We did not even help them dig up the land mines we had given them to fight the Russians. If there was one, not demand, plea, by the Afghans that we meet on the field commanders who are standing up against the terrorist Taliban regime, the one plea was, please, yes, help us defeat the Taliban by giving us the ammunition we need to do the fighting, but please don’t walk away and leave us alone once the fighting has started. Help us build a country where our children can be healthy. Help us build a country where we can have an education system. Help us build a country where people don’t walk away and abandon us like you did the last time we fought a battle that so benefited the United States as well as benefitting ourselves.

I heard that plea, I have heard that plea a long time before, but I am sure some of our fellow members of this CODEL had not heard that before. We did not do the right thing by Afghanistan, and it came back to hurt us. That was a mistake that we made. I will have to say that is not a partisan mistake. That mistake was made by George W. Bush’s father when George Bush, Sr. was President. There were some mistakes made. He made another mistake. One mistake he made is after the Gulf War, instead of finishing the job, he permitted his advisers to convince him to not finish off the Saddam Hussein regime. Well, I am afraid we are beginning to make some of these same mistakes again.

We have now the ability to get rid of this terrorist Taliban regime that has so brutalized the people of Afghanistan, and at the same time, has its fingerprints all over the atrocity that was committed in the death of thousands of our fellow citizens in New York on September 11, this murderous Taliban regime that has been a haven for terrorists, for bin Laden. It has been a regime that has permitted 60 percent of the world’s heroin to be grown and distributed from within its borders, a regime that makes a mockery of all human rights and has murdered so many of their own people that their own people are terrorized.

That regime is not that much different than the regime of Saddam Hussein. We left Saddam Hussein in power and now there are those in our own State Department, perhaps some of the same people who advised George W.’s father to permit Saddam Hussein to remain who are now advising George W. Bush to just demand that bin Laden be handed over and let the Taliban stay in power. That cannot happen. That would be making a lie out of George W.’s tremendous speech that he gave here just a week ago.

Either we rid the world of the terrorist regime, the Taliban regime in Afghanistan, or no dictatorship and no terrorist will take our word and take it for granted that they cannot get away with their evil deeds in the future. We will be encouraging dictatorships and terrorist regimes in the future to believe that they can attack the United States, or harbor and help people who are attacking the United States and get away with it.

No, the Taliban must be overthrown. Bin Laden must die. We learned on this trip that we have the means to do this. We have the means to accomplish this end. We met with the king of Afghanistan, who is one of the most beloved people in his country. Poor Commander Masood was assassinated a short time ago right before the attack on the World Trade Center. But the king, he is in his 80s, as we met him, it was clear that his time was running out, but what is more important is that he is surrounded by the most educated and aggressive young Afghans who are willing to come back and provide the expertise needed to govern that country.

The king has promised a temporary transitory regime, a regime that will be just a transition regime that after the overthrow of the Taliban would serve for only 2 years, as I am sure the gentleman has explained this already, and then another 2 years, would give way to a fair, free election. But what we would be put in place so that the Afghan people could control their own destiny through the ballot box.
With our help in rebuilding their country, we can bring a new era of peace to Afghanistan, and instead of being a springboard to destroy the stability of Central Asia and undermine democracy and freedom in Russia and to be a terrorist haven that would murder millions of Americans, or at least thousands of Americans. Afghanistan can become a civilized part of the world community. We have got that opportunity now. We cannot pass it up. Our State Department, I do not know what has gotten into people’s heads. I cannot understand the incompetence of people who are still advocating the policy of keeping the Taliban in power.

By the way, we had incompetence as well with our intelligence community who permitted this attack to succeed in the first place. We need to clear out the executive level people in some of these agencies and departments. We need to make sure that we stand firm and that we send a message to the world of how serious Americans, of our terrorism, for his involvement on these issues long before September 11.

My analogy of the situation, of the body, that you can pray it off your body, that you can love it off your body, that you do not have to eradicate it off your body. I have no doubt, I am a Christian, I know all of us learned a lot. I think we have accomplished a lot with this journey to Central Asia, to see our friends in Turkey who are standing with us so solidly and to talk to also those people in Russia who want to be our friends, and in the future, build a better future for both our peoples and for the whole world.

Mr. WELDON of Pennsylvania. I thank our friend and colleague for his comments, for his outstanding leadership, for his involvement on those issues long before September 11.

Mr. Speaker, I would ask our colleagues to read the text of the material that is in this special order, the additions that we have supplied, and get a full sense of understanding of what 11 Members of Congress did over the past 5 days. We will be briefing the administration and our leadership, the Speaker and the minority leader and Members of the other body throughout the next several days.

Together, supporting our President, we can win, we can replace Osama bin Laden, we can remove the Taliban and allow the people of Afghanistan to regain control of their homeland.

NATIONAL SECURITY IN WAKE OF EVENTS OF SEPTEMBER 11

The SPEAKER pro tempore (Mr. TIBERI). Under the Speaker’s announced policy of January 3, 2001, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes.

Mr. McINNIS. Mr. Speaker, first of all I would like to pass some comments on to a former employee, a former reporter here, who is facing some trying times as he sits in the hospital, Bob Cochran. Bob’s son works here in the House. Bob, while I cannot speak to the TV audience, I know that if he were here today, all my colleagues would go up, pat him on the back and wish him our very best. He set a good record while he was here. Once again, he faces another challenge. I am sure that he will be successful.

This evening, Mr. Speaker, I want to visit with my colleagues at length about the Nation’s security. Obviously that is the issue on everyone’s mind since September 11 and the tragedy of that will go on. That is the issue on everyone’s mind. There are a number of issues that I want to visit with Members about this evening. One of them is the description of the events and the battle that we face, given by even Tony Blair today or Rudy Giuliani yesterday, who spoke to the United Nations, the first time a mayor of New York City has spoken to the United Nations in I do not know how many years. And our brothers in thought and our brothers in capitalism and our brothers in democracy, the United Kingdom and Tony Blair and his speech and his remarks this evening, I want to go over a few of those remarks because I think they are very pertinent.

My analogy of the situation, of the challenge, if we face, that our President is so ably leading us through at this time, is a battle that you can figure like it is against a cancer. You know that that cancer is there. We know the viciousness of cancer. I can tell you that some people, as time goes on, some people in our country are saying that, well, this is a perfect example, a perfect time for us to turn the other cheek, for us to kiss and make up, and to pretend that that cancer, that you do not have to eradicate it off your arm or eradicate it from your body, that you can love it off your body, that you can pray it off your body.

I have no doubt, I am a Christian, I strongly believe in a supreme being, but I believe that our supreme being expects us to have some self-help, that our supreme being does not think that we think that we can discover a horrible cancer on our body and pray it off, or wish that it would not there and sometimes it will not disappear on its own. Or put it with your hand and think that that cancer is going to turn friendly. Do not be mistaken. I do not think anybody on this floor is, I hope you are not. But do not be mistaken.

This bin Laden is the most vicious cancer that you have ever encountered. It is not a cancer that you can negotiate. The President of this country has made it very clear we will not negotiate with this cancer. It is a cancer that you have no choice but to eradicate, because if you do not, it will be a battle you wish you would not have lost. We cannot, as an American Nation, we cannot accept that one country in this free world, afford to lose this battle.

Do not be taken in by some of the peace protesters across the country who interestingly enough in this country have the right to protest and they are protesting against the action that we should take against bin Laden because of the viciousness that it may involve.

This is against bin Laden, whose very strike at the center of America was not to take American lives. That is not the intent of this current group of protesters. They are striking us. The intent of that cancer that is striking us, the intent of bin Laden and his followers out there, is to destroy a nation, to see the United States and all countries of democracy buckle at the knees, to take them down, as communism was taken down in Russia. That is what their goal is.

These protestors, who are so strong in their thought, ought to take just a moment to see how his and his followers treat women, for example, what they think about human rights, what they think about homosexuality, what they think about the ethnic issues and the all-men-are-created-equal type of philosophy. Take a look at the prevalence of class structure, of which bin Laden came from, and which bin Laden rules. It defies everything that these peace protestors believe in.

What he is seeking to do is to destroy the constitutional rights that our country allows for people to have the freedom of speech, for people to go out and protest. But yet their vision seems to be shortsighted.

Then there are those who I have seen in the last few days who say, well, somehow we can love this thing off, or we can pray this thing away. Look, we need all the prayers we can get and it will be a strong element of our success, and we need all the love we can gather. But we need more than that. The way we are going to make these protestors understand about that. In fact, our country has given more foreign aid to Afghanistan than any country in the history of Afghanistan. Our country, of any country in the world, believes in the warmth and the prayer and the need to help other people not so privileged.

But that is not what this is about. This is about a horrible cancer that has attacked everybody in the free world; and, if we are not successful, then logic cal, we will all be destroyed.

Think about the last time you ever saw anybody say that they wanted cancer to be successful. Think about the
last time you ever saw anybody that did not want us to have a battle against cancer be successful. We support cancer research through this country strongly; and, I am telling you, the battle we face now is as threatening to our society as cancer is to your body.

I want to read a little from Tony Blair, some of the comments he made in his speech today. I think it is very appropriate. Let me just read just a couple of quotations. Again, I am quoting from Tony Blair. "There is no compromise possible with such people, no meeting of the minds, no point of understanding with such terror." "Think of the words that Tony Blair said today. Let me repeat them. "There is no compromise possible with such people, no meeting of the minds, no point of understanding with such terror. There is just one choice." And if there were any words I have heard, with the exception of the President's speech here on this floor, these words would come in right behind it. "Defeat it, or be defeated by it." "Defeat it, or be defeated by it." And defeat it we must. That is exactly what Tony Blair said today.

If we do not defeat this threat, it is going to beat us, and the results of it defeating us will be the end of the free world as we know it; the end of democracy, the end of the dreams of the multiple generations, the multiple generations in this country that built this country to the physical strength and to the moral strength that it has, and to the success that this country has. All of that, all of that success, all of that compassion, all of that love, all of that that our predecessors by the hundreds of thousands have laid their lives down for, all of that will be nil if we lose this battle. And that is what Tony Blair says.

He says there is no negotiation. He said, my analysis, you cannot negotiate with cancer. You cannot look at the cancer on your body and say I want to negotiate with it. It has no love, it has no compassion. It only has one goal. Cancer's goal is to destroy your body. That is all it is there for. It is not there to assist your body, it is not there to make your body better, it is not to make your body healthier in some manner. Cancer is in your body for one purpose, and that is to destroy your body, and its ultimate goal is death of the human body. That is exactly what bin Laden and his radical followers are. I think our President was very careful, as are the national leaders, and thank goodness we have George W. Bush, and we have people like Colin Powell or Condoleezza Rice, or Donald Rumsfeld, and I could go right on down the list, that are leading our country.

They have been very careful to distinguish, as have many of my colleagues here on the floor, they have been very careful to distinguish this as not the religion of Islam. That this is not the belief of Islam. Islam does not have in the Koran or anywhere else the destruction of democracy. It is not the belief of the majority of the Muslim population. It certainly is not the belief of the Muslim population that resides as American citizens who are American citizens who have a Muslim background.

On the other hand, the United Nations, he and his family, Dr. Malik and Seme Hassen, Pueblo, Colorado. The other day, I saw, and if Members have an opportunity, the Discovery Channel gave us a tape last week for our personal viewing. He is the New York Mayor. Behind the Terror, Understanding the Enemy. It is a wonderful production by Discovery. "Behind the Terror, Understanding the Enemy." You will understand the background of what we are talking about. That 2-hour tape is equivalent of 1 year of education in a university, in my opinion. It is outstanding.

To go back to my friend, Dr. Hassen and his wife, Seme, I invited them last week to come and sit down with other Muslim citizens, say the President, fellow Americans, and watch this film. Then, after the film, I asked Dr. Hassen and his wife Seme to stand up and give their point of view. I will tell you, I was so proud to listen to these people. The patriotism, the sense of belief in this country and what this country offers, is intense.

So our President's thoughts and our President's words, as well as the words of others, whether it is Condoleezza Rice or Tony Blair or any of the world's leaders, is the very careful distinction between the Muslim population, the majority of the Muslim population, and these radical cancers that we are now dealing with. Mr. Speaker, let me go on and talk just for a moment about Mayor Giuliani's comments, which I thought were just wonderful. He gave them yesterday at the United Nations. Many of the people, I think, across the country did not get an opportunity to hear the Mayor's remarks, as have many of my colleagues here on this floor. These words would come in right behind it. Indeed, this vicious attack places in jeopardy the whole purpose of the United Nations. So the Mayor talks about the United Nations. What is the purpose of the United Nations? Many of us in these Chambers have questioned the United Nations, when really put to a test, can the United Nations stand up to it? Is the United Nations really a body that really truly will bring together the United Nations must hold accountable any country that supports or condones terrorism. Otherwise, you will fall in your primary mission as a peacekeeper."

Let me repeat that. "The United Nations must hold accountable." It is not enough just to say the United Nations must hold accountable any country that supports or condones terrorism. Any country, any individual. "Otherwise, you will fall in your primary mission as a peacekeeper, which is exactly what the primary mission of the United Nations is." He says, "It must ostracize any nation that supports terrorism. Now, that is what the Mayor talks about.

So the Mayor has said to the United Nations, now is your time, now is the time; the challenge is here today. This is not a time for further study or vague directives. Many of us on this floor have debated extensively about how many more directives or how many more studies does the United Nations need before the United Nations does something. It is a collective body of nations throughout the world, but at some point the United Nations needs to make decisions, and now could be the finest hour of the United Nations, or the worst failure of the United Nations, to see how exactly they address September 11, 2001."

Let me go on with Mayor Giuliani's remarks. "The evidence of terrorism's brutality and inhumanity, of its contempt for life and the concept of peace, of its contempt for life and the concept of national peace and security."

He could not have said it any better. For those people who are protesting our fight against this cancer, keep in mind, you ought to go visit that site of rubble. You ought to keep in mind what evidence is still, as we speak this hour, what evidence is still trying to be recovered, to return to the thousands, not the few families, but the thousands of New Yorkers who just lived here and now must hold accountable all of us, not just fellow Americans, but 80 separate countries throughout this world and every type of ethnic background you
can imagine, including Muslims, that were destroyed and now lay in a pile of rubbish called evidence.

Mayor Giuliani goes on. “Look at that destruction; that massive, senseless, cruel loss of human life. And then I ask you to look in your hearts and recognize that there is no room for neutrality on the issue of terrorism. There is no room for the issue of neutrality on the issue of terrorism. You are either with civilization or with terrorists. On one side is democracy, the cause of our political and economic freedom, and the politicians who engineered the destruction; that massive, senseless, cruel loss of human life. And then you ask who is right, and who is wrong.

Mayor Giuliani says it very well. Let me repeat what Mayor Giuliani says, “We are right, and they are wrong. It is as simple as that. And by that I mean that America and its allies are right about democracy, about religious, political and economic freedom, and the terrorists are wrong, in fact, evil, in their mass destruction of human life in the name of addressing alleged injustices.”

That paragraph says just about all of it that needs to be said.

Let me continue. “Let those who say that we must understand the reasons for terrorism come with me.” I listen to this. All of you out there willing so quickly to carry up a sign and call America a bully, that say in some way that America probably had this coming, that America does not understand these so-called freedom fighters. They are not freedom fighters. They are cancer. That is exactly what they are.

Listen to this paragraph by the Mayor of New York City. “Let those who say that we must understand, let those who say we must understand the reasons for terrorism come with me.” I listen to this. All of you out there willing so quickly to carry up a sign and call America a bully, that say in some way that America probably had this coming, that America does not understand these so-called freedom fighters. They are not freedom fighters. They are cancer. That is exactly what they are.

So we can see that Giuliani, the Mayor of New York City, in his address to the United Nations yesterday, and to Tony Blair in his remarks today, we have people who stand strong; and we have people who are willing to do what is as clear as night and day. There is no question who is right, and there is no question who is wrong. That is what Mayor Giuliani said. The evidence lays 2 miles, less than 2 miles from the United Nations building, from where he gave this speech, and you can see it by use of binoculars. I commend Mayor, all of us commend the Mayor for his actions in New York City; but I commend the Mayor for having the guts and the gumption to show up in front of the United Nations and lay it on the line.

This is not something that we negotiate; as the President has very ably said, it is nonnegotiable. It is a cancer. A cancer that we cannot continue to shelter the terrorists; and as the President, and I think the belief of the American people have said to that Taliban regime over there, look, you cannot cooperate with this cancer. You have to choose one way. Our focus is to get the cancer, and if we find you are a contributing cause to the cancer, you need to be eliminated. There is no question about it. If you are not a contributing cause to the cancer, get out of the way so that we can take on the cancer. If you are a contributing cause to the cancer, it must be eliminated; and that is exactly the message.

In our time today, I say to my colleagues, it is perhaps in our career the one deciding point of how well we can exert leadership and our responsibilities as Congressmen of the United States of America.

There are several different issues that we need to be concerned about for the security of our country. One of them that I found very interesting in the last couple of days, just some recommendations I think we should take a look at. The Feinstein proposal, Senator FEINSTEIN. Let me just give the background. She has mentioned, she said, there is no question we have to look at our immigration laws. Our borders are too loose. There has been a lot of focus on our borders. Take a look at what is happening at the borders. What can we do to improve the borders? Well, we also have to take a look, because we have a big problem once people get inside our borders. What kind of enforcement do we have across this country? My understanding is that the INS has about 2,500 agents for the interior of the United States, for our homeland; and that is what we are talking about. How do we defend the homeland? We have to assume that people will get by those borders, on legitimate reasons perhaps and then turn to illegitimate purposes. We have to prevent them by use of borders through illegitimate means and then they get into the center of the homeland. We have to provide the INS with the type of resources to have a homeland defense against those who violate some of the most liberal immigration laws in the world. Our country stands proud on its open arms to immigrants. Most of us were beneficiaries of that. But it has always been the case that we should shirk our responsibility or look the other way at the problems that we have with the immigration policies that are in place.

Senator FEINSTEIN, through her proposal, the Feinstein proposal, urges major changes in the United States visa program. This proposal has found its time. These student visas, let me give a little background. This is from the proposal. One of the suicide pilots of American Airlines Flight 77, which crashed into the Pentagon, had enrolled in an Oakland, California, college in November 2000 for an English language course, but never showed up. Mr. Speaker, when a foreigner gets a student visa, they are required, once obtained, to remain in the United States; or obviously, they are not using the student visa to go to school, they are using it just to gain access to the country. That is what appeared to happen here. Investigators are also examining whether or not those who believed to be involved in the hijacking of Flight 77, attended a community college in San Diego.

Officials estimate that 245,000, 245,000 foreign students have entered the United States to pursue a course of study. Between 1999 and 2000, in other words, in a 1-year period of time, the State Department issued 3,370 visas to students from nations on the United States Terrorism Watch List. In other words, the United States keeps a watch list of countries we consider that harbor or otherwise condone terrorism; and from those States, we allow almost 4,000 students to come to college in the finest universities in the world. Here in the United States.

What are we? Did we just hit our head falling out of a swing? I mean not even the civil libertarians can defend that kind of policy. We have a right to accept students, and we have a right to say no to students; and if we have students who are coming from a regime who have harbored terrorism, in my opinion, that should stop immediately. There should not be one more student, not one more student visa issued to a country on this Nation’s visa list, not one. And that statement goes further than the Feinstein proposal.

The Feinstein proposal, as I have read it, does not say that. I have said that. I do not think that the United States of America has to give one inch, has to give one inch to any country or any regime in the world that harbors or condones terrorism and allows their young people to come to our Nation for their education. We should not do it. We will not do it. It is not a question of being politically correct or not. In fact, being politically correct would say that our primary concern ought to be the national security, the
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Mr. Speaker, let me continue on with the Feinstein proposal. In 1996, Congress approved a Federal law to require the INS to electronically collect data on all international students by 2003; but to date, the system has not yet been set up. They have no funding. It is section 110; it is under the Immigration Reform and Immigrant Responsibility Act of 1996. Zero funding for it. It is not and should not be considered “politically incorrect” to talk about the immigration policies of this Nation. What more of a wake-up sound do we need? What kind of an alarm do we need to sound to alert us to look at these immigration issues; and the student visas are an excellent place to start, a good place to start. So I think that the Feinstein proposal is something that this Congress ought to look at immediately.

I want to move on to something else that I think is absolutely critical. I want to talk to my colleagues about missile defense. I am appalled that since the September 11 tragedy, that some people have addressed missile defense as something that is not necessary. If ever there was an example of a need to defend the homeland, that September 11 displayed to us that this time it was an airplane, next time it could be a biological weapon or it could be a missile.

I will tell my colleagues something else that people are not thinking about. We not only in this country have zero defense against incoming missiles to this country; but we do not have any defense against a missile that is intentionally launched against this country. We frankly do not have a defense against a missile launched against this country by accident. Think about it. Everybody that talks about missile defense puts it in the context of an intentionally launched attack against the United States. I think that that is a high possibility at some point in the future, and I think we have an inherent obligation as Congress, as a country, to defend the homeland, to give us homeland security against a missile defense.

But we also need to broaden our thoughts and think about what would happen if Russia, for example, by accident, not intentionally, but through carelessness or through negligence or by accident, launched a missile against the United States and we do not have a missile defense system to stop it. Would that, because a country, which we could establish was a country, not a terrorist, but a country, fires a missile accidentally, and it hits a major city, and we know what kind of damage a nuclear weapon would do, it would make September 11 look kind of small compared to the damage that a nuclear weapon would do. What do we do, start a war? Every peace advocate in America ought to be some of the strongest proponents in America for missile defense. Why? Because missile defense is of the utmost importance. Think about that accidental launch as I go through my remarks.

Obviously, we have what we think about is preemptive defense. How do we preempt the challenge that faces us out there? We have had many, for example, NORAD located in Colorado Springs, we have thought well enough into the future, and our forefathers had the foresight to say we need to have a detection system. We need to detect where the enemy moves around. We need to detect when people who do not have the best interests of this Nation in mind, we need to be able to detect what they are up to. And if they launch aircraft against us, if they launch a missile attack as well, if they launch a missile against us, we need to track it. We need to have the capability to pick it up very early.

Mr. Speaker, we did that, and NORAD, which is a joint operation with our good neighbors to the north, Canada, put together a system that has incredible detection. We have through this system that we have, that is in place today, we have the capabilities to pick up a missile launch anywhere in the world. We can, within seconds, tell where its target is, we can tell the speed of the missile, we can tell with pretty high probability what the speed of the missile is, whether it has multiple warheads on it; but much beyond that, we cannot do anything else. A lot of citizens out there today are asking questions: How do we defend ourselves? What do we actually have in our arsenal for homeland defense, for national security? Mr. Speaker, we do not have anything for missile defense.

Our President on September 11, one of the issues that he campaigned on and one of the issues that he has followed through on and has been very aggressive about is that we as a Congress, he as a President, and this Nation as a Nation has the responsibility for future generations to preempt missile attacks against the United States of America.

Probability of events. I have two things listed on this poster. One of them, of course, as we look to my left is the intentional launch. Obviously, at some point in the future, now, people, it could be realistic that a nuclear missile would be launched against this country. Do we think that bin Laden or those terrorists who committed this terrible act, do we think that if they were to launch a weapon in their hands that they would have thought twice about using it?

If they would have had the capability to deliver a missile into this country, that would not have been an airplane that hit those towers, that would have been a missile that hit those towers, in my opinion.

The only thing that stopped those people from using a nuclear missile or a nuclear weapon is they did not have it. It was not because, by the way, we stopped it, because it is pretty well known we have no capabilities to stop it. We have the technology that has very rapidly progressed to the point where we think we can develop within this country, in a few short years, a very effective missile defense system. We need to do that today. The time is here, it is now, for a missile defense system.

As I said earlier, again to my left, not necessarily an intentional launch, but take a look about an accidental launch. What if somebody accidentally launched against this country? If we had the capability to stop an accidentally-launched missile as it began to head for this country, if we had the capability to stop it, we may very well avoid the next major conflict, the likes of which history has never seen.

But if we do not have the capability to stop that missile, what do we do? What do we do if a country accidentally launched a missile into a major city in the United States, and we lost hundreds of thousands of people? We would feel pretty horrible that we did not take the opportunity we have today to put a missile defense system in place. We have heard people say in the last few days, we need to be biologically prepared to fight a biological attack. We need to be prepared to tighten up our airport security so we do not ever see a repeat of what happened on September 11. We have to be prepared for other types of attacks.

Let me tell the Members, one of them that to me is the most dangerous threat for future generations, and frankly, for our generation, but as members countries do not have nuclear weapons, our threat, one of our major threats, not the only threat, and I am not taking anything away from airport security, obviously, I am not taking anything away from biological defense for homeland security, but I am saying, put into that formula a missile defense system, or we will live, I think. I truly believe that my generation will live to see the day that we regretted back in the early part of the 2000’s not putting a missile defense system in place.

While systems are in place to thwart terrorism, the Nation still has no defense, and I stress the word “no,” the
Nation has no defense against missile attack. Missile attacks will be far more destructive than the September 11 assaults. I do not think anybody questions that. Terrorist groups, not just states but terrorists, amass the capability to buy ballistic missiles. Missile defenses are needed to shield the United States from retaliation, should it take action against terrorist-harboring states.

Look at that last point. Missile defense is needed. If the United States decides to take action against a country that is harboring or condoning terrorism, or actively engaged in terrorism against the United States, one of the critical elements of our offense against terrorism is the ability to defend our Nation from missile attacks that might come back as retaliation. Those are very, very key elements.

The red is nuclear proliferation, nuclear proliferation. That is the red right now. Right now that is what we have. The nuclear proliferation concern, that is the green.

I say to my colleagues, take a look at this map today in 2001, a month after the worst disaster this country has ever suffered. Take a look at this map. If we do not do something about it, if we do not defend against it, if we do not defend against it, take a look at how threatening this map will be just in 10 years. See what happens to these colors, and see how widely they spread throughout the world if we do not take decisive action in the period of time that we now have the opportunity to take decisive action.

We have a little gap in there. We have a window of opportunity to develop this missile defensive system. Right now the countries that would intentionally launch against the United States I do not believe would engage in that kind of conduct within the near future. I do, however, believe, and I think every one of my colleagues would agree with me that today every country in the world that has nuclear missile capability also has the capability, frankly, to screw up, to fire a missile by mistake.

If that missile comes to the United States, we have an obligation, we have a need for the American people to defend against it. We have this short window of opportunity, a few short years here before this red spreads throughout the world to provide us, to provide Canada, or provide any of our allies or any of our friends defense against missile attack.

Watch this map. Mark this map. A few years from now, a few years from now, take a look at it. By God, if we as a collective body have not, 10 years from now, provided this Nation with a missile defense system, we will have been grossly derelict in our duties. We will have been grossly derelict in our responsibilities for the future survivability of this Nation. That is the very much our decision to put on this decision to defend against accidental or intentional launches against the United States of America.

Mr. Speaker, ballistic missile proliferation. I just showed Members what was happening with the nuclear spread throughout the world. Now take a look at what has happened with regard to proliferation with regard to ballistic missile capabilities. This is a very, very important point and very clearly that when the antiballistic missile treaty was signed, for example, there were two countries in this world capable of attacking each other with nuclear missiles. It was Russia and the United States.

But today, look how this has changed, ballistic missile proliferation. Look at the purple throughout this map. Countries possessing ballistic missiles.

Let me just give some examples. There are Iran. Heard that name lately? There is Iraq, India, Hungary, Libya, Pakistan, Poland, Rumania, Syria, Taiwan, South Africa, Slovakia, Saudi Arabia, Russia, United Kingdom, Vietnam, Argentina, China, Cuba, Afghanistan, Afghan.

Mr. Speaker, the capability of nations in this world to develop and to deliver a ballistic missile threat to the United States, if United States were to find itself in somebody’s imagination, it is reality. It is there that we have a demand upon our authority and our power to protect this country to stand up and protect against ballistic missiles, either accidental or intentional, against this country.

When we talk about ballistic missiles, when we talk about missile defense in this country, we obviously have to discuss the treaties that have some type of oversight on missile defense of a particular country. There is only one big treaty out there. It is called the ABM treaty, the Anti-Ballistic Missile Treaty.

Now, some people have said that we cannot break or we cannot abandon the Anti-Ballistic Missile Treaty, that we are walking away, that we are breaching a treaty, that we have broken a treaty, in one of the few times, outside of the Native Americans, one of the few times in international relations the United States has broken a treaty.

That is not the case we face. That is not what the Anti-Ballistic Missile Treaty says. I will go into some detail here in just a minute. The Anti-Ballistic Missile Treaty obviously has a historical story to it. Let us look at that story.

Back 30, 40 years ago, Russia and the United States were worried about Russia and the United States. They were not worried about Pakistan or India or Romania or Slovakia. They were not worried about any of these countries, they were worried about the nuclear capabilities of each other.

So the United States and Russia sat down at a table and said, “Let us negotiate so that we limit the risk of us attacking each other.” Remember, at that point in time, there was no other Nation in the world, no other Nation in the world that had the capability to deliver a ballistic missile onto the U.S. mainland or onto Russia with a nuclear warhead. Only two countries had it.

So they sat down at that time and they came up with a treaty, “Look,” the United States says to Russia, and vice versa, Russia says to the United States, “Let us sign an agreement that will not allow either one of us to defend against the other.”

Now, that sounds perfectly illogical. I think today it is absolutely crazy. But back then, there were some who thought, hey, that is logical. We will not attack because we are afraid of the retaliation. Since we cannot protect ourselves from the retaliation, the incentive to attack is taken away. That is the fundamental theory upon which this treaty was drafted.

But when they drafted this treaty, both the Russian negotiators and the American negotiators had enough foresight to say, “Look, treaties protect what is in effect today, as far as we can see into the future, but both countries may have the allowable or the flexibility under this treaty and under the terms of this treaty that if things change in our society, that there is a way to modify or to terminate the agreement.”

So when people tell us the only way we can provide a missile defense is to breach a treaty, they are patently false. It is false on its face, that type of statement. In fact, the treaty itself allows for withdrawal from the treaty.

We go over the rest of those provisions here that would allow us to withdraw from this treaty. Article 15 of the Anti-Ballistic Missile Treaty, again, the ABM, “This treaty shall be of unlimited duration. However, each party exercising its national sovereignty, have the right to withdraw.”

So this is a right contained within the treaty. It is a right, a treaty right. We are not breaching it, we are exercising a right. “Each party may in exercising its national sovereignty, have the right to withdraw from this treaty if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests. It shall give notice of its decision to the other party 6 months prior to the withdrawal from the treaty. Such notice shall include a statement of the extraordinary events the notifying party regards as having jeopardized its supreme interests. It shall give notice of its decision to the other party 6 months prior to the withdrawal from the treaty.”

September 11 was a horrible, extraordinary event. That, true, was not caused by a missile, or a missile as we define it. It actually turned an airline into a missile. But the fact is, we have never recovered, we have been rudely awakened to the fact that attacks like this are no longer happening in other countries. It is not terrorist acts that we read in the morning papers and see in the morning TV being much talked about in the Middle East, it is in the center of our homeland. It is in New York City. It is through the expense of 6,000 or 7,000 lives that we have
now learned that extraordinary and terrible and horrible events can occur within the borders of our country.

It should enhance the determination of every one of my colleagues, every one of us on this floor, that we need to defend against every possible tool of murder that we see existing out there, whether it is by another country or by terrorists. This treaty prevents us from having a missile defense system unless we can show that an extraordinary event has occurred.

Let me give an example of the extraordinary events. Obviously, September 11, 2001, was a horrible, horrible tragedy and an extraordinary event. But let us look at other extraordinary events. Remember the graph I just showed a few minutes ago of the proliferation of ballistic missiles throughout this world? That is an extraordinary event. It is a high-risk event. When this treaty was drafted, nobody ever imagined that the ballistic missile would be found in all of those countries.

Let me give an example of the extraordinary events. Tony Blair said today in his remarks and Giuliani, those three speeches I think will probably go down as three of the finest speeches given in a warlike situation like we have faced and like we face today, and what Tony Blair said is you must defeat or defuse. Do you think about it. You must defeat it or it will defeat you. Think of it like a cancer, and that is exactly what terrorism is. Terrorism is an incredible cancer. You do not negotiate with cancer. You have to kill cancer. You have to eradicate cancer. It is not negotiable. Cancer does not listen to you. Cancer does not care about your children. Cancer does not care about your life. Cancer does not care about your youth.

Cancer only cares about one thing, and that is, the destruction of the human body. And terrorism is exactly the same thing.

Do you think those terrorists cared about the widows or cared about the children whose parents are gone forever, who cared about the parents whose children are gone forever? You think they cared at all about those people that Time magazine or some of these others have pictures of them intentionally jumping off the World Trade Centers, including one couple who was holding hands as they fell? You think those terrorists cared about that? You think those terrorists cared one iota about the passengers on those airplanes?

You differentiate for me between a terrorist and a simple criminal. There is no difference, and nations throughout the world today must make that choice. As said by President Bush, as said by Tony Blair, as said by Mayor Giuliani of New York City, the choice must be made. There is no neutral territory here. No, none, zero, zip. It is non-negotiable. You either defeat it or it defeats you. I say with due respect to those people who are saying, including some college professors who are saying that, gosh, the United States has got it coming, because of our bullying, our foreign affairs. Keep in mind, no country in the world, no country in the history of the world has done for its neighbors or for people with less good fortune what the United States of America has done. No country in the world has educated as many students as America has done. No country in the world has developed its Constitution, and judiciously followed its Constitution, the rights and civil liberties that America has for its citizens.

No country in the world has seen the economic power that the United States has seen. No country in the world has developed as China. No country in the world has taken its military might to help its allies as often as the United States of America has done. No country in the history of the world has allowed the thousands and thousands of people to give up their lives for the defense of a country clear across an ocean like America has done.

No country in the world has done for medical research what America has done. No country in the world has helped Afghanistan as America has done. No country in the world allows immigrants from all parts of the world to come in in an orderly fashion and be able to become productive and be able to live the American dream. We have a lot of good things about this country, and of interest, Dr. Hassan said the other day, after we had this town meeting in Pueblo, Colorado, Dr. Hassan said, we need to continue to put the message out there. We need to tell people what America is about and how good America is and what fine people America has, and he used an example.

He says, you hear people talked about these terrorists and how dare they say something like freedom fighters. Remember what those terrorists did. In some of the writings that you have seen since that horrible day 3 days ago, you have seen, well, these people were so devoted to their cause that they gave their lives; these terrorists were on a suicidal mission because they were so devoted to their cause. What was their cause? Their cause was to bring down the free world. Their cause was to destroy democracy. Their cause was to destroy human rights. Their cause was to destroy the rights of women or the rights of any ethnic race. Their cause was to create a society that recognizes the value of its population. As my friend Dr. Hassan said, remember, they were in an airplane and they gave their lives for one reason, to take other lives, to destroy a nation.

Not long after, those terrorists committed suicide in these terrible things they did. But add 300 some New York City firemen and 200 or 300 some New York City police officers who ran into those towers, ran up those towers on what they had to know was a certain death. They knew when they went up those towers they would probably never see their children again, they would probably die a horrible death. And, unfortunately, they did. But when they were running up those towers, giving their lives, they went up those towers to save lives, to save a Nation. And that ought to distinguish pretty clearly the kind of cancer that our President is so capable leading our country towards eliminating.

Now, we have to be patient in our upcoming battle. It will be kind of like a cat on the hunt for a mouse. A cat will sit there patiently and the mouse may go by and the mouse may come back by. Until that mouse is in exactly the right spot, the cat will not strike. And that is what we have to do.

We have no gripe with the Muslim population. We have only a gripe with the cancer that has penetrated that population and penetrated our population. It is like delicate brain surgery. We do not want to blast the entire brain out of the human head. We do not
want to go off half-cooked, and our President is showing us he is not doing it this way. We need to go in very methodically and focused and take that cancer out of that human body. And that is the mission of every one of us on this House floor. And that is what the American people expect even that all the world’s democracies expect. In fact, it is what the entire world expects of us, nothing less.

IMMIGRATION AND PROTECTION OF OUR BORDERS

The SPEAKER pro tempore (Mr. ROGERS of Michigan). Under the Speaker’s announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes. Mr. TANCREDO. Mr. Speaker, let me say first of all that as I sat here and observed and listened to the comments of my colleague, the gentleman from Colorado (Mr. McINNIS), I am taken with the profound nature and the fact that he has for quite some time been a consistent and articulate spokesman for the concept of a missile defense system, which I certainly agree with him now increases in terms of its importance in the context of the defense of the Nation.

I hope he continues to speak on this issue. I hope he continues to be the sort of advance guard for this concept, because, of course, it is one that is being criticized by our opponents. And it needs people like my colleague to defend it.

It is striking because, from my own point of view, it is in a way a metaphor for what I want to talk about tonight. The gentleman talks about the danger we face, among other things, and this was just a part of his presentation, but he was talking about the danger this Nation faces from an outside source, from something coming in, crossing our borders, and attacking our cities. And he talks about the need of the United States to prepare some sort of defense against it. I certainly agree with him that that need is great. But it is a metaphor, as I say, for what I want to discuss tonight because I believe the issue of something outside of the United States, or somebody, in my case, outside the United States becoming a dangerous missile directed in our direction.

Whether in the form of a huge massive piece of steel or in the form of an individual who is willing to give his or her life turning an airplane into a missile, the fact is we must protect our borders. We must defend the Nation against these outside incursions. And although I totally and completely support the idea of a missile defense shield, I must add that there is another thing that we are responsible for here in this Congress, something that we are uniquely responsible for in the Congress of the United States, something no State can individually take on for itself, just as they cannot take on the defense of the country individually State by State, but that they rely upon the Federal Government for that purpose, and that is the Federal Government is solely responsible for the control of our borders, for the control of immigration across these borders.

States cannot in any way, shape, or form manage that. It is not delegated to them in the Constitution as a responsibility. And, of course, it is not realistic to think that they could take that responsibility on. It is uniquely this body, the Congress of the United States, which has the ability and the capacity to do it for the sake of our Nation.

And what more do we need to know? How much more do we have to see before we come to the conclusion that what we have been doing for the last 20 or 25 years in terms of protecting our borders has simply failed us? The people that took over the planes, the people that did all the preparation, all the planning, all the training, all the instruction inside the United States, or those of which we know anyway and those that have been made public, all of them had as members people who were foreigners to the United States, people who were here on various types of visas or, in some way or other, had come into the United States; but they were not citizens of the United States. They had come across our borders for the purpose of doing us harm. And we allowed them to come across the borders. And we allowed them to stay here, even though, by the way, some of them had given us cause to be concerned.

In a recent article appearing in the New York Times, of all publications, September 27, the headline is “Suspicion of Hijackings Exploited Loopholes in Immigration Policy.”

The article goes on to describe, it says,

For Hani Hanjour, identified as the pilot who flew the jet that rammed into the Pentagon, blending into the American landscape began in Saudi Arabia with a $110 application for a four week English course in California. He had only to prove that he had $2,285 to pay for the lessons along with room and board. He never turned up for class. Two other men the authorities said plotted jetliners into the World Trade Center, Mohamed Atta and Marwan al-Shehhi, entered the United States in the same way. Even without the required student visa, the men studied at the flight school in Florida. Counselor officers deluged with visa applications say they never had to have much time to investigate the applicants. Once foreign visitors enter the United States, immigration officers and law enforcement agencies usually have no idea if they are complying with the terms of their visas. United States immigration officials said the hijackers exploited immigration system that criteria contend is riddled with loopholes.

I am certainly one of those critics and have made clear concerns with regard to this particular problem known for many months here on the floor of the House.

Until September 11, that system was geared to ease the way for commerce, whether in the form of tourism, business or study. Experts on tourism said that security precautions often took a back seat to pressures from industry, the concerns of neighboring governments, and other interests. According to the State Department manual for counselor affairs, participating in the planning or execution of terrorist acts would bar a foreigner from getting a visa. Membership in a recognized terrorist group would not automatically disqualify a person from entering the United States, nor would the advocacy of terrorism disqualify a person from coming into the United States.

I could go to an embassy in Saudi Arabia, in Syria, in Iran; and I could apply for a visa to the United States, and I could list my membership in a wide variety of terrorist organizations, terrorist organizations, and still be certified for the kind of thing that happened on September 11. But the visa officer in those embassies would not be able to exclude me, would not be able to stop me under the present system of immigration laws we have in the United States from coming here.

If this is not unbelievable to you, Mr. Speaker, I cannot imagine what we can say that could more clearly define the problem than this.

The manual, apparently unchanged since September 11, says that the United States will exclude immigrants who incite for direct terrorist activity, but that statements of a general nature that do not directly advance specific acts of terrorism are not automatically a basis for exclusion. Some American investigators have said they believed Mr. Atta, the apparent mastermind of the group, belonged to the Egyptian Islamic Jihad, and that he was in Iraq just this year. He apparently entered on valid visas and may have even reentered the country after overstaying his visa on his last trip to the United States.

Mr. Speaker, approximately 30 million people obtain visas to visit the United States every year. Thirty million people come into this country via visas every year. Most of them of course are on tourist visas. Some are on business and education-related visas, but 30 million come in. We have security problems; we have bureaucratic rivalries; security precautions often take a back seat to pressures from industry, the concerns of neighboring governments, and other interests. It is because no one will take any action against them.

Do you know what happens to them, Mr. Speaker? You know one of the reasons why such a high percentage of these people can and do violate their visa regulations? It is because nobody cares. It is because no one will take any action against them.

The INS will say that it is an overwhelming job for which they are not
sufficiently funded. Perhaps so. It is also true that the INS could not care less about the people who overstay their visas. There is a culture, a way of thinking in the INS. I do not know if it is still there after September 11, but I can guess it was there in September 10, then and I think it is still there now, that encourages it and essentially abets the criminals who come into the United States, who come in illegally to begin their stay here or eventually become illegals. That is what they overstay their visas. The INS does not care. It is of no consequence to them. In fact, they want to encourage it.

Mr. Speaker, I was actually in a debate on the radio with a lady who was the regional officer in the Colorado area for the INS. She may have been the public affairs person. She was asked by the host of the program I was on, why is it that the INS does not actually arrest and deport all of the people who are here illegally? Why do they not essentially find them, round them up and send them out of the country? I thought it was a very logical question. By the way, this was before September 11. And she said because that is not our job. She said the INS, it is not our responsibility to deport people who are here illegally. Our job is to figure out a way to get them legalized, I have no idea where she read that, what particular set of rules or regulations or under what law she interpreted her role as an INS officer. Simply heeding every one in the world become a U.S. citizen. I suggest that is an inaccurate observation on her part.

It is the case that most people in the INS, many, I should say, many people in the INS have that same sort of idea. They are infused with this concept of open borders. They believe their real task is to get as many people in here as possible, get them legalized, and have them eventually become citizens of the United States. That is simply not what their role, but that is what they consider their role. They ignore the 12 to 15 million people who overstay their visas. Nobody checks into it. Hence, we end up with people like the ones that I have just identified who became the hijackers and took the lives of thousands of Americans. They had overstayed their visas, many of them. Nobody cared, nobody checked.

Mr. Speaker, this issue of our ability to control borders is extraordinary important from my point of view. It is true that I have been on this floor many, many hours in defense of a policy that would protect our borders, defend our borders, help us determine who comes in and how long they stay. The right, not just the right but the responsibility of every nation on this planet is to do just what I have described, protect and defend our own borders. Most nations do so, and we do not begrudge them that. Mexico could do the same. Not long ago Mexico decided to once again put Federal troops, Mexican Federal troops on their southern border with Guatemala. Right before President Fox came here to ask the United States to essentially open our southern border, he made a decision about what was good for Mexico; and he determined that the large number of people coming across the border, the low-wage people, were causing an economic drain for the Mexican Government, and he determined to put a stop to it.

This is not the first time Mexico made that decision. Mexico in the past essentially rounded up immigrants illegally coming into their country, and I mean that in the literal sense, put them in detention camps or sent them north to get them out of Mexico. Yet the President of Mexico comes here and says it is its responsibility to open our border to his people, to his unemployed because, of course, they choose not to deal with the horrific economic problem and social problems that beset that nation. They would rather have the United States be the sort of safety valve that will keep their people moving north and sending money south.

Mr. Speaker, no one is suggesting, certainly I am not suggesting that the President of Mexico has the responsibility of Mexican immigrants. They certainly were not. They were the direct actions taken by people from the Middle East. But my point is this: we must do everything we can to seal our borders except when we determine, and legitimately have a reason to come into the United States. Just because one of those borders happens to be between the United States and Mexico is not the point. It is not anti-Mexican to suggest that we need to deal with the border any more than it is anti-Canadian to say that we must deal with the issue of a porous border on our northern frontier. It does not matter which country we are separating ourselves from, it is the function of this government, it is the legitimate function of this government to in fact ensure the domestic tranquility and provide for the common defense. That means, among other things, the defense of our borders.

Going back to the article that was in the New York Times, it said, “In spite of elaborate immigration laws and the efforts of the INS,” which is almost a joke, “the United States is de facto a country of open borders, the National Commission on Immigration in a report last year.” It is that same report that we now hear spoken of widely as being prophetic. It is that same report that people refer to constantly and say why did we not pay attention. To Mr. Rudman and others who were the authors of the report when they gave it to us, a relatively short time ago, but even before that we had warnings.

In earlier reports, in 1997 we had the Jordan Commission Report. The late Barbara Jordan was not considered to be a raging conservative; we did not think of her as anachronistic in nature. Barbara Jordan was a very outspoken, very articulate, very liberal individual, politically speaking. It was the report she commissioned that talked about the dangerous nature of our porous borders. It talked about a whole bunch of interesting issues, and I certainly commend it to anyone for their review.

If they think that this issue is simply one of those right-wing conservative, white men issues, Barbara Jordan, an African American who understood the problems and the dangers we face in this Nation as a result of massive immigration, legal and illegal, as a result of having borders that are completely and totally porous as a result of being unable to defend ourselves and unwilling to defend ourselves in that particular way.

Mr. Speaker, I find myself in a dilemma. It is one with which I have dealt for some time, and it is this: I know that a huge majority, somewhere around 95 percent of the people of this Nation, support our point of view vis-a-vis immigration and immigration reform. A huge majority of the people of this Nation believe that we should reduce immigration, that we should gain some control over our borders so that we do something to stop the flow of illegal immigrants into this country, that we should do something to make sure we know what people who are here on visas are in fact doing. That we in the United States and the Federal Government should take on our responsibility to protect and defend this Nation by protecting and defending its borders.

I know, Mr. Speaker, that a huge majority of Americans agree with this point of view. Believe me, I hear from them. And the dilemma is this: How is it that we can have 75 to 80 percent of the population agreeing that we have to reform our immigration laws and do something to tighten up on the way in when people are in fact entering into this country, why is it that that is the case and that this body is unable or unwilling to reflect that point of view? How is it, Mr. Speaker, that even in light of the events of September 11, that we have a situation where when the administration comes forward with a bill that has relatively few points dealing with immigration and visas, even those points are watered down?

I saw today in the paper that this House somehow it said, the House has agreed on a new antiterrorism bill. Now, no one has asked me about that yet, but it does not matter, the leadership evidently in both the House and the Senate have come to some conclusion about what the antiterrorism bill should include. And when it got down to the point about immigration, it talked about how watered down that bill had become. It talked about the fact that one of the provisions that was stricken from the measure was the deportation of aliens who were here because we believe that they are connected to some terrorist organization, now we have
only a certain period of time and they can go to court, all the rest of the stuff.

Amazing, Mr. Speaker. Absolutely amazing. We act as though, and we talk as though these people who have come from foreign countries, whether for good intentions or ill, we talk as though they are American citizens, with the same rights as an American citizen.

Mr. Speaker, they are not, by definition, not citizens. They do not enjoy the same rights as American citizens. Just simply being here, simply being within the, quote, borders of the United States, existing here does not confer upon you any of the rights guaranteed in the Constitution. There are some liberal judges who have interpreted this differently, but I suggest they are incorrect in their analysis. I suggest that if we do not say that there is a difference between people who come here and simply get across the border and those who come here and obtain legal citizenship status, if there is no difference, then why do we even have the concept of citizenship? Why do we go through the process of having people raise their hand and when the time comes across the borders and swear allegiance to the United States and confer upon them citizenship? What does it matter? Why do we not just end the charade and say if you are here, if you have made it across our borders somehow, you get all of the same benefits as a citizen?

Mr. Speaker, I do not believe that is what the founders of the Nation intended. And as a result of the fact that the people to whom we are focusing on, whom we are focusing our issue here tonight and were part of the antiterrorism bill, they were not and are not citizens of the United States and, therefore, have absolutely no, quote, right to any of the protections that the immigration lawyers and our friends on the other side of the aisle forced into this package. But that is the extent to which we in this body have sunk. We are unwilling to confront the proponents of open borders. We are perhaps even willing to risk the security of this Nation in order to gain a political advantage, a political advantage that would accrue to one party who would gain the votes of these people who eventually became citizens.

Now, that is a pretty cynical analysis, but, Mr. Speaker, I cannot, for the life of me, think of what in the world it is other than a cynical reason employed to stop and water down the antiterrorism bill in the area of immigration reform. It is truly amazing. It is almost beyond belief that this could happen today. But it goes to show you the dilemma, the nature of the dilemma that I referred to earlier.

What do we do, Mr. Speaker? What can I do other than what I have been doing, to take this floor at every opportunity, to express myself as clearly as I possibly can about the nature of the danger, about the nature of our responsibility in the face of that danger? How much more can I say than has been said? How much more of a statement can I make than was made on September 11 to convince my colleagues that there is going to have to change in the way of immigration reform? That is why I take this floor as often as I can and address those who may be listening, Mr. Speaker, and others for the purpose of trying to convince you that our antiterrorist political motives sink below anything that we believe can and should be done in this body to advance the American cause. I cannot think of any other reason why we are so unwilling to deal with this issue of immigration reform.

Even the administration's bill, the original bill, did not go far enough as far as I am concerned, certainly. We should, in fact, impose a moratorium on all immigration for at least 6 months, except for cases of national security. We should not do that with benefits. The INS, the FBI, immigration authorities throughout the country, we should give them the opportunity to reform themselves, to reconstruct themselves into a true immigration control agency. We cannot do that with anything near 300 million people crossing the border, 300 million people annually crossing the border between the United States and Mexico. We cannot do that with 30 million visas being given every single year.

Let me talk for just a second about one special kind of visa, by the way, called diversity visas. We came up with these in the early 1990s and we said, you know, there are some countries that just are not sending enough people, some countries from which we are not getting quite enough immigration. And so we are going to give them a special place in line. We are going to set aside 50,000 diversity visas for these countries. In some places the number is 12,000. Others, Egypt, Syria, Libya, they are countries throughout the Middle East who benefit from diversity visas. Now, I have no idea if any of the hijackers were recipients of diversity visas, but I have to ask if this is one of those things we are going to hang on to because of some sort of politically correct concept about who should be able to come into the United States.

Mr. Speaker, before September 11, there were people who would even actually openly state that it was their desire to see open borders, not just between the United States and Mexico, the United States and Canada, but open borders throughout the world and that we should be sort of the forefront in that. You do not hear them anymore. They do not stand up on the floor of this House. They do not even write editorials in the Wall Street Journal anymore. Cato Institute, a very powerful, very influential, libertarian-oriented think tank here in the United States, has for years pushed the idea of open borders. Even they have been, interestingly, quiet in recent weeks. Nobody thinks it is a good idea anymore. Mr. Speaker, to simply walk away from the borders and let anyone walk into this country at any time, stay for as long as they like, do whatever they want, and leave. Nobody thinks that is a judicious thing.

Well, interestingly, we are still at that point, even after the 11th of September. We are still there. That can still happen. And although people do not take the floor to attack the idea of open borders anymore, they still want it. They still advocate the concept, they just cannot do it openly, for fear of the political and social retribution that would be heaped upon them, and deservedly so.

There is another article to which I wish to refer this evening. It is written by a lady by the name of Ann Coulter, opinion editorial.

She says, "After the World Trade Center was bombed by another Islamic fundamentalist in 1993, the country quickly chalked it up to a zany one-time attack and 5 minutes later decided we were all safe again. We weren't then. We aren't now. They will strike again. Perhaps they struck today. Perhaps not. The enemy is in this country right now. And any terrorists who are not already here are free to emigrate. The government has been doing an excellent job in rounding up suspects from the last two attacks. But what about the next attack? We thought there was only one murderous Islamic cell in America the last time. Incorrect. Congress has the authority to pass a law tomorrow requiring aliens from suspect countries to leave. As far as the Constitution is concerned," she says, "aliens, which is to say any noncitizen, are here at this country's pleasure. They have no constitutional right to be here. Congress has, within its power, the ability to prevent the next attack. Instead of doing that, the Sears Tower is attacked, the President is assassinated, St. Patrick's Cathedral is vaporized, anthrax is released in the subway systems or Disneyland is nuked, remember. Congress could have stopped it but it didn't. Pious invocations of the Japanese internment are absurd. For one thing, those were U.S. citizens. Citizens cannot be deported."

So far, thank God, almost all the mass murderers of Americans have been aliens. But even more blindingly obvious," she says, "there was no evidence that the attack on Pearl Harbor was staged by Japanese saboteurs living in California. The Japanese internment was a pure land grab implemented by liberal politicians, Presi- dents Franklin Roosevelt."

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"The internment was vigorously op- posed by J. Edgar Hoover. This time, the very nature of the enemy is that they have infiltrated this country and
passed themselves off as law-abiding, quiet immigrants. The entire modus operandi of this enemy is to smuggle mass murderers to our shores. But the country refuses to respond rationally. Rather, Congress is busily contemplating a national ID card accomplish-

plating a series of measure, most notable for their utter irrelevance to the threat. What precisely would a national ID card accomplish? The hijackers were in this country illegally. A few may have overstayed their visas by a few days, a mimicry of oversight that the public, surely would have remedied had they not been about to commit suicide in a monstrous attack. One member of the other body, she said, has bravely proposed that we take the aggressive step of asking aliens in the country to register periodically with the government so we know where they are. That is already the law in Germany. Several of the hijackers in this attack lived in Hamburg. They obediently complied. The mastermind of the most vicious attack in the history of the world, Mohamed Atta, was in Florida on a 'vocational status visa' in order to attend flight school. Let's say Atta had registered. Now what?

The entire country has been repeatedly lectured, most Muslims ever amazingly peaceful, deeply religious, wouldn't hurt a fly. Indeed, endless invocations of the pacific nature of most Muslims is the only free speech it is safe to engage in these days. This is a preposterous irrelevancy. Fine. We get it.

"The New York Times can rest assured that every last American has now heard the news that not all Muslims are terrorists. But that is not the point. Not all Muslims may be terrorists, but all the terrorists are Muslims, at least all terrorists capable of assembling a murderous plot against America that leaves 7,000 people dead in under 2 hours.

How do we distinguish the peaceful Muslims from the fanatical homicidal Muslims about to murder thousands of our fellow citizens? Are the good Muslims the ones that live quiet lives, pray a lot and obey the laws? So do the architects of Bloody Tuesday's mass murder. Are the peaceful Muslims the ones that loudly proclaim their hatred of Osama bin Laden? Mohamed Atta did that too.

The question one has to ask about them, other than they live among us, is that they are foreign-born and they are Muslims. The government has been remarkably tight-lipped about precisely how many Muslim visitors we are currently accommodating, but from unofficial estimates there appears to be more than 1 million. Even if the Attorney General instigated latter day Palmer raids, it will take years and years to investigate and infiltrate every potential terrorist cell operating on our shores.

"The investigation should not be conducted while the enemy continues residing here, plotting the next attack. It is an extreme measure," she says, "but we face an extreme threat. It is suicidally naive to think we can simply seal off every water supply, all the air vents, food supply and crop述职s from now until the end of time. We cannot deport every passenger, every shopper, every subway, every person entering every building, every American every day. It is impossible to stop Islamic fundamentalists who think that slaughtering thousands of innocent people is sending them straight to Allah. All we can do is possibly alert aliens from suspect nations to leave," she says, "with full expectation of readmittance while we sort the peace-loving immigrants from the murderous fanatics.

"More benefits of the plan next week, but the beauty part of the terrorist deportation plan can't wait. There will be two fail safes. One, Muslim immigrants who agree to spy on the millions of Muslim citizens unaffected by the deportation order can stay, and, two, any Muslim immigrant who gets a U.S. Senator to waive his deportation by name gets to stay." This is totally unfair to Muslim immigrants who do not want to kill us, but it is not our fault. It is the fault of the terrorists who are using their fellow Muslims as human shields. So far, America's response to a calculatingly cold-blooded enemy has been to say, excuse me, you seem to have dropped your box cutter.

Now, Ms. Coulter's observations are just that, her observations. She is, of course, free to state them. And they are harsh, and I doubt for a second that this body would ever consider such an action as deporting all people who are here as immigrants and who are Muslims.

We are not going to do it, and whether that is good or bad I will leave up to the observer. But I will say this, that there are many things we have an absolute right and ultimate responsibility to do. Putting troops on our border, a scary proposition, and an absolutely logical one for me. Also, I might add, Mr. Speaker, a logical one for a majority of Americans. They agree it should be done.

The purpose of the military is to defend our borders. We know where our borders are. Let us send them there. We cannot depend upon the INS to protect us. We cannot depend upon the INS to keep people out of the United States who should not come. We cannot depend on the INS to enforce our own laws.

An amazing thing I was told earlier this evening, there are literally hundreds of thousands of orders that have violated a law, who have come here illegally, or while here have violated some law or have overstayed their visas. Hundreds of thousands of these orders have been issued in the last few years. Yet few, if any, have actually been carried out by the INS.

When the judge raps his or her gavel and says you have been found guilty of violating the law and I hereby issue an order to deport you, that person can simply laugh at the judge, turn around and walk away. We do not hold them, and we do not go after them. Let us consider an appeal. We do not know exactly how many have done that, but we do know that many have done that and again walked away. We are going to try to find out those numbers, but the INS is very tight-lipped about that.

Literally hundreds of thousands of people have actually put up bond, put up bail, and walked away. They have committed crimes. Some of these crimes are far more serious than simply overstaying their visa or entering the country illegally. Some of these are felonies, and yet the people walk away, because right now the law allows them to do so. And there are literally hundreds, if not thousands, of frustrated Americans around the country who are tired of judges and honest immigration officers who are incredibly frustrated by their inability to stop the ocean with the sieve that we have given them.

"We could do something about that to-morrow. We could determine how many people are out there who have skipped out on bail, who have simply walked away from court orders deporting them and have never been looked for by the INS. The INS will tell you that it is a miserable issue, but that is not the case, Mr. Speaker. They do not want to look. They do not care.

Some of the time I am told that in some of these cases that come in front of these judges that I have referred to, the immigration lawyer, the lawyer for the government, is actually half the time defending the perpetrator, the plaintiff. And to the judges even, this seems odd and almost incredible, but it is what has happened. For years we did not have the slightest indication to it. As I say, I and others could get up on this floor and speak to our concerns about immigration, and people really would not want to hear it.

Because no one wants to be considered to be racist or xenophobic, and I certainly do not believe that I fall into either of those two categories. I know that I do not. No one wants to be called those things, and so everybody avoided the discussion of the issue of immigration.

It is too late for us really, in a way. But at least we must now do everything we can. As it is, building a missile defense system, that is fine; but let us do something before it gets here, before that missile or before anyone with the intent of destroying the United States and everything we stand for. Let us do something about it. Even if she is convinced, after her rather Draconian measure is employed, to send, to return all Muslims, to send them all out of the United
States, she agrees that they should be allowed to come back in, once some sort of detection mechanism has been set up, once some sort of a system is set up to see if they should be allowed in. I am not advocating that at all. All I am saying is that some measure has to be taken. The approach has to be adopted by this House and by the Senate and signed by the President to deal with this issue of immigration in the poorest nature at our borders.

I do not know, as I say, what more we can possibly add to this case that we are making in front of the people of the United States. I do know this, Mr. Speaker, that unless the people of the United States let their elected representatives know how they feel about this issue, things will not change.

There is a strong lobby here in the Congress of the United States against any immigration reform. It is led oftentimes by immigration lawyers who make their living, of course, out of making sure that we have open borders or at least pursue a policy, a de facto policy, of open borders. Then there is, of course, a large number of people who simply believe in that concept philosophically. They believe that if they are out of touch with their constituents, they are going to vote that way, Mr. Speaker, we both know this, unless they hear from those constituents.

That is why when I say I have a dilemma, it is in knowing exactly how to deal with the fact of the incredible irony, I mean, the fact that a huge percentage of the population by every poll agrees with the point of view that I have established here tonight, that some form of immigration reform is necessary, that we should limit the number of people coming into the United States far lower than it is today at a million and a quarter or so legally, and for three times as many annually coming into the United States illegally. People want that reduced. They want illegal immigration stopped. They want us to deal with those people who are here illegally. They do not want them employed.

Certainly, there are a lot of employers who understand the fact that it is good business to pay people maybe even less than the going wage, maybe even less than minimum wage, exploit them, discriminate against them, knowing that they cannot do anything about it. Yes, I know there are employers of course who do that. But I am telling my colleagues that a majority of Americans want people to enter this country legally, want us to have a fair system that allows for diversity, that allows us to continue to enjoy the benefits of diversity, all of the great things that immigration has provided to the United States.

I would never, ever, deny the fact that we are employing the Nation as a result of the many incredible treasures that have been brought to our shores by immigrants. I do not believe that we should forever end all immigration. I simply ask for us to take a rational approach. Let us pause immigration for at least 6 months, a pause. Let us catch our breath. Let us try to create a true immigration agency, one that can actually determine who is coming across our borders, who is here, whom we keep, and determine whether or not they are doing something when they are here that they should not be doing. Is that too much to ask for, really? Is it too much to ask for that we probably should have had visas a year, that we maybe should get rid of the diversity visas directed specifically at Middle Eastern countries? Is that too much to ask for?

I am not suggesting Ms. Coulter’s remedy. I am saying that far from that, there are many things that we can do, but we must do something. It is incredibly irresponsible for us to ignore the reality here; and the reality is that there are people in this world who are intent upon our destruction. They hate us, Mr. Speaker, for reasons that go far beyond our foreign policy, far beyond the issue of Israel-United States-Palestinian relationships. They hate us because of who we are and what we stand for. Because we are the bastion of Judeo-Christian ideals, among those being the freedom to think. This is not the kind of world, the one we represent is not the kind of world in which terrorists, is it comfortable; nor is it one in which they can survive or thrive. Their brand of hijacked Islam can never survive in our kind of world, because our world puts them into the marketplace of ideas. It asks them to simply advance their ideas through that marketplace. They cannot survive in that arena. They know it. Therefore, they believe that the only way to advance their cause is by the sword, just as it was centuries ago. This is a continuation of that that we are now attacking. It is a continuing of a religious issue by the sword. They are not unique in the world. It has happened before. There are many times in the world’s history where we have seen this kind of thing happen. The fact is that we are dealing with it now, today, in America; and the perpetrators are fundamental, radical members of Islam, as a result of the fact that there are who-knows-how-many millions of people out there who have our destruction as their main purpose and goal in life.

Mr. Speaker, several things are important for us to do. One is to understand what I just said, that that is their intent. It is not to change our foreign policy, Mr. Speaker. It is not just to get a respite from the atrocities, from the conflict in the Middle East. It is not just an issue of the Palestinians versus the Israelis. It is far, far more serious than that, far deeper. As I say, its roots go back centuries. The problem is that we cannot change it simply by changing foreign policy; recognizing that the mechanisms that can be employed today to bring about our destruction are far more threatening than they ever have been in the history of mankind; recognizing that what happened on September 11 is probably just a teaser, and that the next event could very well be horrendously more devastating. The gentleman from Connecticut (Mr. Shays), the chairman of one of the House committees that deals with the issue of security, has said on this floor, said on television, I have seen him, I have heard him and he said more than once that the thing that worries him the most is that they are going to use weapons of mass destruction; it is a matter of when.

Knowing that, then, Mr. Speaker, why would I not do everything I can, stand up here at this microphone as often as I possibly can, to encourage, to cajole, to talk to this body about the importance of doing this one thing: gaining control of our borders. It is the only thing I can do. It is the only mechanism I have.

I can introduce the legislation, but I assure the Members, it will not pass. I assure Members it will not even be debated by the Congress of the United States because there is this kind of knee-jerk reaction to anything like this that it is too controversial, that we would make too many enemies in certain communities in this country.

I speak to the Members of this House. Can we let these things guide our actions today, Mr. Speaker? How can we? It is more important than politics. It is more important than how many votes we are going to get at the next election from any particular ethnic group in the United States.

It is for every ethnic group in the United States that I plead. It is for every human being here, from whatever racial origin, it does not matter who they are, where they come from, but if they are here, if they are American citizens, it is the American people that I plead for.

I plead for their safety, for their security, for the security of every Mexican-American who just came here and came legally and is a member, or anybody who is even here illegally, it does not matter, I am pleading for their security. I choose not to identify any particular ethnic group.

I know every time we talk about immigration reform, it comes down to this thing. I have read in the paper attacks on me personally because I have called for immigration reform, and the suggestion the other day in the Denver paper, there was someone who wrote an editorial saying, why is he talking about reforming immigration? Why is he talking about something off the border? It was not Mexico that attacked the United States.

Of course it was not. Who said it was? It has nothing to do with Mexico; it has everything to do with porous borders between Mexico and the United States and between the United States and Canada, and the United States and the rest of the world. That is the problem. It is not any ethnic group. It is
our inability to control our own destiny because of our inability and unwillingness to control our own borders.

Many philosophers have used the phrase "demography is destiny," many times. I agree. We have an ability to help control our destiny, but it means controlling our borders.

Mr. Speaker, I once again take this microphone and once again suggest that the only way we will ever get immigration reform through this body is for people to rise up and let the members of this body know how they feel about it. They have to do it directly and quickly and vociferously, and they have to be unwavering in their commitment to get their point across that we desperately need true immigration reform.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today through October 9 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. GREEN of Texas) to revise and extend their remarks and include extraneous material:

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. UNDERWOOD (at the request of Mr. PENCE) to revise and extend their remarks and include extraneous material:

Mr. SMITH of Michigan, for 5 minutes, today.

The following Members (at their own request) to revise and extend their remarks and include extraneous material:

Mr. LANGEVIN, for 5 minutes, today.

Ms. MILLENDER-McDONALD, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was therupon signed by the Speaker:

H.R. 2510. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 1, 2001, he presented to the President of the United States, for his approval, the following bill:

H.R. 2510. To extend the expiration date of the Defense Production Act of 1950, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 3, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETc.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3968. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; Oklahoma [Docket No. 01-016-2] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


3970. A communication from the President of the United States, transmitting an authorizing transfer from the Emergency Response Fund for emergency and national security activities; (H. Doc. No. 107-128); to the Committee on Appropriations and ordered to be printed.

3971. A communication from the President of the United States, transmitting pursuant to the Air Traffic and System Efficiency Act and the Air Traffic and System Efficiency Safety Act, funds will be provided to the Department of Transportation's Compensations for Air Carriers account; (H. Doc. No. 107-129); to the Committee on Appropriations and ordered to be printed.

3972. A letter from the Under Secretary, Department of Defense, transmitting a report entitled "Performance of Commercial Activities," pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3973. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Superintendent of Air Force Academy, Colorado, has conducted a cost comparison of the Civil Engineering Department of Athletics Facilities, Dean of the Facility Facilities and Training Devices and 4th Training Wing Cadet Housing functions, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3974. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Commandant of Maxwell Air Force Base, Alabama, has conducted a comparison study to reduce the cost of operating the Base Operating Support (BOS), pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3975. A letter from the Deputy Secretary, Department of Defense, transmitting a report on Proposed Obligations for Weapons Destruction and Non-Proliferation in the Former Soviet Union, pursuant to Public Law 104-106, section 1206(a) (109 Stat. 471); to the Committee on Armed Services.

3976. A letter from the Secretary of the Navy, Department of Defense, transmitting a report on the Department of Defense construction performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

3977. A letter from the Director, Defense Finance and Accounting Service, Department of Defense, transmitting a Report on Conversion of Department of Defense Commercial Activity to a Private Contractor; to the Committee on Armed Services.

3978. A letter from the Deputy Secretary, Department of Defense, transmitting a report on Strategic and Competitive Sourcing Programs Workforce Costs Reduction Report for FY 2000; to the Committee on Armed Services.


3983. A letter from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Financial Institutions on DoD Installations (RIN: 0700-AQ73) received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3984. A letter from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Procedures Governing Banks, Credit Unions and Other Financial Institutions on DoD Installations (RIN: 0700-AQ74) received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3985. A letter from the Under Secretary, Department of Defense, transmitting the Department's Response to Conference Report Accompanying the Floyd D. Spence National Defense Authorization Act, for FY 2001; to the Committee on Armed Services.

3986. A letter from the Secretary of Defense, transmitting a letter on the approved appointment of General H. Shelton, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

3987. A letter from the Deputy Secretary for Legislative Affairs, Department of Defense, transmitting a determination to allow
the U.S. Export-Import Bank to finance the sale of defense articles to the Dominican Republic; to the Committee on Financial Services.


3992. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration’s final rule—Truth in Savings—received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3993. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration’s final rule—Credit Union National Defense Organizations (CUSOs)—received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3994. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

3995. A letter from the Secretary, Department of Labor, transmitting a report covering the condition of the Employees’ Deferred Compensation Plan for Members of the Army and Air Force Exchange Service; the Supplemental Deferred Compensation Plan for Members of the Executive Management Program; and the Workforce Management Program; and Acceptance (LOA) to Kuwait for defense articles and services (Transmittal No. 01–25), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3996. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force’s Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 01–25), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3997. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy’s Proposed Letter(s) of Offer and Acceptance (LOA) to Kuwait for defense articles and services (Transmittal No. 01–24), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3998. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy’s Proposed Letter(s) of Offer and Acceptance (LOA) to Malaysia for defense articles and services (Transmittal No. 01–23), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3999. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army’s Proposed Letter(s) of Offer and Acceptance (LOA) to Kuwait for defense articles and services (Transmittal No. 01–23), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4000. A letter from the Director, International Cooperation, Department of Defense, transmitting a report on the Department of Defense’s Proposed Letter of Offer and Acceptance No. 12–01 which informs the intent to sign Amendment Number One to Annex D of the Memorandum of Agreement between the United States and Germany, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4001. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective August 2, 2001, the danger pay rate for the Gaza Power Plant, the Bank and the Former Yugoslav Republic of Macedonia was designated at the 25% level, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

4002. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as “foreign terrorist organizations” pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Rights Act of 1996, and the Foreign Relations Authorization Act, Fiscal Year 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4003. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting transmittal No. RS&T–2–01 Notice of Proposed Transfer of Major Surplus Equipment between the Government of Germany to the Czech Republic; to the Committee on International Relations.

4004. A letter from the Acting Director, Federal Communications Commission, transmitting a report on Auction Expenditures for FY 2000; to the Committee on International Relations.

4005. A letter from the Secretary, Department of Transportation, transmitting the semiannual report of the Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insig. Gen. Act) section 5(b); to the Committee on Government Reform.


4008. A letter from the Inspector General, RailRoad Retirement Board, transmitting a report on the Railroad Retirement Board’s final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Sidalcea oregana var. calva (Mount Rainier Mountain Checkermallow) (RIN: 1018–AH05) received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4009. A letter from the Chairman, National Credit Union Administration, transmitting a report entitled, “Growing Leaders: The Presidential Management Intern Program”; to the Committee on Government Reform.


4013. A letter from the General Counsel, Environmental Protection Agency, transmitting the EPA’s Annual Superfund Report for FY 2000, pursuant to 31 U.S.C. 7501 nt; to the Committee on Government Reform.

4014. A letter from the Acting Director, Office of Resource Management, Federal Housing Finance Board, transmitting a report on Commercial Activities Inventory; to the Committee on Government Reform.


4016. A letter from the Acting Chairman, National Credit Union Administration, transmitting a report on Commercial Activities Inventory; to the Committee on Government Reform.

4017. A letter from the Office of Special Counsel, transmitting a report on Commercial Activities Inventory; to the Committee on Government Reform.

4018. A letter from the Inspector General, Railroad Retirement Board, transmitting a report on the budget request fiscal year 2003; to the Committee on Government Reform.

4019. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department’s final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Sidalcea oregana var. calva (Mount Rainier Mountain Checkermallow) (RIN: 1018–AH05) received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.


4021. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Bering Sea [Docket No. 011320013; I.D. 083001B]; received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4022. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Chinik Gully Research Area for Vessels Using Trawl Gear [Docket No. 0112132013–103–01]; received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4023. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Fisheries of the Northeastern United States: Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts [Docket No. 0011232013–1066–03; I.D. 082401D] received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4024. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Chinik Gully Research Area for Vessels Using Trawl Gear [Docket No. 0112132013–103–01]; received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.
Zone Off Alaska; Species in the Rock Sole/Flathead Sole/“Other flatfish” Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 00112013-1313-01; I.D. 060201E] received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4029. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Magnuson-Stevens Fisheries Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Closure [Docket No. OMD-01-239; I.D. 060202E] received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4030. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, Black Sea Bass, Loligo Squid, Illex squid, Atlantic Mackeral, Butterfish, and Bluefish Fisheries; Framework Adjustment 1 (Docket No. 010710173-1183-02; I.D. 070601C) (RIN: 0648-AO91) received September 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4031. A letter from the Deputy Executive Director, Reserve Officers Association, transmitting the Association’s financial audit and outlining March 2001, pursuant to 36 U.S.C. 110(41) and 1105; to the Committee on the Judiciary.

4032. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, will exceed $500 million; pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4033. A letter from the Parablel Special- specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [RIN: 2120-AA44] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4034. A letter from the Parablel Special- specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 767 Series [RIN: 2120-AA44] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4035. A letter from the Parablel Special- specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 777 and 720 Series Airplanes [Docket No. 2000-NM-378-AD; Amendment 92-12415; AD 2001-17-24] (RIN: 2120-AA44) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4036. A letter from the Parablel Special- specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 777 and 720 Series Airplanes [Docket No. 2000-NM-378-AD; Amendment 92-12415; AD 2001-17-24] (RIN: 2120-AA44) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4037. A letter from the Parablel Special- specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 787 Aircraft [RIN: 2120-AA44] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4038. A letter from the Parablel Special- specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 747-400ER Aircraft [RIN: 2120-AA44] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4039. A letter from the Parablel Special- specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 777-200ER Aircraft [RIN: 2120-AA44] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4040. A letter from the Parablel Special- specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 777-300ER Aircraft [RIN: 2120-AA44] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4041. A letter from the Parablel Special- specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Airworthiness Directives; Boeing Model 777-300ER Aircraft [RIN: 2120-AA44] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4042. A letter from the Parablel Special- specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Modifications of Class D and Class E Airspace, Bellingham, WA [Space Docket No. 00-ANM-28] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4043. A letter from the Parablel Special- specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Modification of Class E Airspace, Lewistown, MT [Space Docket No. 00-NM-12415; AD 2001-17-24] (RIN: 2120-AA44) received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4044. A letter from the Parablel Special- specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Modification of Class E Airspace, Vernal, UT [Space Docket No. 00-ANM-18] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4045. A letter from the Parablel Special- specialist, FAA, Department of Transportation, transmitting the Department’s final rule—Modification of Class E Airspace, Belltown, WA [Space Docket No. 00-ANM-28] received September 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
transmitting a determination authorizing the use of funds made available under Chapter 3 of Part I of the Foreign Assistance Act in order to provide a contribution to the United Nations Guards Contingent in Iraq; jointly to the Committees on International Relations and Appropriations.

4054. A letter from the Secretary, Department of State, transmitting notification of intent to reprogram funds from FY 2001 and FY 2000 from within the International Organizations and Programs account; jointly to the Committees on Appropriations, Transportation and Infrastructure, and 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. BOEHNER: Committee on Education and the Workforce. H.R. 993. A bill to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications; with an amendment (Rept. 107-137). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 248. Resolution providing for consideration of the bill (H.R. 2965) to provide for the continuation of agricultural programs through fiscal year 2011 (Rept. 107-226). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RAMSTAD (for himself and Mrs. THURMAN):

H.R. 2976. A bill to amend title XVIII of the Social Security Act to provide for the expeditious coverage of new medical technologies under Medicare, and for other purposes; to the Committee on Energy and Commerce.

By Mr. McGOVERN (for himself, Mr. SOUDER, Mr. TIABET, Mr. COYNE, Mrs. TAUSCHER, and Mr. GEORGE MILLER of California):

H.R. 2974. A bill to provide for the protection of paleontological resource on Federal lands, to promote the systematic compilation of baseline paleontological resource data, science-based decisionmaking, and accurate public education, to provide for a unified management policy regarding paleontological resources on Federal lands, to promote legitimate public access to fossil resources on Federal lands, to encourage informed ownership of the resources through educational, recreational, and scientific use of the paleontological resources on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. SENSENBRENNER (for himself, Mr. CONVYER, Mr. HYDE, Mr. COBBLE, Mr. GOODLATT, Mr. JENKINS, Ms. JACKSON-LEE of Texas, Mr. CANNON, Mr. MEEHAN, Mr. GRAHAM, Mr. BACHUS, Mr. WEXLER, Mr. HOUSTON, Mr. KELLY, Ms. M. PLATKIN, Mr. KAns, Ms. HART, Mr. FLAKE, Mr. SCHIPP, Mr. THOMAS, Mr. GOS, Mr. RANGEL, Mr. BREAM, and Ms. LOFUREN):

H.R. 2975. A bill to reduce the surplus in the Railroad Retirement Trust Fund; to provide for the issuance of bonds payable solely from the surpluses in the Railroad Retirement Trust Fund; to retain all funds deposited in the Fund and used for outdoor recreation purposes to the survivors, victims' immediate families, and for police, fire, recovery, emergency, and medical personnel directly affected by the September 11, 2001, terrorist attacks and the attacks on the World Trade Center and the Pentagon, and for other purposes; to the Committee on Ways and Means.

By Mr. KUCINICH:

H.R. 2979. A bill to preserve the cooperative, peaceful uses of space for the benefit of all humanity including the basing of weapons in space by the United States, and to require the President to take action to adopt and implement a world treaty banning space-based weapons; to the Committee on Science, and in addition to the Committees on Armed Services, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. RAUKEMA:

H.R. 2976. A bill to strengthen existing Federal laws and provide law enforcement agencies with enhanced enforcement tools necessary to combat money laundering, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McGOVERN:

H.R. 2978. A bill to promote the systematic compilation of baseline paleontological resource data, science-based decisionmaking, and accurate public education, to provide for a unified management policy regarding paleontological resources on Federal lands, to promote legitimate public access to fossil resources on Federal lands, to encourage informed ownership of the resources through educational, recreational, and scientific use of the paleontological resources on Federal lands, and for other purposes; to the Committee on Resources.

By Mr. SENSENBRENNER (for himself, Mr. CONVYER, Mr. HYDE, Mr. COBBLE, Mr. GOODLATT, Mr. JENKINS, Ms. JACKSON-LEE of Texas, Mr. CANNON, Mr. MEEHAN, Mr. GRAHAM, Mr. BACHUS, Mr. WEXLER, Mr. HOUSTON, Mr. KELLY, Ms. M. PLATKIN, Mr. KAns, Ms. HART, Mr. FLAKE, Mr. SCHIPP, Mr. THOMAS, Mr. GOS, Mr. RANGEL, Mr. BREAM, and Ms. LOFUREN):

H.R. 2975. A bill to reduce the surplus in the Railroad Retirement Trust Fund; to provide for the issuance of bonds payable solely from the surpluses in the Railroad Retirement Trust Fund; to retain all funds deposited in the Fund and used for outdoor recreation purposes to the survivors, victims’ immediate families, and for police, fire, recovery, emergency, and medical personnel directly affected by the September 11, 2001, terrorist attacks and the attacks on the World Trade Center and the Pentagon, and for other purposes; to the Committee on Ways and Means.

By Mr. TURNER (for himself, Mr. HANSEN, Mr. NADLER, Mr. SHAYS, Mr. BENTSEN, Mr. LAMPSON, Mr. RAHALL, Mr. WICKER, Mr. WATERS, Mr. MORAN of Virginia, Mr. SAXTON, Mr. FRONT, Mr. WOLF, Mr. SANDERS, Mr. PITTS, Mr. KENNEDY of Minnesota, Mr. WAYN, Mr. KING, Mr. CAMP, Mr. ENGLISH of Mississippi, Mr. GOLDBERG of New York, Mr. SIMMONS, Mr. GILMAN, Mr. WALSH, Mr. BONIOR, Mr. SHOWS, Mr. GEPHARDT, Mr. SLAUGHTER, Mr. PELSON, Mr. MURRIN, Mr. HOOLEY of Oregon, Mr. SHIMKUS, Mr. DELAURU, Mr. DELAHUNT, Mr. NEAL of Massachusetts, Mr. MORAN of Kansas, Mr. WOROFF, Mr. LAHOOD, Mr. PORTMAN, Mr. DAVIS of Illinois, Mr. WOOLSEY, Mr. ORTIZ, Mr. SANDIN, Mr. ISRAEL, Mr. DEFAZ, Mr. LEAVIT, Mr. BACA, Mrs. TAUSCHER, Mr. PASCHEL, Mr. RODRIGUEZ, Mr. HARMAN, Mr. ROSS, Mr. HILL, Mr. PETERSON of Minnesota, Mr. HOLDEN, Mr. BERRY, Mr. MATHISON, Mr. LUCAS of Kentucky, Mr. MINTYRE, Mr. SANCHEZ, Mr. JOHN, Mr. BOYD, Mr. LEWIS of Georgia, Mr. STEINHOLM, Mrs. CAJPS, Mr. CROWLEY, Mr. BRADY of Texas, Mr. CAPUANO, Mr. TANNER, Mr. ANDREWS, Mr. COSTELLO, Mr. GORDON, Mr. BARRETT, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. SPRATT, Mr. BOSWELL, Mr. HOYER, Mr. FALLONE, Mr. GREEN of Texas, Mr. MEEHAN, Mr. MIKULAS.

H.R. 2981. A bill to authorize the establishment of a memorial within the area in the District of Columbia referred to as "Area I" or "Area II" to the victims of terrorist attacks on the United States, to provide for the design and construction of such a memorial, and for other purposes; to the Committee on Resources.

By Mrs. WILSON (for herself, Mr. BAR-}

Mr. DAVIS of Illinois, Mr. GORDON, Mrs. MORELLA, Mr. CASTLE, Mr. WALSH, Mr. DOYLE, Mrs. KELLY, Mr. FILNEER, and Mr. SCHROCK).

H.R. 2985. A bill to amend the Federal Trade Commission Act to increase civil penalties for violations involving certain proscribed acts or practices that exploit popular reaction to an emergency or major disaster declared by the President, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act, to the Committee on Energy and Commerce.

By Mr. BASS (for himself, Mr. DEAL of Georgia, Mr. EVANS of Georgia, Mr. ROYCE of California, Mr. WESTMORELAND of Georgia, Mr. JOHNSTON of North Carolina, Mr. WELLS of Georgia, Mr. RUSH, Mr. KUCINICH, and Mrs. JONES of Ohio):

H.R. 2986. A bill to amend title 18, United States Code, to provide for long-term health care benefits under TRICARE program, and for other purposes; to report on the Independent Case Management Program to the Committee on the Judiciary.

H.R. 2987. A bill to amend title 10, United States Code, to fully integrate the beneficiaries of the Individual Case Management Program into the TRICARE program, to provide for long-term care benefits under the TRICARE program and otherwise to improve the benefits provided under the TRICARE program, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2988. A bill to amend title 10, United States Code, to provide for the regulation of flight schools and flight school applicants for the purpose of national security and aviation safety, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey (for himself, Mr. BIERE of New York, Mr. DEUTSCH, Mr. PAPPAS, Mr. FUMOTI, Mr. TODD, Mr. TOTH, Mr. WARD, Mr. GUSTAFSON, Mr. JOLLY, Mr. PAYNE, Mr. STARK, Mr. WOLF, Mr. BORSKI, Mr. BUTLER, Mr. ENGEL, Mr. HULTSHOF, Mr. SKELETON, Mr. SIMMONS, Ms. MCCARTHY of Missouri, and Mr. SHIMKUS):

H.R. 2989. A bill to require procedures that ensure the fair and equitable resolution of labor integration issues in transactions for Members of Congress; to the Committee on Government Reform.

By Mr. SCHWARTZ (for himself, Mr. BASS of California, Mr. ROYCE of California, Mr. JONES of North Carolina, Mr. EVANS of Georgia, Mr. MURPHY of California, Mr. MOORE of California, Mr. FATTI, Mr. PAYNE, Mr. ROTHMAN, Ms. ROUKEMA, Mr. SAXTON, and Mr. SMITH of New Jersey):

H.R. 2990. A bill to amend title 18, United States Code, to provide for the regulation of flight schools and flight school applicants for the purpose of national security and aviation safety, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HINOJOYA (for himself, Mr. GONZALEZ, Mr. ORTEGA, Mr. REYES, and Mr. RODRIGUEZ):

H.R. 2991. A bill to direct the Architect of the Capitol to establish, as part of the Capitol Visitors Center, a garden designated as the “Spirit of America Garden” as a living memorial to the victims of the terrorist attack on the United States on September 11, 2001; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY of New York (for herself and Mr. GILMAN):

H.R. 2992. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to clarify the application of the mental health parity provisions of those Acts to annual and lifetime visit or benefit limits, as well as dollar limits; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKNEY (for himself, Mrs. CAPPS, and Mr. LUTCHER):

H.R. 2993. A bill to amend the Consumer Product Safety Act and the Federal Hazardous Substances Act regarding repair, replacement, or refund actions, civil penalties, and criminal penalties under those Acts; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself and Ms. NORTON):

H.R. 2994. A bill to make technical and conforming changes to provide for the enactment of the Independence of the Chief Financial Officer Establishment Act of 2001; to the Committee on Government Reform.

By Mr. MOORE (for himself, Mrs. NORTON, Ms. VATSON, and Mr. FATTI):

H.R. 2995. A bill to make technical and conforming changes to provide for the enactment of the Independence of the Chief Financial Officer Establishment Act of 2001, to establish a reporting event notification system to assist Congress and the District of Columbia in maintaining the financial stability of the District government and avoiding the potential need to initiate bankruptcy proceedings for the District of Columbia with autonomy over its budgets, and for other purposes; to the Committee on Government Reform.

By Ms. HARRIS of California (for himself, Mr. GONZALEZ, Mr. ORTEGA, Mr. REYES, and Mr. RODRIGUEZ):

H.R. 2996. A bill to make technical and conforming changes to provide for the enactment of the Independence of the Chief Financial Officer Establishment Act of 2001, to establish a reporting event notification system to assist Congress and the District of Columbia in maintaining the financial stability of the District government and avoiding the potential need to initiate bankruptcy proceedings for the District of Columbia with autonomy over its budgets, and for other purposes; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. BIERE of New York, Mr. DEUTSCH, Mr. PAPPAS, Mr. FUMOTI, Mr. TODD, Mr. TOTH, Mr. WARD, Mr. GUSTAFSON, Mr. JOLLY, Mr. PAYNE, Ms. ROUKEMA, Mr. SAXTON, and Mr. SMITH of New Jersey):

H.R. 2997. A bill to designate the facility of the United States Postal Service located at 60 Third Avenue in Long Branch, New Jersey, as the “Pat King Post Office Building”; to the Committee on Government Reform.

By Mr. ROYCE (for himself, Mr. BIERE of New York, Mr. GUSTAFSON, Mr. JOLLY, Mr. PAYNE, Mr. ROTHMAN, Ms. ROUKEMA, Mr. SAXTON, and Mr. SMITH of New Jersey):

H.R. 2998. A bill to amend the establishment of Radio Free Afghanistan; to the Committee on International Relations.

By Mr. CHAKOS (for herself, Mr. LEE, Mr. SANDERS, Mr. LAFAVER, Mr. WOOLSEY, Mr. WAXMAN, Mr. SOLIS, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. OSWALD, Mr. RUSH, Mr. KUCINICH, and Mrs. JONES of Ohio):

H.R. 2999. A bill to amend the Internal Revenue Code of 1986 to modify the highest marginal income tax rates and to increase the estate tax deduction for family-owned business interests, to repeal certain sections of the Economic Growth and Tax Relief Reconciliation Act of 2001 related to personal exemptions, itemized deductions, and the estate tax, to establish a force to determine when and whether critical national priorities have been accomplished, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHOWS:

H.R. 3000. A bill to amend the Internal Revenue Code of 1986 to provide for the development of low-to-moderate income housing for home ownership, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. BIERE of New York, Mr. JONES of North Carolina, Mr. MOORE of California, Mr. PAYNE, Mr. STARK, Mr. WOLF, Mr. BORSKI, Mr. BUTLER, Mr. ENGEL, Mr. HULTSHOF, Mr. SKELETON, Mr. SIMMONS, Ms. MCCARTHY of Missouri, and Mr. SHIMKUS):

H.R. 3001. A bill to amend the Internal Revenue Code of 1986 to exclude certain severance payments from gross income and to allow a refundable credit for job training expenses of older long-time employees who are laid off; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY:

H.R. 3002. A bill to provide for the establishment of an alien nonimmigrant student tracking system; to the Committee on the Judiciary.

By Ms. WATERS (for herself, Mr. HILLARD, Mr. KANJORSKI, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Mr. WYNN, and Mr. CLYBURN):

H.R. 3003. A bill to make technical and conforming changes to provide for the enactment of the Independence of the Chief Financial Officer Establishment Act of 2001, to establish a reporting event notification system to assist Congress and the District of Columbia in maintaining the financial stability of the District government and avoiding the potential need to initiate bankruptcy proceedings for the District of Columbia with autonomy over its budgets, and for other purposes; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. BIERE of New York, Mr. DEUTSCH, Mr. PAPPAS, Mr. FUMOTI, Mr. TODD, Mr. TOTH, Mr. WARD, Mr. GUSTAFSON, Mr. JOLLY, Mr. PAYNE, Ms. ROUKEMA, Mr. SAXTON, and Mr. SMITH of New Jersey):

H.R. 3004. A bill to make conforming changes to provide for the enactment of the Independence of the Chief Financial Officer Establishment Act of 2001, to establish a reporting event notification system to assist Congress and the District of Columbia in maintaining the financial stability of the District government and avoiding the potential need to initiate bankruptcy proceedings for the District of Columbia with autonomy over its budgets, and for other purposes; to the Committee on Government Reform.

By Mr. EVANS:

H.Con. Res. 289. Concurrent resolution expressing the sense of Congress that States should require candidates for driver’s licenses to demonstrate an ability to exercise increased caution when driving in the proximity of potentially visually impaired individuals; to the Committee on Transportation and Infrastructure.

By Mr. JOHNS of North Carolina:

H. Con. Res. 239. Concurrent resolution expressing the sense of Congress that schools in the United States should set aside a sufficient period of time to allow children to pray in the United States should set aside a sufficient period of time to allow children to pray for, or quietly reflect on behalf of, the Nation during this time of struggle against the forces of international terrorism; to the Committee on Education and the Workforce.

By Ms. KAPUT (for herself, Mr. GONZALEZ, Mr. ORTEGA, Mr. REYES, and Mr. RODRIGUEZ):

H. Con. Res. 298. Concurrent resolution expressing the sense of Congress that States should require candidates for driver’s license to demonstrate an ability to exercise increased caution when driving in the proximity of potentially visually impaired individuals; to the Committee on Transportation and Infrastructure.
H. Con. Res. 240. Concurrent resolution expressing the sense of Congress with respect to the need for extraordinary food and agricultural development assistance to civilian men, women, and children in Afghanistan, including Afghan refugees, and to the civilian populations of bordering countries in the central Asia region, including Pakistan, Iran, Kyrgyzstan, Turkmenistan, Tajikistan, and Uzbekistan; to the Committee on International Relations.

By Mr. EHRLICH (for himself, Mrs. MORELLA, Mr. HOYER, Mr. CARSTEN, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. BEVEL, Ms. WYNN, Mr. CUMMINGS, Mr. RADANOVICH, Mr. COBLE, Mr. LARGENT, Mr. WATTS of Oklahoma, Ms. FELISO, Mr. BERTKUTTER, Mr. TOM Davis of Virginia, Mr. ARMEY, and Mr. DELAY):

H. Res. 247. A resolution honoring Cal Ripken, Jr., for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to baseball, to the State of Maryland, and to the Nation; to the Committee on Government Reform.

H. Res. 249. A resolution designating majority membership on certain standing committees.

H. Con. Res. 250. A resolution urging the Secretary of Energy to fill the Strategic Petroleum Reserve; to the Committee on Energy and Commerce.

H. Con. Res. 253. A resolution designating Majority membership on certain standing committees of the House; considered and agreed to.

By Mr. PORTMAN:

H. Res. 255. A resolutiondesignating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. BARTON of Texas (for himself and Mr. BOUCHER):

H. Res. 259. A resolution urging the Secretary of Energy to fill the Strategic Petroleum Reserve; to the Committee on Energy and Commerce.

H. Res. 261. A resolution recognizing the League of United American Citizens for sponsoring LULAC Senior Citizens Week in California, and recommending the League for providing more than 70 years of service to Hispanic Americans of all ages; to the Committee on Government Reform.

By Mr. ROYBAL-ALLARD:

H. Res. 265. A resolution recognizing the League of United American Citizens for sponsoring LULAC Senior Citizens Week in California, and recommending the League for providing more than 70 years of service to Hispanic Americans of all ages; to the Committee on Government Reform.

H. Res. 272. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. ROLAND:

H. Res. 274. A resolution recognizing the League of United American Citizens for sponsoring LULAC Senior Citizens Week in California, and recommending the League for providing more than 70 years of service to Hispanic Americans of all ages; to the Committee on Government Reform.
H. Con. Res. 234: Mr. Visclosky, Mr. Bereuter, Mr. Hilliard, and Mr. Kennedy of Minnesota.

H. Con. Res. 235: Mr. WyNN, Mr. McNulty, Mr. Brown of New York, Ms. HArt, and Mr. GReenwood, Mr. Green-Wood, Mr. Howie, and Mr. HILLIARD.

H. Con. Res. 180: Mr. Waxman and Ms. DeLauro, and Mr. Oftt.


H. Con. Res. 212: Mr. Pastor.


H. Con. Res. 228: Mrs. Napolitano, Mr. Bonior, Ms. Schakowsky, and Mr. Moran of Virginia.

H. Con. Res. 232: Mr. Walsh, Mr. Shaw, Mr. Ballenger, Mr. Platt, Mr. Ford, Mrs. Ros-Lehtinen, the Secretary of Agriculture, Mr. Goss, Mr. Holt, Mr. Karson of Ohio, Mrs. Roukema, Ms. Watson, Mr. Wyn, Mr. McGovern, Mr. Farr, Mr. Sanders, Mr. HINO and Mr. Kennedy of Minnesota.

H. Con. Res. 233: Mr. Faleomavaega, Mr. Taylor of Mississippi, Mr. Cunningham, Mr. Rivers, Mr. Watts of North Carolina, Mr. Sprague, Mr. Kolbe, Mr. Fletcher, Mrs. Baldwin, Mrs. Mink of Hawaii, Mrs. Blumenauer, Mrs. Jones of Ohio, Mr. Dooley of California, Mr. McKeon, Ms. Watson, Ms. Kucinich, and Mr. Bonior.

H. Con. Res. 245: Mr. Visclosky, Mr. Kucinich, and Mr. English.

H. Res. 65: Mr. English.

H. Res. 115: Mr. Goss, Mr. Gehrken, Mr. Fresherd, Mr. Udall of Colorado.

H. Res. 198: Mr. Berruter.

H. Res. 235: Mr. Wyn, Mr. McNulty, Mr. Filner, Mr. McGovern, Mr. Baca, and Mr. Kucinich.

H. Res. 243: Mr. Diaz-Balart, Mr. Fattah, Mr. Shays, Mr. Simmons, Mr. Sken, Ms. Slaughter, Ms. Hart, Mr. Greenwood, Mr. Hoeppel, Mrs. Mink of Hawaii, Mr. Crowley, Mr. Weiner, Mr. Davis of Illinois, Mr. LaHood, Mr. Ackerman, Mr. Stupak, Mr. Gekas, Mr. Taylor of Illinois, Mr. Bonor, Mr. Frost, Mr. Ros-Lehtinen, Ms. McKinney, Mr. Price of North Carolina, Mr. Pastor, Mr. Tiberi, Mr. Calvert, and Mr. Kennedy of Minnesota.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H. R. 2646

OFFERED BY: Mr. Ackerman

Amendment No. 2: At the end of title IX (page 334, after line 16), insert the following new section:

SECTION 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVE-STOCK.

Title III of the Packers and Stockyards Act, 1921, (7 U.S.C. 201 et seq.) is amended by adding at the end the following:

"SEC. 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVE-STOCK.

(1) In general.—In this section:

(a) Definitions.—In this section:

(1) Humanely euthanize.—The term ‘humanely euthanize’ means to kill an animal by mechanical, chemical, or other means that immediately and in a manner without pain to the animal.

(2) Non-ambulatory livestock.—The term ‘non-ambulatory livestock’ means any livestock that is unable to stand and walk unassisted.

(b) Unlawful practices.—

(1) In general.—Except as provided in paragraph (2), it shall be unlawful for any stockyard owner, market agency, or dealer to purchase, sell, give, receive, transfer, market, hold, or drag any nonambulatory livestock unless the nonambulatory livestock has been humanely euthanized.

(2) Exceptions.—

(A) Non-GIPSA farms.—Paragraph (1) shall not apply to any producer that is not subject to the authority of the Grain Inspection, Packers, and Stockyards Administration.

(B) Violation of prohibition.—Paragraph (1) shall not apply in a case in which nonambulatory livestock receive veterinary care intended to render the livestock ambulatory.

"(c) Application of prohibition.—Subsection (b) shall apply beginning one year after the date of the enactment of the Farm Security Act of 2001. By the end of such period, the Secretary shall promulgate regulations to carry out this section.

H. R. 2646

OFFERED BY: Mr. Andrews

Amendment No. 3: At the end of subtitle F of title II, insert the following:

SECTION 401. PROVISION OF ASSISTANCE FOR REPAUPO CREEK TIDE GATE AND DIKE RESTORATION PROJECT, NEW JERSEY.

(a) In general.—Notwithstanding section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 1983a–3), the Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall provide assistance for planning and implementation of the Repaupo Creek Tide Gate and Dike Restoration Project in the State of New Jersey.

(b) Funding.—Of the funds available for the Emergency Watershed Protection Program, not to exceed $600,000 shall be available to the Secretary of Agriculture to carry out subsection (a).

H. R. 2646

OFFERED BY: Mr. Berruter

REFERENCES TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Amendment No. 4: In section 212(a), (1) strike ‘‘and’’ at the end of paragraph (1); (2) strike the last period at the end of paragraph (2) and insert ‘‘and’’; and (3) at the end add the following:

‘‘Notwithstanding the preceding sentence (but subject to subsection (c)), the Secretary shall include in the program established under this subsection any land that has not been in production for at least 4 years, unless the land is in the program as of the effective date of this sentence.’’

H. R. 2646

OFFERED BY: Mr. Berruter

[Page and line numbers refer to the amendment in the nature of a substitute, COMBES, Bill]

Amendment No. 5: At the end of subtitle B of title I (page 66, after line 3), insert the following new section:

SECTION 132. ALTERNATIVE LOAN RATES UNDER FLEXIBLE FALLOW PROGRAM.

(a) Definition of total planted acreage.—In this section, the term ‘total planted acreage’ means the cropland acreage of a producer that for the 2000 crop year was

(1) planted to a covered commodity;

(2) prevented from being planted to a covered commodity;

or

(3) fallow as part of a fallow rotation practice with respect to a covered commodity, as determined by the Secretary.

(b) Election to participate.—In lieu of receiving a loan rate under section 122 with respect to production eligible for a loan under section 121, a producer may elect to participate in a flexible fallow program for any of the 2002 through 2011 crops under which annually

(1) the producer determines which acres of the total planted acreage are assigned to a specific covered commodity;

(2) the producer determines

(A) the projected percentage reduction rate of production of the specific covered commodity based on the acreage assigned to the covered commodity under paragraph (1); and

(B) the acreage of the total planted acreage of the producer to be set aside under subparagraph (A), regardless of whether the acreage is on the same farm as the acreage planted to the specific covered commodity;

(3) based on the projected percentage reduction rate of production as a result of the acreage set aside under paragraph (2), the producer receives the loan rate for each covered commodity produced by the producer, as determined under subsection (c); and

(4) the acreage planted to covered commodities for harvest and set aside under this section is limited to the total planted acreage of the producer.

(c) Loan rates under program.—

(1) In general.—Subject to paragraphs (2) and (3), in the case of a producer of a covered commodity that elects to participate in the flexible fallow program under this section, the loan rate for a covered commodity loan under section 121 for a crop of the covered commodity shall be based on the projected percentage reduction rate of production determined by the borrower under subsection (b)(2), in accordance with the following table:

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Loan Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheat</td>
<td>0%</td>
</tr>
</tbody>
</table>
The rate that loans are made available for mines is fair and reasonable in relation to the program under this section, the loan rate for a producer of a covered commodity elects to participate in the flexible fallow program under this section, the loan rate for the producer for a crop of a covered commodity shall apply with respect to the effective day that loans are made available for corn, taking into consideration the feeding value of the commodity in relation to corn; (B) in the case of extra long staple cotton, such level as the Secretary determines is fair and reasonable; and (C) in the case of oilseeds other than soybeans, such level as the Secretary determines is fair and reasonable in relation to the loan rate available for soybeans, except that the rate for the oilseeds (other than cottonseed) shall not be less than the rate established for soybeans on a per-pound basis for the same crop.

In the table of contents, after the item—
H.R. 2646
Offered by: Mr. Blumenauer (Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011)
Amendment No. 8: At the end of title IX (page 354, after line 10), insert the following new section:

SEC. 932. PENALTIES AND FOREIGN COMMERCE PROHIBITION ON INTERSTATE MOVEMENT OF ANIMALS FOR ANIMAL FIGHTING.

(a) PENALTIES AND FOREIGN COMMERCE PROHIBITION ON INTERSTATE MOVEMENT OF ANIMALS FOR ANIMAL FIGHTING.—Section 26(d) of the Animal Welfare Act (7 U.S.C. 1932(a)(1)) is amended by inserting "and in areas other than rural communities, in the case of insured loans, if a majority of the project involved is owned by individuals who reside and have farming operations in rural communities, and the project adds value to or processes agricultural commodities" after "rural communities".

H.R. 2646
Offered by: Mr. Blumenauer (Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011)
Amendment No. 6: At the end of title IX, insert the following new section:

SEC. 932. AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING FOR THE GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION.

There are authorized to be appropriated such sums as are necessary to enhance the capability of the Grain Inspection, Packers and Stockyards Administration to monitor, investigate, and pursue the competitive implications of structural changes in the meat packing industry. Sums are specifically earmarked to hire litigating attorneys to allow the Grain Inspection, Packers and Stockyards Administration to more comprehensively and effectively pursue its enforcement activities.

H.R. 2646
Offered by: Mr. Bereuter (Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011)
Amendment No. 7: At the end of title V, insert the following:

(2) COUNTY AVERAGE YIELDS.—
(A) IN GENERAL.—The loan rate for a marketing assistance loan made to a producer for a crop of a covered commodity set-aside acreage for a county in consultation with the relevant State technical committee.

(1) LIMITED GRAZING.—The Secretary may permit limited grazing on the set-aside acreage when the grazing is incidental to the grazing of crop residues on adjacent fields.

(2) COUNTRY AVERAGE YIELDS.—The loan rate for a marketing assistance loan made to a producer for a crop of a covered commodity under paragraph (1) with respect to the production of the crop of the covered commodity in excess of the historical county average yield for the covered commodity described in subparagraph (A) shall be equal to the loan rate established for a 0% projected percentage reduction rate for the covered commodity under paragraph (1).

(C) DISASTERS.—
(I) CALCULATION OF PAYMENT.—The payment described in clause (i) shall equal the loan deficiency payment the producer could have received on the lost production on any date, selected by the producer, on which a loan deficiency payment was available for that crop of the covered commodity.

(III) OTHER COVERED COMMODITIES.—In the case of a producer of a covered commodity not covered by paragraphs (1) and (2) that elects to participate in the flexible fallow program under this section, the loan rate for a marketing assistance loan under section 121 for the crop of the covered commodity shall be based on—
(A) in the case of grain sorghum, barley, and oats, such level as the Secretary determines is fair and reasonable in relation to the rate that loans are made available for corn, taking into consideration the feeding value of the commodity in relation to corn; (B) in the case of extra long staple cotton, such level as the Secretary determines is fair and reasonable; and
(C) in the case of oilseeds other than soybeans, such level as the Secretary determines is fair and reasonable in relation to the loan rate available for soybeans, except that the rate for the oilseeds (other than cottonseed) shall not be less than the rate established for soybeans on a per-pound basis for the same crop.

In the table of contents, after the item—
H.R. 2646
Offered by: Mr. Bereuter (Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011)
Amendment No. 9: At the end of title IX (page 354, after line 16), insert the following new section:

SEC. 932. PENALTIES AND FOREIGN COMMERCE PROVISIONS OF THE ANIMAL WELFARE ACT.

(a) PENALTIES AND FOREIGN COMMERCE PROVISIONS OF THE ANIMAL WELFARE ACT.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

In the table of contents, after the item—
Title II—Conservation

Subtitle A—Farm and Ranch Preservation

SEC. 201. FARMLAND PROTECTION PROGRAM.

Section 386 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note) is amended to read as follows:

"SEC. 388. FARMLAND PROTECTION PROGRAM.

(a) Establishment and Purpose.—The Secretary shall carry out a farmland protection program for the purpose of protecting farm and ranch lands with prime, unique, or other productive uses and agricultural lands that contain historic or archaeological resources, by limiting the nonagricultural uses of the lands. Under the program, the Secretary may provide matching grants to eligible entities described in subsection (d) to facilitate their purchase of—

(1) permanent conservation easements in such lands; or

(2) conservation easements or other interests in such lands when the lands are subject to a pending offer from a State or local government.

(b) Conservation Plan.—Any highly erodible land for which a conservation easement or other interest is purchased using funds made available under this section shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary, the conversion of the cropland to less intensive uses.

(c) Maximum Federal Share.—The Federal share of the cost of purchasing a conservation easement under subsection (a)(1) may not exceed 50 percent of the total cost of purchasing the easement.

(d) Eligible Entity Defined.—In this section, the term 'eligible entity' means any of the following:

(1) an agency of a State or local government;

(2) a federally recognized Indian tribe;

(3) any organization that is organized for, and at all times since its formation has been operated principally for, or one of more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986; and

(A) is described in section 501(c)(3) of the Code;

(B) is exempt from taxation under section 501(a) of the Code; and

(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

(e) Grant in Aid.—Among the factors the Secretary shall consider in making grants under this section, the Secretary shall consider the extent to which States are encouraging or adopting measures to protect farmland and ranchland from conversion to non-agricultural uses.

(f) Title Protection.—An eligible entity may hold title to a conservation easement purchased using grant funds provided under subsection (a) and enforce the conservation requirements of the easement.

(g) State Certification.—As a condition of the receipt of an eligible entity of a grant made under subsection (a), the Secretary of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the purposes of the farmland protection program and the terms and conditions of the grant.

(h) Funding.—

(1) Use of Commodity Credit Corporation Funds.—The Secretary shall use not more than $100,000,000 in fiscal year 2002, $200,000,000 in fiscal year 2003, $350,000,000 in fiscal year 2004, $450,000,000 in fiscal year 2005, and $500,000,000 in each of fiscal years 2006 through 2011, of the funds of the Commodity Credit Corporation to carry out this section.

(2) Limitation on Technical Assistance.—To provide technical assistance to carry out this section, the Secretary may use not more than 10 percent of the amount made available for any fiscal year under paragraph (1).

(3) Grants and Assistance To Enhance Farm Viability.—For each year for which funds are available for the program under this section, the Secretary may use not more than $10,000,000 to provide matching development grants and technical assistance to farm and ranch operators who participate in the program. As a condition of receiving such a grant, the grantee shall provide an amount equal to the grant from non-Federal sources.

SEC. 202. SOCIALLY DISADVANTAGED FARMERS.

Section 2501(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(3)) is amended—

(1) by striking "$15,000" and inserting "$15,000; and

(2) in paragraph (4), by inserting at the end the following:

"(A) by inserting "air, soil, water, or related resources."; and

(2) in paragraph (4), by inserting "including nonindustrial private forest" before the period.

SEC. 211. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) Reauthorization.—Section 1240B(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3838a-2(a)(1)) is amended by striking "2002" and inserting "2011".

(b) Incentive Payments.—Section 1240B of such Act (16 U.S.C. 3838a-2) is amended by adding at the end the following:

"(b) WATERSHED QUALITY INCENTIVE PROGRAM.—

"(1) IN GENERAL.—The Secretary shall create a program to improve water quality in individual watersheds nationwide. Except as otherwise provided in this subsection, the program shall be administered in accordance with the terms of the Environmental Quality Incentives Program.

"(2) CONSISTENCY WITH WATERSHED PLAN.—In allocating funds under this subsection, the Secretary shall consider the extent to which an application for the funds is consistent with a locally developed watershed plan, in addition to the other factors established by section 1240C.

(c) Contracts.—The Secretary shall enter into contracts in accordance with this section with producers whose activities affect water quality, including the quality of public drinking water supplies, to implement and maintain nutrient management, pest management, soil erosion practices, and other conservation activities that protect water quality and protect human health. The contracts shall—

(A) describe the nutrient management, pest management or soil loss practices to be implemented, maintained, or improved;

(B) contain a schedule of implementation;

(C) address water quality priorities of the watershed in which the operation is located to the greatest extent possible; and

D) contain such other terms as the Secretary determines to be appropriate.

(4) Voluntary Water Quality Benefits Evaluation.—On approval of the producer, the Secretary may include benefits evaluation as part of a contract entered into under this section.

(5) Drinking Water Suppliers Pilot Program.—

(A) IN GENERAL.—The Secretary shall establish a pilot program in 15 watersheds to improve water quality in cooperation with local water utilities.

(B) Pilot Program.—The Secretary shall select the watersheds and make available funds to be allocated to producers in partnership with drinking water utilities. The Secretary shall use up to $100,000,000 annually of the funds provided under this subsection in 5 impaired watersheds each year to provide incentives to non-Federal producers to reduce nitrogen and phosphorous applications by at least 15 percent below the average rates used by comparable farms in the State. Incentive payments shall reflect the extent to which producers reduce nitrogen and phosphorus applications.

(7) Recognition of State Efforts.—The Secretary shall recognize the significant contribution of States, among other factors, during the allocation of funding under this subsection.

SEC. 212. DEFINITIONS.

Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3838a-1) is amended—

(1) in paragraph (2), by inserting "—nonindustrial private forest land," before "and other land;" and

(2) by striking all after "takes a serious threat to" and inserting "air, soil, water, or related resources.", and "including nonindustrial private forest" before the period.

SEC. 213. ESTABLISHMENT AND ADMINISTRATION.

(a) Reauthorization.—Section 1400(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3838a-2(a)(1)) is amended by striking "2002" and inserting "2011".

(b) Incentive Payments.—Section 1400B of such Act (16 U.S.C. 3838a-2) is amended by adding at the end the following:

"(b) WATERSHED QUALITY INCENTIVE PROGRAM.—

"(1) IN GENERAL.—The Secretary shall create a program to improve water quality in individual watersheds nationwide. Except as otherwise provided in this subsection, the program shall be administered in accordance with the terms of the Environmental Quality Incentives Program.

"(2) CONSISTENCY WITH WATERSHED PLAN.—In allocating funds under this subsection, the Secretary shall consider the extent to which an application for the funds is consistent with a locally developed watershed plan, in addition to the other factors established by section 1240C.

(c) Contracts.—The Secretary shall enter into contracts in accordance with this section with producers whose activities affect water quality, including the quality of public drinking water supplies, to implement and maintain nutrient management, pest management, soil erosion practices, and other conservation activities that protect water quality and protect human health. The contracts shall—

(A) describe the nutrient management, pest management or soil loss practices to be implemented, maintained, or improved;

(B) contain a schedule of implementation;

(C) address water quality priorities of the watershed in which the operation is located to the greatest extent possible; and

(D) contain such other terms as the Secretary determines to be appropriate.

(4) Voluntary Water Quality Benefits Evaluation.—On approval of the producer, the Secretary may include benefits evaluation as part of a contract entered into under this section.

(5) Drinking Water Suppliers Pilot Program.—

(A) IN GENERAL.—The Secretary shall establish a pilot program in 15 watersheds to improve water quality in cooperation with local water utilities.

(B) Pilot Program.—The Secretary shall select the watersheds and make available funds to be allocated to producers in partnership with drinking water utilities.
(1) by inserting “drinking water utility” after “forestry agency,”; and
(2) by inserting “, cost-share payments, and incentives” after “technical assistance”.

SEC. 214. EVALUATION OF OFFERS AND PAYMENTS.

Section 1240C of the Food Security Act of 1985 (16 U.S.C. 3839aa–3) is amended to read as follows:

“SEC. 1240C. EVALUATION OF OFFERS AND PAYMENTS.

The Secretary shall establish a ranking process and benefits index to prioritize technical assistance, cost-share payments, and incentives payments to producers to maximize soil and water quality and wildlife habitat and other environmental benefits per dollar expended. The ranking process shall be weighted to ensure that technical assistance, cost-share payments, and incentives are provided to small or socially-disadvantaged farmers (as defined in section 8(a)(5) of the Small Business Act). The Secretary shall consult with local, State, and Federal public and private entities to develop the ranking process and benefits index.”.

SEC. 215. LIMITATION ON PAYMENTS.

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended—
(1) in subsection (a)—
(A) in paragraph (1), by striking “$10,000” and inserting “$30,000”; and
(B) by striking “$50,000” and inserting “$150,000”;
(2) in subsection (b)—
(A) by striking “and” at the end of paragraph (1);
(B) by striking the period at the end of paragraph (2) and inserting “; and”;
(C) by adding at the end the following:—
“(3) to emphasize the value of new or updated irrigation systems that conserve water, including the use of—
(i) spray jets or nozzles which improve water distribution efficiency;
(ii) irrigation well meters;
(iii) surge valves and surge irrigation systems; and
(iv) conversion of equipment from gravity or flood irrigation to sprinkler or drip irrigation, including center pivot systems.”;

Subtitle C—Preservation of Wildlife Habitat

SEC. 221. WILDLIFE HABITAT INCENTIVES PROGRAM.

(a) EXTENSION AND FUNDING INCREASE.—Section 387(c) of the General Federal Improvement and Reform Act of 1996 (16 U.S.C. 3836a) is amended to read as follows:

“(c) FUNDING.—To carry out this section, there shall be made available $200,000,000 for fiscal year 2001, $1,000,000,000 in fiscal year 2002, $1,200,000,000 for each of fiscal years 2003 through 2011; $1,200,000,000 for fiscal year 2012, $1,000,000,000 in fiscal year 2013, $500,000,000 for fiscal year 2014, $500,000,000 for fiscal year 2015, and $700,000,000 for each of fiscal years 2016 through 2023, to provide incentive payments to producers who implement watershed quality incentive contracts.”.

(b) ELIGIBILITY.

Section 387(b) of such Act (16 U.S.C. 3836b) is amended by striking “2002 and inserting “2011”;

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SEC. 224. CONSERVATION OF PRIVATE GRASSLANDS.

Section 386 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 2335b) is amended by striking subsection (f) and inserting the following:

"(f) Incentive Payments.—The Secretary may enter into 5-year, 10-year, and 20-year contracts with landowners to provide financial assistance for landowner efforts to improve the ecological health of grazing lands, including practices that reduce erosion, employ prescribed burns, restore riparian area, control exotic and nonnative species, reestablish native grasses, or otherwise enhance wildlife habitat.

SEC. 225. GRASSLAND RESERVE AND ENHANCEMENT PROGRAM.

Chapter 1 of subtitle D of title XII of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 2335–2335r) is amended by adding at the end the following:

"Subchapter D—Grassland Reserve and Enhancement Program

"(a) Establishment.—The Secretary shall establish a program to use contracts and easements to protect 3,000,000 acres of environmentally critical grasslands, shrubs, and bluffs. Beginning in fiscal year 2002, the Secretary shall conduct outreach to inform the public of the program. The Secretary shall enroll in the program for a willing owner not less than 100 contiguous acres of land west of the 100th meridian or east of the 90th meridian through 10-year or 20-year contracts or permanent easements.

"(C) the development of homes, businesses or other structures on land subject to the contract or easement; and

"(e) Violations.—On the violation of the terms or conditions of a contract or restoration agreement entered into under this section.

SEC. 231. PROGRAM TO ASSIST TRANSITION TO ORGANIC FARMING.

Subtitle D—Organic Farming

"(a) Assistance Authorized.—The Secretary of Agriculture (in this section referred to as the "Secretary") shall expand the National Organic Program to include a voluntary program to assist agricultural producers in making the transition from conventional to organic farming and to assist existing organic farmers. Under the program, the Secretary may make payments to cover all or a portion of—

"(1) payments for marketing losses; and

"(2) conservation practices related to organic food production;
(3) certification costs;
(4) technical assistance by qualified third parties;
(5) educational materials; and
(6) local- and consumer market development.
(b) LIMITATION ON EXPENDITURES.—Payments to individual farm and ranch operators under this section shall not exceed $10,000. Such payments shall not be made to individuals operating a conventional farm or ranch in more than 3 fiscal years.
(c) ORGANIC CERTIFICATION REIMBURSEMENT PROGRAM.—The Secretary shall reimburse producers for the cost of organic certification. To expedite certification, farmers seeking certification shall be eligible for a direct reimbursement of up to $500 by the Secretary of certification costs, so long as producers present an organic certificate and receipt.
(d) FUNDING.—Of the funds of the Commodity Credit Corporation, there shall be available to the Secretary to carry out this section $20,000,000 for fiscal years 2002 and 2003, $40,000,000 for fiscal year 2004, $60,000,000 for fiscal years 2005, $50,000,000 for fiscal year 2006, $50,000,000 for fiscal year 2007, $50,000,000 for fiscal year 2008, and $0 for fiscal years 2009 through 2011.

Subtitle E—Technical Assistance

SEC. 251. CONSERVATION TECHNICAL ASSISTANCE.
(a) Section 6 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 390) is amended—
(1) by striking the 1st undesignated paragraph and inserting the following:
"(a) The Secretary shall make available $200,000,000 each fiscal year from the Commodity Credit Corporation, and such additional sums as may be appropriated by the Congress, to carry out this Act; and
(2) by designating the 2nd undesignated paragraph as subsection (b),
(b) Section 7 of such Act (16 U.S.C. 390g) is amended by striking "(5)" and inserting "(7) any of the purposes of agricultural conservation programs authorized by Congress, and (b)",
(c) Section 252. REIMBURSEMENT FOR PROGRAM ADMINISTRATION.
Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841-3845) is amended—
(1) by inserting "(1)" before the first unnumbered paragraph;
(2) by redesigning paragraphs (1) through (3) as subparagraphs (A) through (B); (5) and designating subparagraphs (A) through (B) three ems to the right;
(4) by adding at the end the following:
"(2) For each of fiscal years 1996 through 2011, the Secretary shall use the funds of the Commodity Credit Corporation for the provision of technical assistance to allow for full reimbursement of actual costs for delivering all conservation programs funded through the Commodity Credit Corporation for which technical assistance is authorized under sections 242 and 262 of this Act."
(d) Section 253. CONSERVATION TECHNICAL ASSISTANCE BY THIRD PARTIES.
(1) IN GENERAL.—The Secretary may establish a grant program to evaluate the benefits of the conservation programs under title XII of the Food Security Act of 1985 and under sections 242 and 262 of this Act.
(2) QUALIFIED NONPROFIT ORGANIZATIONS.—Qualified nonprofit organizations shall include organizations whose missions primarily promote the stewardship of working farmland and ranchland.
(e) QUALIFIED NONPROFIT ORGANIZATIONS.—Qualified nonprofit organizations shall include organizations whose missions primarily promote the leadership and field office technical guides; and
(f) not less frequently than once every 5 years, update the Handbook and technical guides to reflect the best available science.

Subtitle G—Miscellaneous Conservation Provisions

SEC. 261. CONSERVATION PROGRAM PERFORMANCE REVIEW AND EVALUATION.
(a) IN GENERAL.—The Secretary shall establish a grant program to evaluate the benefits of the conservation programs under this section, and under sections 242 and 262 of this Act.
(b) GRANTS.—The Secretary shall make grants to land grant colleges and other research institutions whose applications are highly ranked under subsection (a) to evaluate the economic and environmental benefits of conservation programs, and shall use such research to identify and rank measures needed to improve water quality, fish and wildlife habitat, and other environmental goals of conservation programs.
(c) SCIENTIFIC PANELS.—The Secretary shall establish panels of independent scientific experts to review and rank the grant applications submitted under subsection (a).
(d) FUNDING.—The Secretary shall use $10,000,000 for each of the fiscal years 2002 through 2011 to carry out this section.

SEC. 262. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.
(a) IN GENERAL.—The Secretary shall establish a grant program to carry out and implement the Great Lakes Basin Program for Soil Erosion and Sediment Control created by Article IV of the Great Lakes Basin Compact (82 Stat. 415) and in cooperation with other appropriate Federal agencies, the Great Lakes Basin Program for Soil Erosion and Sediment Control.
(b) ASSISTANCE.—In carrying out the Program, the Secretary shall—
(1) provide project demonstration grants, provide technical assistance, and carry out information and education programs to improve soil quality and reducing sediment control; and
(2) provide a priority for projects and activities that directly reduce soil erosion or improve sediment control.
(c) AUTHORIZATION OF APPROPRIATIONS.—
(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2003 through 2011.
(2) Administrative Costs.—The Great Lakes Commission may use not more than 10 percent of the funds made available for a fiscal year under this section to pay administrative costs incurred by the Commission in carrying out this section.

(b) Secretary.—None of the funds made available under paragraph (1) may be used by the Secretary to pay administrative costs incurred by the Secretary in carrying out this section.

Subtitle H—Conservation Corridor Program

SEC. 271. CONSERVATION CORRIDOR PROGRAM. (a) Purpose.—The purpose of this subtitle is to provide for the establishment of a program that recognizes the leveraged benefit of an ecological network of the Department of Agriculture conservation programs, addresses the increasing and extraordinary threat to agriculture in many areas of the United States, and recognizes the importance of local and regional involvement in the protection of economically and ecologically valuable lands.

(b) Establishment.—The Secretary of Agriculture shall establish a Conservation Corridor Program through which States, local governments, tribes, and combinations of States may submit, and the Secretary may approve, plans to integrate agricultural and forestry conservation programs of the United States Department of Agriculture with State, local, tribal, and private efforts to address soil, water, wildlife, and other conservation needs in critical areas, watersheds, and corridors in a manner that enhances the conservation benefits of the programs, tailors programs to State and local needs, and promotes and supports ecosystem and watershed-based conservation.

(c) Memorandum of Agreement.—On approval of a proposed plan, the Secretary may enter into a memorandum of agreement with a State, a combination of States, local governments, or tribes, that—

(1) guarantees specific program resources for implementation of the plan;

(2) establishes different or automatic enrollment criteria than otherwise established by regulation or policy, for specific levels of enrollments of specific conservation programs, if doing so will achieve greater conservation benefits;

(3) establishes different compensation rates to the extent the parties to the agreement agree;

(4) establishes different conservation practice criteria if doing so will achieve greater conservation benefits;

(5) provides more streamlined and integrated paperwork requirements; and

(6) otherwise alters any other requirement established by United States Department of Agriculture policy and regulation to the extent not inconsistent with the statutory requirements and purposes of an individual conservation program.

SEC. 272. CONSERVATION ENHANCEMENT PLAN. (a) Preparation.—To be eligible to participate in the program under this subtitle, a State, combination of States, political subdivision or agency of a State, tribe, or local government shall submit to the Secretary a plan that proposes specific criteria and commitment of resources in the geographic region designated, and describes how the linkages of Federal, State, and local resources will—

(1) improve the economic viability of agriculture by protecting contiguous tracts of land;

(2) improve the ecological integrity of the ecosystem by linking land with high ecological and natural resource value; and

(3) in the case of a multi-State plan, provide a draft memorandum of agreement among entities in each State.

(b) Submission and Review.—Within 90 days after receiving a plan submitted under this section, the Secretary shall review the plan and approve it for implementation and funding under this subtitle if the Secretary determines that the plan and memorandum of agreement meet the criteria specified in subsection (c).

(c) Criteria for Participation.—The Secretary may approve a plan only if, as determined by the Secretary, the plan provides for each of the following:

(1) Actions taken under the conservation plan are voluntary and require the consent of willing landowners.

(2)Criteria specified in the plan and memorandum of agreement that enrollments in each conservation program incorporated through the plan are of exceptionally high conservation value.

(3) The program provides benefits greater than the benefits that would likely be achieved through individual application of the federal conservation programs because of such factors as—

(A) ecosystem- or watershed-based enrollment criteria;

(B) lengthier or permanent conservation commitments; and

(C) integrated treatment of special natural resource problems, including preservation and enhancement of natural resource corridors.

(4) Improved economic viability for agriculture.

(5) Staffing and marketing, considering both Federal and non-Federal resources, are sufficient to assure program success.

(b) Approval and Implementation.—Within 90 days of approval of a conservation plan, the Secretary shall begin to provide funds for the implementation of the plan.

(e) Priority.—In carrying out this section, the Secretary shall give priority to multi-State or multi-tribal plans.

SEC. 273. FUNDING REQUIREMENTS. (a) Cost-Sharing.—As a further condition on the approval of a conservation plan submitted by a non-Federal interest under section 272, the Secretary shall require the non-Federal interest to contribute at least 20 percent of the total cost of the Conservation Corridor Program.

(b) Exception.—The Secretary may reduce the cost-sharing requirement in the case of a specific activity under the Conservation Corridor Program on good cause and demonstration that the project or activity is likely to achieve extraordinary natural resource benefits.

(c) Coordination.—The Secretary shall require that non-Federal interests contributing financial resources for the Conservation Corridor Program shall implement streamlined paperwork requirements and other procedures to allow for integration with the Federal programs for participants in the program.

(d) Reservations of Funds.—The Secretary shall reserve funds on a priority basis for the Conservation Corridor Program and projects in areas identified by the plan.

(e) Administration.—A State may submit multiple plans, but the Secretary shall assure opportunity for submission by each State. Acreage committed as part of approved Conservation Reserve Enhancement Programs shall be considered a part of the Conservation Reserve Program committed to a Conservation Enhancement Program.

Subtitle I—Funding Source and Allocations

SEC. 281. FUNDING FOR CONSERVATION FUNDS—HOUSE. (a) Reduction in Fixed Decoupled Payments and Counter-Cyclical Payments.—Notwithstanding sections 104 and 105, the Secretary of Agriculture (in this subtitle referred to as the “Secretary”) shall reduce by $1,900,000,000 the total amount otherwise received in each of fiscal years 2002 through 2011, in accordance with this section.

(b) Maximum Total Payments by Type and Fiscal Year.—In making the reductions required by subsection (a), the Secretary shall ensure that—

(1) the total amount paid under section 104 does not exceed—

(A) $3,425,000,000 in fiscal year 2002; or

(B) $4,325,000,000 in any of fiscal years 2003 through 2011; and

(2) the total amount paid under section 105 does not exceed—

(A) $3,322,000,000 in fiscal year 2003; or

(B) $4,494,000,000 in fiscal year 2004; or

(C) $4,148,000,000 in fiscal year 2005; or

(D) $3,974,000,000 in fiscal year 2006; or

(E) $3,701,000,000 in fiscal year 2007; or

(F) $3,222,000,000 in fiscal year 2008; or

(G) $2,596,000,000 in fiscal year 2009; or

(H) $2,057,000,000 in fiscal year 2010; or

(I) $1,875,000,000 in fiscal year 2011.

(c) Limitations to Protect Smaller Farmers, Preserve Trade Agreements, and Preserve Program Balance.—In making the reductions required by subsection (a), the Secretary shall—

(1) accomplish all of the reductions required with respect to the Federal share of the reductions in the amounts otherwise payable under sections 104 and 105 to the 10 percent (or, if necessary, such greater percentage as the Secretary may determine) of recipients who would otherwise receive the greatest total payments under such sections in the fiscal year; and

(2) to the maximum extent practicable, ensure that—

(A) the resulting payments under such sections pose the least amount of risk to the United States of violating trade agreements to reduce subsidies; and

(B) the reductions are made in a manner that achieves balance among programs and regions.

SEC. 282. ALLOCATION OF CONSERVATION FUNDS BY STATE.

(a) State Allocation.—To the maximum extent practicable in each of fiscal years 2002 through 2011, the Secretary shall allocate to the states the amounts otherwise available to the states on the basis of the State’s share of the total agricultural market value of production, with each State receiving not less than 9.52 percent and not more than 7 percent of such amount annually.

(b) Transition and Unobligated Balances.—If the offices of the United States Department of Agriculture in each respective State cannot expend all funds allocated in this title 2 consecutive fiscal years for the programs identified in this title, the funds shall be reallocated to the rules of the conservation programs administered by the Secretary, shall ensure that each State receives a minimum of $900,000,000 based on the State’s share of the total agricultural market value of production, with each State receiving not less than 9.52 percent and not more than 7 percent of such amount annually.

(c) Regional Equity.—Section 1280 of the Food Security Act of 1985 (16 U.S.C. 3830) is amended by adding at the end the following:—

“(d) Regional Equity.—In carrying out the ECARP, the Secretary shall recognize the importance of regional equity, and the importance of regional equity is one of the criteria that may be used by the Secretary in determining whether any conservation activities should be funded in a State, and the Secretary shall determine that these unobligated balances are used to fund technical assistance.

(e) Regional Equity.—Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is amended by adding at the end the following:—"
Amend the table of contents accordingly.

H.R. 2646

Offered by: Mrs. Boswell

Amendment No. 12: At the end of title IX, insert the following new section:

SEC. 18. COUNTRY OF ORIGIN LABELING OF PERISHABLE AGRICULTURAL COMMODITIES.

(a) NOTICE OF COUNTRY OF ORIGIN REQUIREMENT. In the Agricultural Commodities Act of 1930, as amended by inserting after section 17 (7 U.S.C. 499q) the following new section:

SEC. 18. COUNTRY OF ORIGIN LABELING OF PERISHABLE AGRICULTURAL COMMODITIES.

(a) NOTICE OF COUNTRY OF ORIGIN REQUIREMENT. In the Agricultural Commodities Act of 1930, is amended by inserting after section 17 (7 U.S.C. 499q) the following new section:

(b) EXEMPTION FOR FOOD SERVICE ESTABLISHMENTS.

(1) EXEMPTION. — Subsection (a) shall not apply to a perishable agricultural commodity to the extent that the perishable agricultural commodity —

(A) prepared or served in a food service establishment;

(B) offered for sale or sold at the food service establishment in normal retail quantities or served to consumers at the food service establishment;

(2)DEFINITION. — In this subsection, the term 'food service establishment' means a restaurant, cafeteria, lunchroom, food stand, tavern, bar, lounge, or other similar facility, which is operated as an enterprise engaged in the business of selling foods to the public;

(c) METHOD OF NOTIFICATION.

(1) IN GENERAL. — The information required by subsection (a) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the perishable agricultural commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers.

(2) LABELED COMMODITIES. — If a perishable agricultural commodity is already individually labeled or the country of origin by a packer, importer, or another person, the retailer shall not be required to provide any additional information to comply with this section.

(d) VIOLATIONS. — If a retailer fails to indicate the country of origin of a perishable agricultural commodity as required by subsection (a), the Secretary of Agriculture may assess a civil penalty on the retailer in an amount not to exceed —

(1) $1,000 for each day on which the violation occurs; and

(2) $250 for each day on which the same violation continues.

(e) ORGANIC FUNDS. — Amounts collected under subsection (d) shall be deposited in the Treasury of the United States as miscellaneous receipts.

(f) APPLICABILITY OF AMENDMENT. — Section 18 of the Perishable Agricultural Commodities Act, 1930, as added by subsection (a), shall apply with respect to a perishable agricultural commodity offered for sale after the end of the six-month period beginning on the date of the enactment of this Act.

H.R. 2646

Offered by: Mr. Boswell

Amendment No. 13: At the end of title IX, insert the following new section:

SEC. 19. RENEWABLE ENERGY RESERVE.

(a) PURPOSES. — It is the purpose of this section to create a reserve of renewable agricultural commodities to —

(1) provide feedstocks to support and further the production of the renewable energy; and

(2) support the renewable energy industry in times when production is at risk of decline due to reduced feedstock supplies or significant commodity price increases.

(b) ESTABLISHMENT. — During fiscal years 2002 through 2011, the Secretary shall establish and administer a government-owned and farmer-owned renewable energy reserve program under which producers of renewable agricultural commodities will be able to —

(1) sell agricultural commodities authorized by the Secretary into the reserve; and

(2) store such agricultural commodities.

(c) NAME. — The agricultural commodity reserve established under this section shall be known as the "Renewable Energy Reserve".

(d) PURCHASES. — The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when —

(1) such commodities are in abundant supply; and

(2) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve or it is otherwise necessary to fulfill the needs of the renewable energy program administered or assisted by the Secretary.

(e) LIMITATION. — Purchases under this section shall be limited to —

(1) the type and quantities of agricultural commodities necessary to provide approximately four-month's estimated utilization for renewable energy purposes; and

(2) an additional amount of commodities to provide incentives for research and development of new renewable fuels and bio-energy initiatives; and

(3) such maximum quantities of agricultural commodities determined by the Secretary as will enable the purposes of the renewable energy program to be achieved.

(f) RELEASE OF STOCKS. —Stocks shall be released at cost of acquisition, and in amounts determined appropriate by the Secretary, when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. The Secretary shall determine such commodity prices by the Economic Research Service using the best available information, and based on a three year moving average.

(g) STORAGE PAYMENTS. — The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this section. Storage payments shall —

(1) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program; and

(2) reflect local, commercial storage rates such as appropriate conditions concerning quality management and other factors; and

(3) not be less than comparable local commercial rates, except as may be provided by paragraph (2).

(h) COMMODITY CREDIT CORPORATION. —

(1) IN GENERAL. — The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the purposes of this section. To the maximum extent practicable consistent with the purposes, and effective and efficient administration of this section, the Secretary shall utilize the usual and customary channels, facilities and arrangement of trade and commerce.

(2) FUNDING OFFSET. — The Secretary shall reduce expenditures under title I as necessary to offset all expenditures to be made by the Secretary under this section.

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Offered by: Mr. Boswell

Amendment No. 14: At the end of title IX, insert the following new section:

SEC. 19A. RENEWABLE ENERGY RESERVE.

(a) PURPOSES. — It is the purpose of this section to create a reserve of agricultural commodities to —

(1) provide feedstocks to support and further the production of the renewable energy; and

(2) support the renewable energy industry in times when production is at risk of decline due to reduced feedstock supplies or significant commodity price increases.

(b) ESTABLISHMENT. — During fiscal years 2002 through 2011, the Secretary shall establish and administer a government-owned and farmer-owned renewable energy reserve program under which producers of agricultural commodities will be able to —

(1) sell agricultural commodities authorized by the Secretary into the reserve; and

(2) store such agricultural commodities.

(c) NAME. — The agricultural commodity reserve established under this section shall be known as the "Renewable Energy Reserve".

(d) PURCHASES. — The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when —

(1) such commodities are in abundant supply; and

(2) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve or it is otherwise necessary to fulfill the needs of the renewable energy program administered or assisted by the Secretary.

(e) LIMITATION. — Purchases under this section shall be limited to —

(1) the type and quantities of agricultural commodities necessary to provide approximately four-month's estimated utilization for renewable energy purposes; and

(2) an additional amount of commodities to provide incentives for research and development of new renewable fuels and bio-energy initiatives; and

(3) such maximum quantities of agricultural commodities determined by the Secretary as will enable the purposes of the renewable energy program to be achieved.

(f) RELEASE OF STOCKS. —Stocks shall be released at cost of acquisition, and in amounts determined appropriate by the Secretary, when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. The Secretary shall determine such commodity prices by the Economic Research Service using the best available information, and based on a three year moving average.

(g) STORAGE PAYMENTS. — The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this section. Storage payments shall —

(1) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program; and

(2) reflect local, commercial storage rates such as appropriate conditions concerning quality management and other factors; and

(3) not be less than comparable local commercial rates, except as may be provided by paragraph (2).

(h) COMMODITY CREDIT CORPORATION. —

(1) IN GENERAL. — The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out the purposes of this section. To the maximum extent practicable consistent with the purposes, and effective and efficient administration of this section, the Secretary shall utilize the usual and customary channels, facilities and arrangement of trade and commerce.

(2) FUNDING OFFSET. — The Secretary shall reduce expenditures under title I as necessary to offset all expenditures to be made by the Secretary under this section.

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when market prices of the agricultural commodity exceed 100 percent of the full economic cost of production of those commodities. Cost of production for the commodity shall be determined by the Economic Research Service using the best available information, and based on a three year moving average.

(g) Storage Payments.—The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this section. Storage payments shall—

(1) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

(2) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

(3) not be less than comparable local commercial rates, except as may be provided by paragraph (2).

(h) Commodity Credit Corporation.—

(1) In General.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to fulfill the purposes of this section. To the maximum extent practicable consistent with the purposes of this section, the Secretary shall utilize the usual and customary channels, facilities and arrangement of trade and commerce.

(2) Reduction in Fixed, Decoupled Payments for Funding Offset.—Notwithstanding section 104, the Secretary shall reduce the total amount payable under such section by decoupled payments on a pro rata basis across covered commodities, so that the total amount of such reductions equals $277,000,000 in fiscal year 2004, $300,000,000 in fiscal year 2005, $310,000,000 in fiscal year 2006, $388,000,000 in fiscal year 2007, $396,000,000 in fiscal year 2008, $395,000,000 in fiscal year 2009, $396,000,000 in fiscal year 2010, and $397,000,000 in fiscal year 2011.

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OFFERED BY: Mr. Boswell

AMENDMENT No. 14: At the end of title IX, insert the following new section:

SEC. 1001. RENEWABLE ENERGY RESERVE.

(a) Purpose.—It is the purpose of this section to create a reserve of agricultural commodities to—

(1) provide feedstocks to support energy and further the production of the renewable energy; and

(2) support the renewable energy industry in territory where growth is at risk of decline due to reduced feedstock supplies or significant commodity price increases.

(b) Establishment.—The Secretary shall establish and administer a government-owned and farmer-stored renewable energy reserve program under which producers of agricultural commodities will be able to—

(1) sell agricultural commodities authorized by the Secretary into the reserve; and

(2) store such agricultural commodities.

(c) Commodity Credit Corporation.—The Secretary shall establish the renewable energy reserve established under this section shall be known as the “Renewable Energy Reserve”.

(d) Purchases.—The Secretary shall purchase agricultural commodities at commercial rates in order to establish, maintain, or enhance the reserve when—

(1) such commodities are in abundant supply; and

(2) there is need for adequate carryover stocks to ensure a reliable supply of the commodity; or the purposes of the renewable energy reserve or it is otherwise necessary to fulfill the needs and purposes of the renewable energy program administered or assisted by the Secretary.

(e) Limitation.—Purchases under this section shall be limited to—

(1) the type and quantities of agricultural commodities necessary to provide approximately one-month’s estimated utilization for renewable energy purposes; and

(2) an additional amount of commodities to provide incentives for research and development of new renewable fuels and bio-energy initiatives; and

(3) such additional quantities of agricultural commodities determined by the Secretary as will enable the purposes of the renewable energy program to be achieved.

(f) Storage payments.—The Secretary shall provide storage payments to producers of agricultural commodities to maintain the reserve established under this section. Storage payments shall—

(1) be in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program;

(2) reflect local, commercial storage rates subject to appropriate conditions concerning quality management and other factors; and

(3) not be less than comparable local commercial rates, except as may be provided by paragraph (2).

(g) Commodity Credit Corporation.—

(1) In General.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to fulfill the purposes of this section. To the maximum extent practicable consistent with the purposes of this section, the Secretary shall utilize the usual and customary channels, facilities and arrangement of trade and commerce.

(2) Reduction in Fixed, Decoupled Payments for Funding Offset.—Notwithstanding section 104, the Secretary shall reduce the total amount payable under such section by decoupled payments on a pro rata basis across covered commodities, so that the total amount of such reductions equals $277,000,000 in fiscal year 2004, $300,000,000 in fiscal year 2005, $310,000,000 in fiscal year 2006, $388,000,000 in fiscal year 2007, $396,000,000 in fiscal year 2008, $395,000,000 in fiscal year 2009, $396,000,000 in fiscal year 2010, and $397,000,000 in fiscal year 2011.

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OFFERED BY: Mrs. Clayton

AMENDMENT No. 15: At the end of the bill add the following:

TITLE X—USE OF AMOUNTS PROVIDED FOR FIXED, DECOUPLED PAYMENTS TO PROVIDE FUNDS FOR RURAL DEVELOPMENT PROGRAMS

SEC. 1001. USE OF AMOUNTS PROVIDED FOR FIXED, DECOUPLED PAYMENTS TO PROVIDE FUNDS FOR RURAL DEVELOPMENT PROGRAMS.

(a) In General.—Notwithstanding section 104 of this Act, in each of fiscal years 2002 through 2011, the Secretary of Agriculture shall—

(1) reduce the total amount payable under section 104 of this Act, on a pro rata basis, so that the total amount of such reductions equals $100,000,000; and

(2) expend—

(A) $45,000,000 for grants under section 306A of the Consolidated Farm and Rural Development Act (relating to the community water assistance grant program);

(B) $45,000,000 for grants under section 313 of this Act (relating to the conservation reserve program and implementation of strategic regional development plans); and

(C) $10,000,000 for grants under section 208 of the Farm Security Act of 2000 (relating to value-added agricultural product market development grants).

(b) Related Amendments.—Section 613 of this Act is amended—

(1) in subsection (a)(1), by striking “select 10 States” and inserting “on a competitive basis, select 10 States”; and

(2) in subsection (a)(3), by striking “, plus 1 13 of the amounts made available by section 1001(a) of the Farm Security Act of 2000 for grants under this section,” after “Corporation”.

(c) In subsection (b)(2), insert “, plus 1 13 of the amounts made available by section 1001(a) of the Farm Security Act of 2001 for grants under this section,” after “Corporation.”
compared to total eligible voters and total votes. The committee shall also report as provided above, the number of nominees for each open seat and the election results, agrarian, cultural, ethnic and gender as well as the new composition of the county or area committee.

“(Iii) The Secretary shall, within 90 days after the close of an election, electronically publish a report which aggregates all data collected under subclause (II) and presents results at the national, regional, State, and local levels.”

(II) The Secretary shall analyze the data compiled in subclauses (II) and (III) and within 1 year after the completion of the report referred to in subclause (III), shall pre-scribe and make public recommendations for guidelines for conducting elections for members and alternates of county committees, including procedures to allow appointment as voting members of groups, or methods to assure fair representation of groups who would be demographically underrepresented in that county.

(d) REQUIREMENTS FOR ELECTRONIC, WEB, AND PRINTED DISCLOSURE OF DATA.—The Secretary shall compile the actual number of farmers and landowners, by gender, race, ethnicity and gender, for each county and State with national totals. The Secretary shall, for the current and each of the 4 preceding crop years, make the data available to the public on websites that the Department of Agriculture regularly maintains, and in electronic and paper form, the above information. In addition, the data required pursuant to section (b) of this section and section 8(a)(5)(B)(v) of the Soil Conservation and Domestic Allotment Act, at the county, State, and national levels in a manner that allows comparisons among target and actual program and election participation rates, among states, and agricultural programs, among and between demographically similar counties, and over time at the county, State and national levels.

(e) REPORT TO CONGRESS.—The Secretary shall maintain and make readily available to the public all data required under subsection (b) and (d) of this section and section 8(a)(5)(B)(v) of the Soil Conservation and Domestic Allotment Act collected annually since the most recent Census of Agriculture. Notwithstanding the provisions of any applicable law, the Secretary shall report to Congress and make available to the public the rate of loss or gain in participation by each group, by race, ethnicity, and gender, since the previous Census of Agriculture.

(f) ACCOUNTABILITY.—The Secretary may also use the data, including comparisons with demographically similar counties and with national averages, to monitor and evaluate election and program participation rates and agricultural programs, and civil rights compliance, and in county committee employee and Department of Agriculture employee performance reviews, and in developing outreach and other strategies and recommendations to assure agriculture programs and services meet the needs of socially disadvantaged and women producers.

(g) AMENDMENT.—Section 355(c)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2005(c)(1)) is amended to read as follows:

“(1) ESTABLISHMENT.—In paragraph (2), the term ‘target participation rate’ means, with respect to a State, the target participation rate established under subsection (a) of this title pursuant to section 9502(c)(1) of the Farm Security Act of 2001.”

H.R. 2646

OFFERED BY: MR. DELAY
[Page and line numbers refer to the amendment in the nature of a substitute, COMRES.011]

AMENDMENT No. 17: In section 183(a), strike paragraph (3) and the amendment made by such paragraph (page 131, lines 6 through 13), and insert the following:

“(3) by inserting after paragraph (2) the following new paragraph (3):

“(g) LIMITATION ON COUNTER-CYCLICAL PAYMENTS.—

“(A) GENERAL RULE.—The total amount of counter-cyclical payments that a person may receive under section 122 shall not exceed the amount specified in paragraph (2), as in effect on the day before the date of the enactment of the Farm Security Act of 2001.

“(B) Exception.—Notwithstanding paragraph (A), the Secretary shall apply only with regard to counter-cyclical payments attributable to rice contract acreage as defined in section 203(c)(3) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7202(3)) in a State in which rice plantings on such contract acreage declined by more than 30 percent in the 2001 crop year in comparison to the 1995 crop year. Notwithstanding section 101(b)(3)(A), the total amount of counter-cyclical payments under this title pursuant to section 122 shall not exceed an amount that is equal to the greater of—

“(i) the proportionate share of the payment under this title referred to in the provi-sion that the contribution of the land represents to the operation on such contract acres, as determined by the appropriate county committee; and

“(ii) the proportionate share of the payment that is commensurate with the share of the crop that the landowner would have re-ceived under a normal and customary share rent contract for the production of a covered commodity in the area, as determined by the county committee.

H.R. 2646

OFFERED BY: MR. DOOLEY OF CALIFORNIA
[Page and line numbers refer to the amendment in the nature of a substitute, COMRES.011]

AMENDMENT No. 18: At the end of subsection A of title I (page 29, after line 12), insert the following new section:

SEC. 111. ELIMINATION OF FUNDING FOR COUNTER CYCLICAL FARM PAYMENTS TO PROVIDE ADDITIONAL FUNDS FOR NONCORECOURSE MARKETING ASSISTANCE LOANS.

“(b) GRANTS.—Notwithstanding any other provision of this title, the Secretary of Agriculture shall not make counter-cyclical payments for covered commodities if funds are available to provide noncorecourse marketing assistance loans under subsection B for covered commodities with the following loan rate terms in lieu of the rates under section 122:

“(1) For the 2002 crop year, the loan rate shall be set at 100 percent of simple three-year average market price for the 1996 through 1998 crop years.

“(2) For each crop year thereafter through the 2011 crop year, the three-year-average rate shall be recalculated by dropping the first of the three years and adding the next crop year in sequence.

“In section 750, strike the subparagraph (C) being added by subsection (a) (page 306, lines 8 through 11), and insert the following new subparagraphs:

“(C) ADDITIONAL DEPOSIT.—For each of the fiscal years 2006 through 2009 the Secretary of Agriculture shall also deposit $100,000,000 in funds of the Commodity Credit Corporation into the Account. The amounts deposited under this paragraph are in addition to the amounts deposited under subparagraph (A).

“(D) AVAILABILITY OF FUNDS.—Amounts deposited under this section shall be available for 3 years following the harvest year.

“(E) LIMITATION ON COUNTER-CYCLICAL PAYMENTS.

AMENDMENT No. 20: At the end of subsection B of title I (page 66, after line 3), insert the following new section:

SEC. 1200. PRODUCER RETENTION OF ERRONEOUSLY PAID LOAN DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.

“Notwithstanding any other provision of law, the Secretary of Agriculture and the Commodity Credit Corporation shall not require producers in Erie County, Pennsyl- vania, to repay loan deficiency payments and marketing loan gains erroneously paid or determined to have been earned by the Commodity Credit Corporation for certain 1998 and 1999 crops under section 121(a) of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7231 et seq.). In the case of a producer who has already made the repayment on or before the date of the enactment of this Act, the Commodity Credit Corporation shall reimburse the producer for the full amount of the repayment.

H.R. 2646

OFFERED BY: MR. ETHEREIDGE
[Page and line numbers refer to the amendment in the nature of a substitute, COMRES.011]

AMENDMENT No. 21: At the end of section 164 (page 113, after line 5), add the following new subsection:

“(g) INCREASE IN TARGET PRICE.—

“(1) INCREASE.—Notwithstanding subsection (c), the target price for peanuts shall be $0.48 per pound per 100 pounds per ton.

“(2) CORRESPONDING REDUCTION.—To offset the increase in the target price for peanuts
under paragraph (1), the maximum number of acres that may be enrolled in the conservation reserve program is hereby reduced to 38,000,000 acres.

H.R. 2646
OFFERED BY: MR. GILCHEST
[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]
AMENDMENT No. 22: Page 181, line 8, insert '(a) IN GENERAL.—before ‘Section’.

Page 181, after line 15, insert the following: (b) Establishment.—Section 1302(b)(3) of the Agricultural Reconciliation Act of 1993 (7 U.S.C. 5623 note) is amended by inserting 'other than leaf tobacco' after 'tobacco.'

H.R. 2646
OFFERED BY: MR. GILCHEST
AMENDMENT No. 23: At the end of title II, insert the following:

Subtitle H—Conservation Corridor Program

SEC. 271. CONSERVATION CORRIDOR PROGRAM.

(a) Purpose.—The purpose of this subtitle is to provide for the establishment of a program that recognizes the leveraged benefit of an ecosystem-based application of the Department of Agriculture conservation programs, addresses the increasing and extraordinary threats to agriculture in many areas of the United States, and recognizes the importance of local and regional involvement in the protection of economically and ecologically important farmlands.

(b) Establishment.—The Secretary shall establish a Conservation Corridor Program through which States, local governments, tribes, and combinations of States may submit, and the Secretary may approve, plans to integrate agriculture and forestry conservation programs of the United States Department of Agriculture with health, natural resource, and public policies to address farm preservation, water quality, wildlife, and other conservation needs in critical areas, watersheds, and corridors in a manner that enhances the conservation benefits of the individual programs, tailors programs to State and local needs, and promotes and supports ecosystem and watershed-based conservation.

(c) Memorandum of Agreement.—On approval of a proposed plan, the Secretary may enter into a memorandum of agreement with a State, a combination of States, local governments, tribes, or a combination of States, local governments, and tribes, that—

(1) guarantees specific program resources for implementation of the plan;

(2) establishes different or automatic enrollment criteria as otherwise established by regulation or policy, for specific levels of enrollments of specific conservation programs within the region, if doing so will achieve greater conservation benefits;

(3) establishes different compensation rates to the extent the parties to the agreement consider justified;

(4) establishes different conservation practice criteria if doing so will achieve greater conservation benefits;

(5) provides more streamlined and integrated paperwork requirements; and

(6) otherwise alters any other requirement established by States Department of Agriculture policy and regulation to the extent not inconsistent with the statutory requirements and purposes of an individual conservation program.

SEC. 272. CONSERVATION ENHANCEMENT PLAN.

(a) Preparation.—To be eligible to participate in the program under this subtitle, a State, combination of States, political subdivision agency, State, tribe, or local government shall submit to the Secretary a plan that proposes specific criteria and commitments of resources in the geographic region designated, and describes how the linkage of Federal, State, and local resources will—

(1) improve the economic viability of agriculture by protecting contiguous tracts of land;

(2) improve the ecological integrity of the ecosystems of the region by linking land with high ecological and natural resource value; and

(3) in the case of a multi-State plan, provide a draft memorandum of agreement among entities in each State.

(b) Submission and Review.—Within 90 days after receipt of the conservation plan, the Secretary shall review the plan and approve it for implementation and funding under this subtitle if the Secretary determines that the plan and memorandum of agreement meet the criteria specified in subsection (c).

(c) Criteria for Participation.—The Secretary may approve a plan only if, as determined by the Secretary, the plan provides for each of the following:

(1) Actions taken under the conservation plan are voluntary and require the consent of willing landowners.

(2) Criteria specified in the plan and memorandum of agreement assure that enrollments in each conservation program incorporated through the plan are of exceptionally high conservation value.

(3) The program provides benefits greater than the benefits that would likely be achieved through individual application of the federal conservation programs because of such factors as—

(A) ecosystem- or watershed-based enrollment criteria;

(B) lengthier or permanent conservation commitments;

(C) integrated treatment of special natural resource problems, including preservation and enhancement of natural resource corridors; and

(D) improved economic viability for agriculture.

(4) Staffing and marketing, considering both Federal and non-Federal resources, are sufficient to assure program success.

(5) Provides more streamlined and integrated paperwork requirements; and

(6) otherwise alters any other requirement established by States Department of Agriculture policy and regulation to the extent not inconsistent with the statutory requirements and purposes of an individual conservation program.

SEC. 1002. CONSERVATION ENHANCEMENT PLAN.

(a) Preparation.—To be eligible to participate in the program under this title, a State, combination of States, political subdivision agency, State, tribe, or local government shall submit to the Secretary a plan that proposes specific criteria and commitment of resources in the geographic region designated, and describes how the linkage of Federal, State, and local resources will—

(1) improve the economic viability of agriculture by protecting contiguous tracts of land;

(2) improve the ecological integrity of the ecosystems of the region by linking land with high ecological and natural resource value; and

(3) in the case of a multi-State plan, provide a draft memorandum of agreement among entities in each State.
(3) in the case of a multi-State plan, provide a draft memorandum of agreement among entities in each State.

(b) Submission and Review.—Within 90 days after receipt of the conservation plan, the Secretary shall review the plan and approve it for implementation and funding under this title if the Secretary determines that the plan and memorandum of agreement meet the criteria specified in subsection (c).

(c) Criteria for Participation.—The Secretary may approve a plan only if, as determined by the Secretary, the plan provides for each of the following:

(1) Actions taken under the conservation plan are voluntary and require the consent of willing landowners;

(2) Criteria specified in the plan and memorandum of agreement assure that enrollments in each conservation program incorporated therein are of exceptionally high conservation value.

(3) The program provides benefits greater than the benefits that would likely be achieved through individual application of the federal conservation programs because of such factors as—

(A) ecosystem- or watershed-based enrollment criteria;

(B) longer or permanent conservation commitments;

(C) integrated treatment of special natural resource conditions; and

(D) improved economic viability for agriculture.

(4) Staffing and marketing, considering both Federal and non-Federal resources, are sufficient to assure program success.

(d) Approval and Implementation.—With- in 90 days after approval of a conservation plan, the Secretary shall begin to provide funds for the implementation of the plan.

(e) Priority.—In carrying out this section, the Secretary shall give priority to multi-State or multi-tribal plans.

SEC. 1003. FUNDING REQUIREMENTS.

(a) Cost-Sharing.—As a further condition on the approval of a conservation plan submitted by a non-Federal interest under section 1002, the Secretary shall require the non-Federal interest to contribute at least 20 percent of the total cost of the Conservation Corridor Program.

(b) Exception.—The Secretary may decrease the cost-share requirement in the case of a specific activity under the Conservation Corridor Program on good cause and demonstration that the project or activity is likely to achieve extraordinary natural resource benefits.

(c) Coordination.—The Secretary shall require that non-Federal interests contributing financial resources for the Conservation Corridor Program shall implement streamside or riparian requirements and other procedures to allow for integration with the Federal programs for participants in the program.

(d) Rev Saltion of Funds.—The Secretary shall direct funds on a priority basis to the Conservation Corridor Program and to projects in areas identified by the plan.

(e) Administration.—A State may submit multiple plans, but the Secretary shall assure opportunity for submission by each State. Acreage credited as part of approved Conservation Reserve Enhancement Programs shall be considered acreage of the Conservation Reserve Program committed to a Conservation Enhancement Program.

 Amend the table of contents accordingly.

H.R. 2646

Offered by: Mr. Gilman

[Page and line numbers refer to the Amendment in the nature of a substitute]

Amendment No. 25: Strike section 928 (page 351, beginning line 17), and insert the following new section:

SEC. 928. EQUAL TREATMENT OF POTATOES, SWEET POTATOES, AND STORAGE ONIONS.

Section 508(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(2)) is amended by inserting “and potatoes” and inserting “-, potatoes, sweet potatoes, and storage onions (as defined for purposes of this title)”.

H.R. 2646

Offered by: Mr. Hall of Ohio

[Page and line numbers refer to the Amendment in the Nature of a Substitute (Combes.011)]

Amendment No. 26: In section 307, insert after paragraph (7) (page 188, after line 22) the following (and conform the subsequent paragraphs accordingly):

(b) by striking section 206 (7 U.S.C. 1726);

In section 307, insert after paragraph (11) (designated page 189, after line 21) the following (and conform the subsequent paragraphs accordingly):

(1) by striking “The Administrator” and inserting “(A) The Administrator”; and

(2) by adding at the end the following:

In the case of commodities made available for nonemergency assistance under title II or III for countries in transition from crisis to development or for least developed, net food-importing countries, the Administrator may pay the transportation costs incurred in moving the commodities from designated points of entry to ports of entry abroad to storage and distribution sites and associated storage and distribution costs.

H.R. 2646

Offered by: Mr. Hall of Ohio

[Page and line numbers refer to the Amendment in the Nature of a Substitute (Combes.011)]

Amendment No. 27: In section 312, insert before subsection (a) (page 198, after line 6) the following (and conform the subsequent paragraphs accordingly and make such other technical and conforming changes as may be necessary):

(a) Short Title; Findings; Sense of Congress.

(1) Short Title.—This section may be cited as the “George McGovern–Robert Dole International Food for Education and Child Nutrition Program Act”.

(2) Findings.—Congress finds the following:

(A) The Global Food for Education Initiative of the Department of Agriculture has worthy goals of feeding hungry children, promoting education, especially among girls, and assisting American farmers.

(B) The Initiative was inspired in a bipartisan fashion by former Senators George McGovern and Robert Dole and established by the Department of Agriculture under existing authority through the Commodity Credit Corporation.

(C) The new George McGovern–Robert Dole International Food for Education and Child Nutrition Program will be established under this section commencing on the date of the enactment of this Act.

(D) However, there is a possible gap between the termination of funding for the Global Food for Education Initiative and the commencement of appropriated funding for the George McGovern–Robert Dole International Food for Education and Child Nutrition Program established under this section.

(E) The General Accounting Office is completing a review of the Global Food for Education Initiative and will suggest recommendations for the continuation and improvement of the Program.

(3) Sense of Congress.—It is the sense of Congress that—

(A) the Secretary of Agriculture should continue to operate the Global Food for Education Initiative until such time as amounts appropriated for the George McGovern–Robert Dole International Food for Education and Child Nutrition Program established under this section; and

(B) the Secretary submit recommendations for improvement of the Global Food for Education Initiative as contained in the review of the program by the General Accounting Office in a timely manner.

H.R. 2646

Offered by: Mr. Hall of Ohio

[Page and line numbers refer to the Amendment in the Nature of a Substitute (Combes.011)]

Amendment No. 28: In section 307, insert after paragraph (7) (page 188, after line 22) the following (and conform the subsequent paragraphs accordingly):

(b) by striking section 206 (7 U.S.C. 1726);

In section 307, insert after paragraph (11) (designated page 189, after line 21) the following (and conform the subsequent paragraphs accordingly):

(12) in section 407(c)(1) (7 U.S.C. 1736a(c)(1))—

(A) by striking “The Administrator” and inserting “(A) The Administrator”; and

(B) by adding at the end the following:

In the case of commodities made available for nonemergency assistance under title II or III for countries in transition from crisis to development or for least developed, net food-importing countries, the Administrator may pay the transportation costs incurred in moving the commodities from designated points of entry to ports of entry abroad to storage and distribution sites and associated storage and distribution costs.

H.R. 2646

Offered by: Mr. Hall of Ohio

[Page and line numbers refer to the Amendment in the Nature of a Substitute (Combes.011)]

This section may be cited as the “George McGovern–Robert Dole International Food for Education and Child Nutrition Program Act”.  

Findings.—Congress finds the following:

(A) The Global Food for Education Initiative of the Department of Agriculture has worthy goals of feeding hungry children, promoting education, especially among girls, and assisting American farmers.

(B) The Initiative was inspired in a bipartisan fashion by former Senators George McGovern and Robert Dole and established by the Department of Agriculture under existing authority through the Commodity Credit Corporation.

(C) The new George McGovern–Robert Dole International Food for Education and Child Nutrition Program will be established under this section commencing on the date of the enactment of this Act.

(D) However, there is a possible gap between the termination of funding for the Global Food for Education Initiative and the commencement of appropriated funding for the George McGovern–Robert Dole International Food for Education and Child Nutrition Program established under this section.

(E) The General Accounting Office is completing a review of the Global Food for Education Initiative and will suggest recommendations for the continuation and improvement of the Program.

(3) Sense of Congress.—It is the sense of Congress that—

(A) the Secretary of Agriculture should continue to operate the Global Food for Education Initiative until such time as amounts appropriated for the George McGovern–Robert Dole International Food for Education and Child Nutrition Program established under this section; and

(B) the Secretary submit recommendations for improvement of the Global Food for Education Initiative as contained in the review of the program by the General Accounting Office in a timely manner.

H.R. 2646

Offered by: Mr. Hall of Ohio

[Page and line numbers refer to the Amendment in the Nature of a Substitute (Combes.011)]

This section may be cited as the “George McGovern–Robert Dole International Food for Education and Child Nutrition Program Act”.

Findings.—Congress finds the following:

(A) The Global Food for Education Initiative of the Department of Agriculture has worthy goals of feeding hungry children, promoting education, especially among girls, and assisting American farmers.

(B) The Initiative was inspired in a bipartisan fashion by former Senators George McGovern and Robert Dole and established by the Department of Agriculture under existing authority through the Commodity Credit Corporation.

(C) The new George McGovern–Robert Dole International Food for Education and Child Nutrition Program will be established under this section commencing on the date of the enactment of this Act.

(D) However, there is a possible gap between the termination of funding for the Global Food for Education Initiative and the commencement of appropriated funding for the George McGovern–Robert Dole International Food for Education and Child Nutrition Program established under this section.

(E) The General Accounting Office is completing a review of the Global Food for Education Initiative and will suggest recommendations for the continuation and improvement of the Program.

(3) Sense of Congress.—It is the sense of Congress that—
(A) the Secretary of Agriculture should continue to operate the Global Food for Edu-
cation Initiative until such time as amounts are appropriated to carry out the George
McGovern-Robert Dole International Food for Education and Child Nutrition Program
established under this section; and

(B) the Secretary should implement rec-
ommendations for improvement of the Glob-
al Food for Education Initiative as contained
in the review of the program by the General
Accounting Office in a timely manner.

H.R. 2646
OFFERED BY: Mr. HOLT
AMENDMENT No. 29: At the end of title IX,
insert the following new section:

SEC. __. PROGRAM OF PUBLIC EDUCATION RE-
GARDING USE OF BIOTECHNOLOGY IN PRODUCING FOOD FOR HUMAN
CONSUMPTION.

(a) PUBLIC INFORMATION CAMPAIGN.—Not
later than one year after the date of the en-
actment of this Act, the Secretary of Agri-
culture shall develop and implement a pro-
gram to communicate with the public re-
garding the use of biotechnology in pro-
ducing food for human consumption. The in-
formation provided under the program shall
include the following:

(1) Science-based evidence on the safety of
foods produced with biotechnology.

(2) Scientific data on the human outcomes
of the use of biotechnology to produce food
for human consumption.

(b) AUTHORIZATION OF APPROPRIATIONS.—
For each of fiscal years 2002 through 2011
there are authorized to be appropriated such
sums as may be necessary to carry out this
section.

H.R. 2646
OFFERED BY: Ms. HOOLEY of Oregon
AMENDMENT No. 30: In section 925 (page
1, beginning line 1), insert—

"(c) COOPERATIVE STATE RESEARCH, E-
DUCATION, AND EXTENSION SERVICE.—The
Secretary of Agriculture, through the Coopera-
tive State Research, Education, and Extens-
ion Service and, to the extent practicable,

(b) COOPERATIVE STATE RESEARCH, E-
DUCATION, AND EXTENSION SERVICE.—The
Secretary of Agriculture, through the Coopera-
tive State Research, Education, and Extens-
ion Service and, to the extent practicable,
in collaboration with the Natural Resources
Conservation Service, regional biomass pro-
grams under the Department of Energy, and
other appropriate entities, may provide edu-
cation and technical assistance to farmers
and ranchers for the development and mar-
ting value chain and ecosystem services resources,
including biomass for the production of power
and fuels, wind, solar, and geothermal.

H.R. 2646
OFFERED BY: Ms. EDDIE BERNICE JOHNSON of
TEXAS
(Please note the amendment in the nature of a substitute, COMBES.011)

AMENDMENT No. 32: At the end of Subtitle
C of title VII (page 313, line 10), insert the following new section:

SEC. __. AGRICULTURAL BIOTECHNOLOGY RE-
SEARCH AND DEVELOPMENT FOR THE DE-
VELOPING WORLD.

(a) GRANT PROGRAM.—The Secretary of Ag-
culture shall establish a program to award
grants to entities described in subsection (b)
for the development of agricultural bio-
technology with respect to the developing
world. The Secretary shall administer and
oversee the program through the Foreign
Agricultural Service of the Department of
Agriculture.

(b) PARTNERSHIPS.—(1) In order to be eligi-
ble to receive a grant under this section, the
grantee must be a participating institution of
higher education, a nonprofit organiza-

(c) COMPETITIVE AWARD.—Grants shall be
awarded under this section on a merit-re-
viewed competitive basis.

(d) USE OF FUNDS.—The activities for
which the grant funds may be expended in-
clude the following:

(1) Enhancing the nutritional content of
agricultural products that can be grown
in the developing world and address
malnutrition through biotechnology.

(2) Increasing the yield and safety of agri-
cultural products that can be grown in
the developing world through biotechnology.

(3) Increasing through biotechnology the
yield of agricultural products that can be
grown in the developing world that are
drought and stress-resistant.

(4) Extending the growing range of crops
that can be grown in the developing world
through biotechnology.

(5) Enhancing the shelf-life of fruits
and vegetables grown in the developing
world through biotechnology.

(6) Developing environmentally sustain-
able agricultural products through
biotechnology.

(7) Developing vaccines to immunize
against life-threatening illnesses and other
medications that can be administered by
consuming genetically engineered agricul-
tural products.

(e) FUND SOURCE.—Of the funds depo-
sited in the Treasury account known as the
Initiative for Future Agriculture and Food
Systems on October 1, 2003, and each October
1 thereafter on October 1, 2007, the Secre-
tary of Agriculture shall set aside $5,000,000
during each of fiscal years 2004 through 2008
to carry out this section.

H.R. 2646
OFFERED BY: Ms. EDDIE BERNICE JOHNSON of
TEXAS
(Please note the amendment in the nature of a substitute, COMBES.011)

AMENDMENT No. 33: In section 411, add at
the end (page 217, line 7) the following:

"(f) Assistance to farmers and ranchers
shall make available $25,000,000 for
the provision of commodities to child nutri-
tion programs providing food service under
section 111(a) of the Agriculture and Food

H.R. 2646
OFFERED BY: Ms. KAPTRU
AMENDMENT No. 34: Page __, line __, in-
section the following new section:

SEC. FAMILY FARMER COOPERATIVE MAR-
KETING.

(a) DEFINITIONS.—(1) PRODUCER.—Subsection (b) of section 3
of the Agricultural Fair Practices Act of 1967
(7 U.S.C. 2302) is amended—

(A) by inserting "poultryman," after "dairyman," and

(b) by adding at the end the following:

"(c) The term ‘designated handler’ means a handler that is designated pursuant to
section 6.

(g) The terms ‘bargain’ and ‘bargaining’ mean the performance of the mutual obliga-
tion of a handler and an accredited associa-
tion to meet at reasonable times and for rea-
sonable periods of time for the purpose of ne-
gotiating in good faith with respect to the
price, terms of sale, compensation for pro-
ducts produced or services rendered under
contract, or other provisions relating to the
products marketed, or the services rendered,
by the members of the accredited association
as agent for the members.

(b) PROHIBITED PRACTICES.—Section 4 of
the Agricultural Fair Practices Act of 1967
(7 U.S.C. 2303) is amended—

(1) in the matter preceding the subsections,
by striking "the following practices;" and

(2) by striking "any of the following practices;"
and inserting "of the following:

(a) in subsection (a), by inserting
"before" after "another party", and

(b) by striking "or" at the end of subsections
(b), (c), (d), and (e) and inserting
"and" at the end of subsection (b),
and (e) and inserting

(c) BARGAINING IN GOOD FAITH.—Section 5
of the Agricultural Fair Practices Act of 1967
(7 U.S.C. 2304) is amended to read as follows:

"SEC. 5. BARGAINING IN GOOD
FAITH.

(a) CLARIFICATION OF OBLIGATION.—The
obligation of a designated handler to bargain in
good faith shall apply with respect to an ac-
credited association to the products or services for which the accredited association
is accredited to bargain. The good-faith bar-
"(3) By striking "or" at the end of subsections
(b), (c), (d), and (e) and inserting
"and" at the end of subsection (b),
and (e) and inserting

(d) By extension of same terms to accred-
ited association.—If a handler purchases a product or service from pro-
ducers under terms more favorable to such
producers than the terms negotiated with an accredited association for the same type of product or services, the handler shall offer the same terms to the accredited association. For the purposes of this section, the Secretary shall determine whether there is reasonable assurance that the accredited association shall be considered to be a bargaining unit (as defined in section 4 of this Act). If it appears to the Secretary that the terms negotiated with the accredited association shall be considered to be a violation of section 4(g). In determining the terms and conditions of employment, the Secretary shall apply the procedures set forth in subsection (d).

(b) ()—In any case involving the purchase price of any agricultural product or services, the handler shall offer the same terms to the accredited association for the same type of product or services, the handler shall offer to purchase the agricultural product or services from the accredited association for the same terms to the accredited association as offered by the handler to the producers than the terms negotiated with an accredited association for the same type of product or services.

(2) EXCEPTION.—Upon a showing satisfactory to the Secretary of Agriculture that records, reports, or information acquired under this section, if made public, would divulge trade secrets or confidential information, the Secretary may exclude such records, reports, or information or particular portion thereof from disclosure in accordance with section 1905 of this title and the provisions and practices established thereunder. The Secretary may disclose such record, report, or information to other officers, employees, or authorized representatives of the United States, the States, or political subdivisions of the States concerned with carrying out the policies of this Act and make such reports, and provide such other information as the Secretary may reasonably require. The Secretary, reasonable grounds for investigating a complaint made under subsection (a), the Secretary of Agriculture shall investigate such complaint or notify the person concerned of the existence of such a violation of section 4 or other provision of this Act, the Secretary may cause a complaint to be filed by a person on his own behalf or on behalf of the person, the Secretary shall have power to administer and to proceed with any investigation in accordance with the rules of evidence and the rules of civil procedure applicable in the district courts of the United States.

(3) OATHS AND OTHER MATTERS.—The Secretary, or any officer or employee of the Department of Agriculture designated for such purpose, shall have power to administer oaths, sign and issue subpoenas, examine witnesses, and receive evidence. Witnesses shall be paid the same fees and mileage allowances as are paid witnesses in the courts of the United States.

(4) FAILURE TO COMPLY.—In the case of any failure or refusal of any person to obey a subpoena or the Order of the Secretary, the person may be punished by the court as a contempt of court.

(f) ADMINISTRATIVE PROCEEDINGS TO PREVENT PROHIBITED PRACTICES.—The Agricultural Fair Practices Act of 1967 (7 U.S.C. 2301 et seq.) is amended by inserting after section 2 the following new section:

SEC. 8. ADMINISTRATIVE PROCEEDINGS TO PREVENT PROHIBITED PRACTICES.

(a) PETITION.—Any person complaining of any violation of section 4 or other provision of this Act may apply to the Secretary of Agriculture by petition, which shall briefly state the facts as to the agreement in order to obtain the issuance of such an order, the order shall not be subject to review in any civil or criminal proceeding for enforcement, and the findings of fact and order of the Secretary shall be conclusive in connection with any petition for enforcement, which is filed by the Secretary after the expiration of such period. In any such case, the clerk of the court, or in the discretion of the Secretary, the Secretary shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the person named in the complaint.

(4) EFFECT ON ORDERS OF THE SECRETARY.—The commencement of proceedings
under this section shall not operate as a stay of an order of the Secretary under subsection (d), unless specifically ordered by the court.

(g) PREEMPTION.—The Agricultural Fair Practices Act of 1967 (7 U.S.C. 2031 et seq.) is amended by inserting after section 9 (as redesignated by subsection (d)(1)) the following new section:

SEC. 10. PREEMPTION.
‘‘This Act shall not invalidate the provisions of any existing or future State law dealing with the same subjects as this Act, except that such State law may not permit any action that is prohibited by this Act. This Act shall not deprive the proper State courts of jurisdiction under State laws dealing with the same subjects as this Act.’’.

H.R. 2646
OFFERED BY: MS. KAPTUR
AMENDMENT No. 33: At the end of the bill, insert the following:

TITLE X—BIOFUELS ENERGY INDEPENDENCE ACT OF 2001
SEC. 1001. SHORT TITLE.
This title may be cited as the ‘‘BIOFUELS Energy Independence Act of 2001’’.

SEC. 1002. FINDINGS.
The Congress finds as follows:
(1) Currently the United States annually consumes about 164,000,000,000 gallons of vehicle fuel, or about 350,000 gallons of heating oil. In 2000, 52.9 percent of these fuels were imported, yielding a $109,000,000,000 trade deficit with the rest of the world.
(2) This Act would shift America’s dependence away from foreign petroleum as an energy source toward alternative, renewable, domestic agricultural sources.
(3) Strategic Petroleum Reserve policy should encourage domestic production to the greatest extent possible.
(4) 92.2 percent of the Strategic Petroleum Reserve has been purchased from foreign sources: 41.9 percent from Mexico, 24 percent from the United Kingdom, and over 20 percent from OPEC nations.
(5) Strategic Petroleum Reserve policy also should encourage the development of alternatives to the Nation’s reliance on petroleum such as biomass fuels.
(6) The benefits of biofuels are as follows:
(A) ENERGY SECURITY.—
(i) With agricultural commodity prices reaching record lows and petroleum prices reaching record highs, it is clear that more production and demand should be done to utilize domestic surpluses of bio-based oils to enhance the Nation’s energy security.
(ii) Biofuels can be manufactured using existing industrial capacity.
(iii) Biofuels can be used with existing petroleum infrastructure and conventional equipment.
(iv) Biofuels can start to address our dependence on foreign energy sources immediately.
(B) ECONOMIC SECURITY.—
(i) With continued dependence upon imported sources of oil, our Nation is strategically vulnerable to disruptions in our oil supply.
(ii) Renewable biofuels domestically produced have the potential for ending this vulnerable dependence on imported oil.
(iii) According to the Department of Agriculture, a sustained annual market of 100,000,000 gallons of biodiesel would result in $170,000,000 in increased income to farmers.
(iv) Farmer-owned production has already resulted in improved income for farmers, as evidenced by the experience with a State-supported program in Minnesota that has helped to increase prices to corn producers by $1.00 per bushel.
(C) ENVIRONMENTAL SECURITY.
(i) The use of ethanol reduces greenhouse gas emissions from 33 to 46 percent compared with conventional gasoline. Biomass ethanol provides an even greater reduction.
(ii) The American Lung Association of Metropolitan Chicago credits ethanol-blended reformulated gasoline with reducing smog-forming emissions by 25 percent since 1990.
(iii) Ethanol reduces tailpipe carbon monoxide emissions by 8 percent.
(iv) Ethanol reduces exhaust volatile organic compounds emissions by 12 percent.
(v) Ethanol reduces toxic emissions by 30 percent.
(vi) Ethanol reduces particulate emissions, especially fine-particulates that pose a health threat to children, senior citizens, and those with respiratory ailments.
(vii) Biodiesel contains no sulfur of aromatics associated with air pollution.
(viii) The use of biodiesel provides a 78.5 percent reduction in carbon monoxide emissions compared to petroleum diesel and when burned in a conventional engine provides a substantial reduction of unburned hydrocarbons, carbon monoxide, and particulate matter.
(ix) The use of grain-based ethanol reduces greenhouse gas emissions from 35 to 46 percent.

Subtitle A—Biofuels Feedstocks Energy Reserve Program
SEC. 1011. ESTABLISHMENT.
The Secretary of Agriculture (in this subtitle referred to as the ‘‘Secretary’’) may establish and administer a reserve of agricultural commodities (known as the ‘‘Biofuels Feedstocks Energy Reserve’’) for the purpose of—
(1) providing feedstocks to support and further the production of energy from biofuels; and
(2) supporting the biofuels energy industry when production is at risk of declining due to reduced feedstocks or significant commodity price increases.

SEC. 1012. PURCHASES.
(a) IN GENERAL.—The Secretary may purchase agricultural commodities at commercial rates, subject to subsection (b), in order to establish, maintain, or enhance the Biofuels Feedstocks Energy Reserve when—
(1)(A) the commodities are in abundant supply; and
(B) there is need for adequate carryover stocks to ensure a reliable supply of the commodities to meet the purposes of the reserve; or
(2) it is otherwise necessary to fulfill the needs and purposes of the biofuels energy reserve program.
(b) LIMITATION.—The agricultural commodities purchased for the Biofuels Feedstocks Energy Reserve shall be—
(1) the type and quantity necessary to provide not less than 1-year’s utilization for renewable energy purposes; and
(2) in such additional quantities to provide incentives for the development of new renewable fuels and bio-energy initiatives.

SEC. 1013. RELEASE OF STOCKS.
Whenever the market price of a commodity held in the Biofuels Feedstocks Energy Reserve exceeds 100 percent of the economic cost of producing the commodity (as determined by the Economic Research Service using the best available information, and based on a 3-year moving average), the Secretary shall permit the sale of stocks of the commodity from the reserve at cost of acquisition, in amounts determined appropriate by the Secretary.

SEC. 1014. STORAGE PAYMENTS.
(a) IN GENERAL.—The Secretary shall provide for the storage of agricultural commodities purchased for the Biofuels Feedstocks Energy Reserve by making payments to producers for the storage of the commodities. The payments shall be in such amounts, under such conditions, and at such times as the Secretary determines appropriate to encourage producers to participate in the program; and reflect local, commodity, and storage rates, subject to appropriate conditions concerning quality management and other factors.

SEC. 1003. USE OF COMMODITY CREDIT CORPORATION.
The Secretary shall use the Commodity Credit Corporation, to the extent practicable, to carry out this subtitle. To the maximum extent practicable consistent with the effective and efficient administration of this subtitle, the Secretary shall utilize the usual and customary channels, facilities, and arrangements of trade and commerce.
SEC. 1014. REGULATIONS.
Not later than 60 days after November 28, 2001, the Secretary shall issue such regulations as are necessary to carry out this subtitle.

Subtitle B—Biofuels Financial Assistance

SEC. 1021. LOANS AND LOAN GUARANTEES.
(a) IN GENERAL.—The Secretary of Agriculture shall make and guarantee loans for the purpose of carrying out this section.
(b) DEPOSITS.—The Secretary shall deposit such sums as may be necessary to carry out this section.

SECTION 1022. REGULATION OF COMMERCE IN POULTRY AND PIGMEAT PRODUCTS UNDER PACKERS AND STOCKYARDS ACT, 1921.

(a) REMOVAL OF POULTRY SLAUGHTER REQUIREMENT FROM DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 191, 194, 195) is amended by inserting “‘genetically engineered material’ means a material that has been altered at the molecular or cellular level by means that are not common or routine in microbiology or in plant or animal cell culture technology” after “‘processed meat’ means”.

(b) ADMINISTRATIVE ENFORCEMENT AUTHORITY OVER LIVE POULTRY DEALERS.—Section 408 of such Act (7 U.S.C. 229) is amended by inserting “and cares for live poultry in accord with another person’s instructions” after “‘slaughters’ means”.

(c) AUTHORITY TO REQUEST TEMPORARY INJUNCTION OR RESTRAINING ORDER.—Section 502(5) of the Federal Credit Reform Act of 1990 (12 U.S.C. 237) is amended by inserting “‘genetically engineered’ adjacent to another person’s” after “is capable of”.

SEC. 1023. COMMERCIAL CORNER.

(a) LIMITATIONS.—In general.—The term “genetically engineered material” means a material that has been altered at the molecular or cellular level by means that are not common or routine in microbiology or in plant or animal cell culture technology.

(b) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

Title X—Energy

SEC. 1031. FUNDING FOR CONSERVATION FUNDS.

(a) REDUCTION IN FIXED DROPPED PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—Notwithstanding sections 101 and 105, the Secretary of Agriculture (in this subtitle referred to as the Secretary) shall reduce by $2,000,000,000 the total amount otherwise required to be paid under such sections in each of fiscal years 2002 through 2005.

(b) MAXIMUM TOTAL PAYMENTS BY TYPE AND FISCAL YEAR.—In making the reductions required under subsection (a), the Secretary shall ensure that—

(1) the total amount paid under section 104 does not exceed—

(A) $1,252,000,000 in fiscal year 2002; or

(B) $4,325,000,000 in any of fiscal years 2003 through 2005.

(c) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

SECTION 1032. COMMERCE IN BIOFUELS PRODUCTS.

(a) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

(b) ENTRY.—The Secretary shall make such entry of biofuels products as the Secretary finds necessary in order to carry out this section.

(c) ENTRY RULES.—The Secretary shall promulgate such rules as are necessary to carry out this section.

(d) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.
H.R. 2983
OFFERED BY: MR. LAHOOD

AMENDMENT No. 39: Page 12, beginning on line 1, strike section 306 (page 12, line 1, through page 19, line 18).

H.R. 2646

OFFERED BY: MR. LAMPSON

[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]

AMENDMENT No. 40: In section 183, strike the portion added by subsection (a) (page 131, lines 8 through 15), and insert the following new paragraph:

“(f) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended by striking ‘‘(f)’’ and inserting ‘‘(f) In general.—The Secretary shall use funds appropriated pursuant to the authorization of appropriations in paragraph (3) to augment conservation and environmental stewardship programs established or amended in title II of this Act or for other conservation and environmental programs administered by the Department of Agriculture. ’’

(2) Priority.—In using the funds appropriated pursuant to the authorization of appropriations in paragraph (3), the Secretary shall give priority to environmental programs administered by the Department of Agriculture that conserve, restore, or enhance the Florida Everglades ecosystem.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $30,000,000 for each of the fiscal years 2002 through 2011. Amounts appropriated pursuant to this authorization of appropriations shall be available until expended and are in addition to, and not in place of, other funds made available under this Act or any other Act for the programs referred to in paragraph (1).

H.R. 2646

OFFERED BY: MR. MILLER OF FLORIDA

[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]

AMENDMENT No. 42: Strike sections 151, 152, and 153 (page 75, line 19, through page 102, line 20) and insert the following new section:

SEC. 151. SUGAR PROGRAM.

(a) EXTENSION OF PROGRAM AT REDUCED LOAN RATES.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended by striking ‘‘(f)’’ and inserting ‘‘(f) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended by striking ‘‘(f)’’ and inserting ‘‘(f) In general.—The Secretary shall use funds appropriated pursuant to the authorization of appropriations in paragraph (3) to augment conservation and environmental stewardship programs established or amended in title II of this Act or for other conservation and environmental programs administered by the Department of Agriculture. ’’

(2) INCREASE IN FORFEITURE PENALTY.—There is authorized to be appropriated to the Secretary $30,000,000 for each of the fiscal years 2002 through 2011. Amounts appropriated pursuant to this authorization of appropriations shall be available until expended and are in addition to, and not in place of, other funds made available under this Act or any other Act for the programs referred to in subsection (a).

H.R. 2646

OFFERED BY: MR. MILLER OF FLORIDA

[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]

AMENDMENT No. 44: Strike sections 151, 152, and 153 (page 75, line 19, through page 102, line 20) and insert the following new section: Strike sections 151, 152, and 153 (page 75, line 19, through page 102, line 20) and insert the following new section:

SEC. 151. SUGAR PROGRAM.

(a) EXTENSION OF PROGRAM AT REDUCED LOAN RATES.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended by striking ‘‘(f)’’ and inserting ‘‘(f) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended by striking ‘‘(f)’’ and inserting ‘‘(f) In general.—The Secretary shall use funds appropriated pursuant to the authorization of appropriations in paragraph (3) to augment conservation and environmental stewardship programs established or amended in title II of this Act or for other conservation and environmental programs administered by the Department of Agriculture. ’’

(2) INCREASE IN FORFEITURE PENALTY.—There is authorized to be appropriated to the Secretary $30,000,000 for each of the fiscal years 2002 through 2011. Amounts appropriated pursuant to this authorization of appropriations shall be available until expended and are in addition to, and not in place of, other funds made available under this Act or any other Act for the programs referred to in subsection (a).

H.R. 2646

OFFERED BY: MR. MILLER OF FLORIDA

[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]

AMENDMENT No. 45: At the end of title IX, insert the following new section:

SEC. 151. SUGAR PROGRAM.

(a) EXTENSION OF PROGRAM AT REDUCED LOAN RATES.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended by striking ‘‘(f)’’ and inserting ‘‘(f) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended by striking ‘‘(f)’’ and inserting ‘‘(f) In general.—The Secretary shall use funds appropriated pursuant to the authorization of appropriations in paragraph (3) to augment conservation and environmental stewardship programs established or amended in title II of this Act or for other conservation and environmental programs administered by the Department of Agriculture. ’’

(2) INCREASE IN FORFEITURE PENALTY.—There is authorized to be appropriated to the Secretary $30,000,000 for each of the fiscal years 2002 through 2011. Amounts appropriated pursuant to this authorization of appropriations shall be available until expended and are in addition to, and not in place of, other funds made available under this Act or any other Act for the programs referred to in subsection (a).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $30,000,000 for each of the fiscal years 2002 through 2011. Amounts appropriated pursuant to this authorization of appropriations shall be available until expended and are in addition to, and not in place of, other funds made available under this Act or any other Act for the programs referred to in subsection (a).

(4) USE OF FUNDS.—Priority.—The Secretary shall use funds appropriated pursuant to the authorization of appropriations in subsection (b) to augment conservation and environmental stewardship programs established or amended in title II of this Act or for other conservation and environmental programs, as determined by the Secretary. In using such funds, the Secretary shall give priority to programs that conserve, restore, or enhance the Florida Everglades ecosystem.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $30,000,000 for each of the fiscal years 2002 through 2011. Amounts appropriated pursuant to this authorization of appropriations shall be available until expended and are in addition to, and not in place of, other funds made available under this Act or any other Act for the programs referred to in subsection (a).

H.R. 2646

OFFERED BY: MR. MILLER OF FLORIDA

[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]

AMENDMENT No. 47: At the end of title IX, insert the following new section:

SEC. 151. SUGAR PROGRAM.

(a) EXTENSION OF PROGRAM AT REDUCED LOAN RATES.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended by striking ‘‘(f)’’ and inserting ‘‘(f) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended by striking ‘‘(f)’’ and inserting ‘‘(f) In general.—The Secretary shall use funds appropriated pursuant to the authorization of appropriations in paragraph (3) to augment conservation and environmental stewardship programs established or amended in title II of this Act or for other conservation and environmental programs administered by the Department of Agriculture. ’’

(2) INCREASE IN FORFEITURE PENALTY.—There is authorized to be appropriated to the Secretary $30,000,000 for each of the fiscal years 2002 through 2011. Amounts appropriated pursuant to this authorization of appropriations shall be available until expended and are in addition to, and not in place of, other funds made available under this Act or any other Act for the programs referred to in subsection (a).

H.R. 2646

OFFERED BY: MR. MILLER OF FLORIDA

[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]

AMENDMENT No. 48: Strike sections 151, 152, and 153 (page 75, line 19, through page 102, line 20) and insert the following new section:

SEC. 151. SUGAR PROGRAM.

(a) EXTENSION OF PROGRAM AT REDUCED LOAN RATES.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended by striking ‘‘(f)’’ and inserting ‘‘(f) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended by striking ‘‘(f)’’ and inserting ‘‘(f) In general.—The Secretary shall use funds appropriated pursuant to the authorization of appropriations in paragraph (3) to augment conservation and environmental stewardship programs established or amended in title II of this Act or for other conservation and environmental programs administered by the Department of Agriculture. ’’

(2) INCREASE IN FORFEITURE PENALTY.—There is authorized to be appropriated to the Secretary $30,000,000 for each of the fiscal years 2002 through 2011. Amounts appropriated pursuant to this authorization of appropriations shall be available until expended and are in addition to, and not in place of, other funds made available under this Act or any other Act for the programs referred to in subsection (a).

H.R. 2646

OFFERED BY: MR. MILLER OF FLORIDA

[Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011]
(2) The Humane Methods of Slaughter Act of 1958 requires that animals be rendered insensible to pain when they are slaughtered.

(3) Scientific evidence indicates that treating animals compassionately results in tangible economic benefits.

(4) The United States Animal Health Association passed a resolution at a meeting in October of 2000 declaring strong enforcement of the Humane Methods of Slaughter Act of 1958 and reiterated support for the resolution at a meeting in 2000.

(5) The United States Department of Agriculture is responsible for fully enforcing the Act, including monitoring compliance by the slaughtering industry.

(b) DISEASE OF CONGRESS.—It is the sense of Congress that the Secretary of Agriculture should fully enforce Public Law 85-785 (7 U.S.C. 1901 et seq.; commonly known as the “Humane Methods of Slaughter Act of 1958”) by ensuring that humane methods in the slaughter of livestock—

(1) prevent needless suffering;
(2) result in better and faster working conditions for persons engaged in the slaughtering industry;
(3) bring about improvement of products and economies in slaughtering operations; and
(4) produce other benefits for producers, processors, and consumers that tend to expedite the movement of livestock and live-stock products in interstate and foreign commerce.

(c) POLICY OF THE UNITED STATES.—It is the policy of the United States that the slaughtering of livestock and the handling of live-stock in connection with slaughter shall be carried out only by humane methods, as provided by Public Law 85-785 (7 U.S.C. 1901 et seq.; commonly known as the “Humane Methods of Slaughter Act of 1958”).

AMENDMENT NO. 46: At the end of title IX, add the following section:

SEC. 9. MARKET NAME FOR PANGASIUS FISH SPECIES.

The term “catfish” may not be considered to be a common or usual name (or part thereof) for any Pangasius bocourti or for any other fish not classified within the family Ictaluridae, for purposes of section 403 of the Federal Food, Drug, and Cosmetic Act, with respect to the importation of such fish pursuant to section 801 of such Act.

AMENDMENT NO. 47: At the end of chapter 1, add the following section:

SEC. 1. NATIONAL COUNTER-CYCLICAL INCOME SUPPORT PROGRAM FOR DAIRY PRODUCERS.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means a Regional Supply Management Board established under subsection (b)(4).
(2) Class I, II, III, and IV Milk.—The terms “Class I milk”, “Class II milk”, “Class III milk”, and “Class IV milk” mean milk classified as Class I, II, III, or IV milk, respectively, under an order.
(3) District.—The term “District” means a Regional Supply Management District established under subsection (b)(3).
(4) Eligible Producer.—The term “eligible producer” means an individual or entity that directly or indirectly has an interest in the production of milk.

(b) ELIGIBLE PRODUCTION.—The term “eligible production” means the lesser of—

(A) the quantity of milk produced by an eligible producer during a month; or
(B) 230,000 pounds per month.

(c) MARKETING AREA.—The term “marketing area” means a marketing area subject to an order.

(d) ORDER.—The term ‘order’ means—

(A) an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1997; or
(B) a comparable State order, as determined by the Secretary.

(e) PARTICIPATING STATE.—The term “participating State” means a State that is participating in the program authorized by this section in accordance with subsection (b)(2).

(f) STATE.—The term ‘State’ means each of the 48 contiguous States of the United States.

(g) TRUST FUND.—The term ‘Trust Fund’ means the National Dairy Producers Trust Fund established under subsection (b)(5).

(h) INCOME SUPPORT FOR ELIGIBLE PRODUCERS FOR MILK SOLD TO PROCESSORS IN PARTICIPATING STATES.—

(1) In general.—During each of calendar years 2002 through 2011, the Secretary shall provide for the participation of the State in the program to support the income of eligible producers for milk sold to processors in participating States.

(2) PARTICIPATING STATES.—

(A) SPECIFIED STATES.—The following States are participating States for purposes of the program authorized by this section: Alabama, Arkansas, Connecticut, Delaware, Georgia, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

(B) OTHER STATES.—The Governor of a State not described in subparagraph (A) may provide for the participation of the State in the program to support the income of eligible producers for milk sold to processors in participating States.

(3) DISTRICT.—

(A) NORTHEAST DISTRICT.—The District consisting of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, and Vermont.

(B) SOUTHERN DISTRICT.—A Southern District consisting of the States of Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, Tennessee, Virginia, and West Virginia.

(C) UPPER MIDWEST DISTRICT.—An Upper Midwest District consisting of the States of Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

(D) INTERMOUNTAIN DISTRICT.—An Intermountain District consisting of the States of Arizona, Colorado, Idaho, Montana, Nevada, Utah, and Wyoming.

(E) PACIFIC DISTRICT.—A Pacific District consisting of the States of California, Oregon, and Washington.

(f) PROGRAM.—

(1) In general.—The Board of a District shall be composed of not less than 2, and not more than 3, members from each participating State in the District, appointed by the Secretary from nominations submitted by the Governor of the State.

(2) NOMINATIONS.—The Governor of a participating State shall nominate at least 5 residents of the State to serve on the Board, of which—

(A) at least 1 nominee shall be an eligible producer at the time of nomination; and
(B) at least 1 nominee shall be a consumer representative.

(g) NATIONAL DAIRY PRODUCERS TRUST FUND.—

(A) ESTABLISHMENT AND FUNDING.—There is established in the Treasury of the United States a trust fund to be known as the National Dairy Producers Trust Fund, which shall consist of—

(i) the payments received by the Secretary and deposited in the Trust Fund under paragraph (6); and
(ii) the payments made by the Secretary to the Trust Fund under paragraph (7).

(B) EXPENDITURES.—Amounts in the Trust Fund shall be available to the Secretary, to the extent provided for in advance in an appropriation Act, to carry out paragraphs (8) through (10).

(h) PAYMENTS FROM PROCESSORS TO TRUST FUND.—

(A) IN GENERAL.—During any month for which the Secretary estimates that the average price paid by processors for Class I milk is less than the estimated 230,000 pound price, each processor in a participating State in the District that purchases Class I milk from an eligible producer during the month shall pay to the Secretary for deposit in the Trust Fund an amount obtained by multiplying—

(i) the payment rate determined under subparagraph (B); by
(ii) the quantity of Class I milk purchased from the eligible producer during the month.

(B) PAYMENT RATE.—The payment rate for a payment made by a processor that purchases Class I milk in a participating State in a District under subparagraph (A)(i) shall equal the difference between—

(i) the 230,000 pound price; and
(ii) the price paid by the processor for Class I milk in the marketing area under an order; or

(ii) the price paid by the processor for Class I milk in the marketing area not covered by an order, the minimum price required to be paid to eligible producers for Class I milk in the marketing area under an order; and

(II) the price paid by the processor for Class I milk in the marketing area not covered by an order, the minimum price required, the Secretary, taking into account the minimum price referred to in subclause (I) in adjacent marketing areas.

(h) COUNTER-CYCLICAL PAYMENTS FROM SECRETARY TO TRUST FUND.—

(A) IN GENERAL.—To the extent provided for in advance in an appropriation Act, the Secretary shall use the funds, facilities, and braska, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, Tennessee, Virginia, and West Virginia.
authorities of the Commodity Credit Corporation to make a payment each month to the Trust Fund in an amount determined by multiplying—

(1) the payment rate determined under subparagraph (B); by

(ii) the quantity of eligible production of Class II, Class III, and Class IV milk sold in the District during the month, as determined by the Secretary.

(B) PAYMENT RATE.—The payment rate for a payment made to the Trust Fund for a month under paragraph (A)(ii) shall equal 25 percent of the difference between—

(i) $13.00 per hundredweight; and

(ii) the average price received by producers in each District for Class III milk during the month, as determined by the Secretary.

(2) DEDUCTIONS FROM TRUST FUND FOR ADMINISTRATIVE AND INCREASED FOOD ASSISTANCE COSTS.—The Secretary shall use any amounts in the Trust Fund to provide compensation to the Secretary for—

(A) administrative costs incurred by the Secretary and Boards in carrying out this subsection; and

(B) any increased cost of any milk and milk products provided under any food assistance program administered by the Secretary that results from carrying out this subsection.

(3) PAYMENTS FROM TRUST FUND TO BOARDS.—

(A) IN GENERAL.—The Secretary shall use any amounts in the Trust Fund that remain after making the compensation required under paragraph (8) to make monthly payments to Boards.

(B) AMOUNT.—The amount of a payment made to a Board of a District for a month under subparagraph (A) shall bear the same ratio to payments made to all Boards for the month to eligible production sold in the District during the month bears to eligible production sold in all Districts.

(10) PAYMENTS BY BOARDS TO PRODUCERS.—(A) IN GENERAL.—With the approval of the Secretary, a Board of a District shall use payments received under paragraph (9) to make payments to eligible producers for eligible production of milk that is commercially sold in a participating State in the District.

(B) SUPPLY MANAGEMENT.—In carrying out subparagraph (A), a Board of a District may—

(i) use a portion of the payments described in subparagraph (A) to provide bonuses or other incentives to eligible producers for eligible production to manage the supply of milk produced in the District; and

(ii) request the Secretary to review a proposed action under clause (1).

(11) REIMBURSEMENT OF COMMODITY CREDIT CORPORATION.—

(A) IN GENERAL.—If the Secretary determines that the Commodity Credit Corporation has incurred additional costs to carry out section 141 as a result of overproduction of milk due to the operation of this section in a Board’s District, the Board shall require the Secretary to reimburse the Commodity Credit Corporation for the additional costs.

(B) BOARD ASSESSMENT.—The Board of the District may impose an assessment on the sale of milk within participating States in the District to compensate the Commodity Credit Corporation for the additional costs.

(12) COUNTER-CYCLICAL PAYMENTS FOR ELIGIBLE PRODUCERS FOR MILK SOLD TO PROCESSORS IN NONPARTICIPATING STATES.—

(A) IN GENERAL.—To the extent provided for in advance in an appropriations Act, during each of calendar years 2002 through 2011, the Secretary shall make payments to processors, facilities, and authorities of the Commodity Credit Corporation to make payments to an eligible producer in a District for milk sold to processors in a State that is not a participating State in an amount determined by multiplying—

(i) the payment rate determined under paragraph (2); by

(ii) the quantity of eligible production of Class II, Class III, and Class IV milk used for manufacturing purposes by the Commodity Credit Corporation that result from the operation of the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Special Milk Program during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(B) PAYMENT RATE.—The payment rate for a payment made to an eligible producer in a District for a month under paragraph (1)(A) shall equal 25 percent of the difference between—

(i) $13.00 per hundredweight; and

(ii) the average price received by producers in the District for Class III milk during the month, as determined by the Secretary.

(3) PAYMENT FOR A MOUNT.—The payment quantity for a payment made to an eligible producer in a District for a month under paragraph (1)(A) shall be equal to—

(A) the quantity of eligible production of Class II, Class III, and Class IV milk for the eligible producer during the month, as determined by the Secretary; less

(B) the quantity of any milk that is sold by the eligible producer to a processor in a participating State during the month.

(4) LIMITATION.—In determining the amount of payments made for eligible production under this section, no individual or entity directly or indirectly may be paid on production in excess of 200,000 pounds of milk per month.

H.R. 2646.

OFFERED BY: Mr. SANDERS

[Page and line numbers refer to the Amendment in the nature of a substitute (COMBES.G31)]

AMENDMENT No. 48: Page 217, insert the following after section 449 (and make such technical and conforming changes as may be appropriate):

SEC. 444. SENSE OF THE CONGRESS REGARDING ELIGIBILITY OF ELDERLY INDIVIDUALS TO PARTICIPATE IN THE COMMODITY SUPPLEMENTAL FOOD PROGRAM.

It is the sense of the Congress that the Secretary of Agriculture should adopt a rule to restore to 185 percent of the poverty line the Elderly Income Guidelines for participation in the Commodity Supplemental Food Program so that the Guidelines are the same as the income guidelines for participation by mothers, infants, and children in such program.

H.R. 2646

OFFERED BY: Mr. SHERWOOD

[Page and line numbers refer to the amendment in the nature of a substitute]

AMENDMENT No. 49: At the end of chapter 1 of subtitle C of title I (page 75, after line 17), insert the following new sections:

SEC. 147. NORTHEAST INTERSTATE DAIRY COMPACT.

(a) IN GENERAL.—Section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256) is amended—

(1) in the matter preceding paragraph (1), by striking “State” and all that follows through “Vermont” and inserting “States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont”;

(2) by redesigning paragraph (1), (3), (4), and (7); and

(3) by redesigning paragraph (2) as paragraph (1) and, in such paragraph, by striking “Class III-A” and inserting “Class IV”;

(4) by inserting after paragraph (1), as so redesignated, the following new paragraphs:

“(2) COMPENSATION OF SPECIAL MILK PROGRAM.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Northeast Interstate Dairy Compact Commission shall compensate the Secretary for the increased cost of any milk and milk products provided under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.”;

“(3) ADDITIONAL STATE.—Ohio is the only additional State that may join the Northeast Interstate Dairy Compact Commission that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code;”;

and

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect as of September 30, 2001.

SEC. 148. SOUTHERN DAIRY COMPACT.

(a) IN GENERAL.—Congress consents to the Southern Dairy Compact entered into among the States of Alabama, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia, subject to the following conditions:

(1) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Southern Dairy Compact Commission may not regulate Class II, Class III, or Class IV milk for manufacturing purposes or any other milk, other than Class I, if fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), as reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a “Federal milk marketing order”) unless Congress has first consented to and approved such authority by a law enacted after the date of enactment of this joint resolution.

(2) COMPENSATION OF SPECIAL MILK PROGRAM.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Southern Dairy Compact Commission shall compensate the Secretary for the increased cost of any milk and milk products provided under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772) that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(3) ADDITIONAL STATES.—Nebraska, North Dakota, South Dakota, Texas, and Wyoming are the only additional States that may join the Southern Dairy Compact, individually or otherwise.

(4) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Southern Dairy Compact Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(5) MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Southern
Dairy Compact Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Compact Commission and be compensated for that assistance.

(b) Compact.—The Southern Dairy Compact is substantially as follows:

"ARTICLE I. STATEMENT OF PURPOSE, FINDINGS AND DECLARATION OF POLICY"

"§ 1. Statement of purpose, findings and declaration of policy"

The purpose of this compact is to recognize the interstate character of the southern dairy industry and the prerogatives of the states which are parties to this compact, to form an interstate commission for the southern region. The mission of the commission is to take such action as are necessary to assure the continued viability of dairy farming in the south, and to assure consumers of an adequate, local supply of pure and wholesome milk.

The participating states find and declare that the dairy industry is an essential agricultural activity of the south. Dairy farms, and associated suppliers, marketers, processors and retailers are an integral component of the region’s economy. Their ability to provide a stable, local supply of pure, wholesome milk is of great importance to the health and welfare of the region.

The participating states further find that dairy farms are essential and they are an integral part of the region’s rural communities. The farms preserve land for agricultural purposes and provide needed economic stimuli for rural communities.

In order to achieve its constitutional regulatory authority over the region’s fluid milk market by this compact, the participating states declare their purpose that this compact will create an interstate regulatory system or encourage the merging of federal orders. Specific provisions of the compact itself set forth this basic principle.

"ARTICLE II. DEFINITIONS AND RULES OF CONSTRUCTION"

"§ 2. Definitions"

For the purposes of this compact, and of any supplemental or concurrently legislated enactment pursuant thereto, except as may be otherwise required by the context:

(1) ‘Class I milk’ means milk disposed of in fluid form or as a fluid milk product, subject to further definition in accordance with the principles expressed in subdivision (b) of section three.

(2) ‘Compact’ means the Southern Dairy Compact Commission established by this compact.

(3) ‘Commission marketing order’ means regulations adopted by the commission pursuant to sections nine and ten of this compact in place of a terminated federal marketing order or state dairy regulation. Such order may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission. Such order may establish minimum prices for any or all classes of milk.

(4) ‘Compacts’ means this interstate compact.

(5) ‘Compact order’ means a minimum price paid to producers for Class I milk established by the commission in regulations adopted pursuant to sections nine and ten of this compact, which is established in federal marketing orders or by state farm price regulations in the regulated area. Such price may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission.

(6) ‘Milk’ means the lactic secretion of cows and includes all skim, butterfat, or other constituents obtained from separation or any other process. The term is used in its broadest sense and may be further defined by the commission for regulatory purposes.

(7) ‘Partially regulated plant’ means a milk plant not located in a regulated area but having Class I distribution within such area. Commission regulations may exempt plants having sales or receipts in amounts less than the limits defined therein.

(8) ‘Participating state’ means a state which has become a party to this compact by the enactment or ratification.

(9) ‘Pool plant’ means any milk plant located in a regulated area.

(10) ‘Region’ means the territorial limits of the states which are parties to this compact.

(11) ‘Regulated area’ means any area within the region governed by and defined in regulations enacted or reenacted by the commission, or any part or parts thereof as defined in the regulations of the commission.

(12) ‘State dairy regulation’ means any state regulation of dairy prices, and associated assessments, whether by statute, marketing order or otherwise.

"§ 3. Rules of construction"

(a) This compact shall not be construed to displace existing federal milk marketing orders or state dairy regulations throughout the region but to supplement them. In the event some or all federal orders in the region are discontinued, the compact shall be construed to provide for the establishment or replacement by them with one or more commission marketing orders pursuant to this compact.

(b) The compact shall be construed liberally to effectuate the intent, purpose, and intent so that the whole part shall be interpreted and the compact to establish a basic structure by which the commission may achieve those purposes through the application, adaptation and development of the regulatory techniques historically associated with Federal marketing order authority. The commission shall have broad flexibility to devise regulatory mechanisms to achieve the purposes of this compact. In accordance with this intent and the technical terms associated with market order regulation and which have acquired commonly understood general meanings are not defined herein but the commission may further define the terms used in this compact and develop additional concepts and define additional terms as it may find appropriate to achieve its purposes.

"ARTICLE III. COMMISSION ESTABLISHED"

"§ 4. Commission established"

There is hereby created a commission to administer the compact, composed of delegations from each state in the region. The commission shall be known as the Southern Dairy Compact Commission. A delegation shall include not less than three nor more than five persons. Each delegation shall include at least one dairy farmer who is engaged in the production of milk at the time of enrollment or at least one consumer representative. Delegation members shall be residents and voters of, and subject to such confirmation process as is provided for in the accompanying legislation members shall serve no more than three consecutive terms with no single term of more than four years, and be subject to removal for cause. In all other respects, delegation members shall serve in accordance with the laws of the state represented. The compensation, if any, of the members of a state delegation shall be determined by each state, but their expenses shall be paid by the commission.

"§ 5. Voting requirements"

All actions taken by the commission, except for the establishment or termination of an over-order price or commission marketing order, and the adoption, amendment or rescission of the commission’s by-laws, shall be by majority vote of the delegations present. Each state delegation shall be entitled to one vote in the conduct of the commission’s affairs. The establishment or termination of an over-order price or commission marketing order shall require at least a two-thirds vote of the delegations present. The selection of a chairman, a vice-chairman, or both covers all or part of a participating state shall require also the affirmative vote of that state’s delegation. A majority of the delegations of the participating states shall constitute a quorum for the conduct of the commission’s business.

"§ 6. Administration and management"

The commission shall elect annually from among the members of the participating state delegations a chairperson, a vice-chairperson, and a treasurer. The commission shall adopt by-laws, which the commission may establish by its by-laws, and shall provide for the conduct of its business by a two-thirds vote, and shall have the power by its by-laws to amend or rescind the by-laws. The commission shall publish its by-laws in convenient form with the appropriate agency or officer in each of the participating states. In the event a state delegates all or part of its legislative function, the commission shall provide for appropriate notice to the delegations of all commission meetings and hearings and of the
business to be transacted at such meetings or hearings. Notice also shall be given to other agencies or officers of participating states as provided by the laws of those states.

“(c) The commission shall file an annual report with the Secretary of Agriculture of the United States with each of the participating states by submitting copies to the governor, both houses of the legislature, and the head of the state department having responsibility for agriculture.

“(d) In addition to the powers and duties elsewhere prescribed in this compact, the commission shall have the power:

(1) To sue and be sued in any state or federal court;

(2) To have a seal and alter the same at pleasure;

(3) To acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or other similar manner, for its corporate purposes;

(4) To borrow money and issue notes, to provide for the rights of the holders thereof and to pledge the revenue of the commission as security therefor, subject to the provisions of the compact for such purpose;

(5) To appoint such officers, agents, and employees as it deems necessary, pre- 
scribe their powers, duties and qualifications, and their term of office;

(6) To create and abolish such offices, employ- 
ments and positions as it deems necessary for the purposes of the compact and provide for the removal, term, tenure, compensation, fringe benefits, pension, and retirement rights of its officers and employees. The commission may also retain personal services on a contract basis.

“§ 7. Rulemaking power

“In addition to the power to promulgate a compact over-order price or commission marketing order, provided by this compact, the commission is further empowered to make and enforce such additional rules and regulations as it deems necessary to implement any provisions of this compact, or to effectuate in any other respect the purposes of this compact.

“ARTICLE IV. POWERS OF THE COMMISSION

“§ 8. Powers to promote regulatory uniformity, 
simplicity, and interstate coopera-
tion

“The commission is hereby empowered to:

(1) Provide for investigations or research projects designed to review the existing laws and regulations of the participating states, to consider their administra-
tion and costs, to measure their impact on the production and marketing of milk and its effects on the shipment of milk and milk products within the region.

(2) Study and recommend to the partici-
pating states joint or cooperative programs for the administration of the dairy market-
ing laws and regulations and to prepare estimates of cost savings and benefits of such programs.

(3) Encourage the harmonious relations-
ships between the various elements in the in-
dustry, for the solution of their mutual problems. Conduct symposia or conferences designed to improve industry relations, or a better understanding of problems.

(4) Prepare and release periodic reports on activities and results of the commission’s efforts to the participating states.

(5) Review the existing marketing system for milk and milk products and recommend changes in the existing structure for assem-
bly and distribution of milk which may as-
sist, improve or promote more efficient as-
sembly and distribution of milk.

(6) Investigate costs and charges for pro-
ducing, hauling, handling, processing, dis-
tributing, selling and for all other services performed with respect to milk.

(7) Examine current economic forces af-
fecting producers, probable trends in produc-
tion and consumption of dairy and milk products in relation to costs, the financial conditions of dairy farmers, and the need for an emergency order to relieve critical condi-
tions on dairy producers as defined in the order.

“§ 9. Equitable farm prices

“(a) The prices granted in this section and section ten shall apply only to the establish-
ment of a compact over-order price, so long as federal orders in such states remain in effect in the region. In the event that any or all such orders are terminated, this article shall authorize the commission to establish such prices as other regulations, as herein provided, in the region or parts thereof as defined in the order.

(b) A compact over-order price established pursuant to this section shall apply only to Class I milk. Such compact over-
order price shall not exceed one dollar and fifty cents per gallon at Atlanta, Ga., how-
ever, this compact over-order price shall be adjusted upward or downward at other loca-
tions in the region to reflect differences in minimum federal order prices. Beginning in the time period consisting that year, as a base, the foregoing one dollar fifty cents per gallon maximum shall be adjusted annual-
ly by the rate of change in the Consumer Price Index for All Urban Consumers Index by the Bureau of Labor Statistics of the United States De-
partment of Labor. For purposes of the pool-
ing and equalization of an over-order price, this formula shall be applied to the lower classification shall be calculated at the appro-
ropriate class price established pursuant to the applicable federal order or state dairy regu-
lations and the value of unregulated milk shall be calculated in relation to the nearest prevailing class in accordance with and subject to such adjustments as the commis-
sion may prescribe in regulations.

(c) A commission marketing order shall apply to all classes and uses of milk.

(d) The commission is hereby empowered to establish a compact over-order price for milk to be paid by pool plants and partially regulated plants. The commission is also em-
powered to establish a compact over-order price to be paid by handlers receiving milk from producers located in a regu-
lated area. This price shall be established ei-
ther by one or more state orders or one or more commission marketing orders. Whenever such a price has been established by either type of regulation, the legal obliga-
tion to pay the price determined therein shall be determined solely by the terms and purpose of the regulation without regard to the situs of the transfer of title, possession or any other fac-
tors. Such prices, or any adjustments, zone differentials and for com-
petitive credits with respect to regulated handlers who market outside the regulated area.

(e) The commission shall whenever pos-
ible enter into agreements with state or fed-
eral agencies for exchange of information or cooperation in the pursual of the regu-
latory burden and cost of administering the compact. The commission may reimburse other agencies for the reasonable cost of providing the information or cooperation agreed upon.

“§ 10. Optional provisions for ordering

“Regulations establishing a compact over-
order price or a commission marketing order may contain, but shall not be limited to any of the following:

(1) Provisions classifying milk in accord-
ance with the form in which or purpose for which it is used, or creating a flat pricing program.

(2) With respect to a commission mar-
tkening order only, provisions establishing or providing a method for establishing separate minimum prices for each use classification prescribed by the commission, or a single maximum price for milk supplied from pro-
ducers or associations of producers.

(3) With respect to an over-order min-
um price, provisions establishing or pro-
viding a method for establishing such minimum price for Class I milk.

(4) Provisions for establishing either an over-order price or a commission marketing order may make use of any reasonable method for establishing such prices or prices in- cluding flat pricing and formula pricing.

(5) Provisions may also be made for location ad-
justments, zone differentials and for com-
petitive credits with respect to regulated handlers who market outside the regulated area.

(6) Provisions for the payment to all pro-
ducers and associations of producers deliv-
ering milk to all handlers of uniform prices for all milk so delivered, irrespective of the uses made of such milk by the individual handler to whom it is delivered, or for the payment of producers delivering milk to the same handler of uniform prices for all milk delivered by them.

(A) With respect to regulations estab-
lishing a compact over-order price, the com-
mision may provide that one or more commission marketing orders or state or federal orders shall not be merged within the regulated area for the sole pur-
pose of equalizing returns to producers throughout the regulated area.

(B) The commission may provide that one or more commission marketing order, as defined in section two, division three, which replaces one or more terminated federal orders or state dairy reg-
ulations, the marketing area of which includes or is wholly included within any such new marketing area.

(C) Provisions requiring persons who bring Class I milk into the regulated area to make compensatory payments with respect to all such milk to the extent necessary to equal-
ize the cost of milk purchased by handlers subject to a compact over-order price or commission marketing order. No such provi-
sions shall discriminate against milk pro-
ducers outside the regulated area. The provi-
sions for compensatory payments may re-
direct proceeds from purchase of the Class I price required to be paid for such milk in the state of production by a federal milk marketing order or state dairy regula-
tions. The commission may provide that the compact over-order price or commission marketing order.
“(7) Provisions specially governing the pricing and pooling of milk handled by partially regulated plants.

“(8) Provisions requiring that the account of any person regulated under the compact or order or other state dairy regulations, order or other state dairy regulation within the regulated area.

“(9) Provisions requiring the payment by handlers of the cost of administration and enforcement of such order pursuant to Article VII, Section 18(a).


“(11) Other provisions and requirements as the commission may find are necessary or appropriate to effectuate the purposes of this compact and to provide for the payment of fair and equitable minimum prices to producers.

“ARTICLE V. RULEMAKING PROCEDURE

§ 11. Rulemaking procedure

“Before promulgation of any regulations establishing a compact over-order price or a commission marketing order, including any provision with respect to milk supply under subsection 9(d), or amendment thereof, as provided in Article IV, the commission shall conduct an informal rulemaking proceeding to provide interested persons with an opportunity to present data and views. Such rulemaking proceeding shall be governed by section four of the Federal Administrative Procedure Act, as amended (5 U.S.C. § 553). In addition, the commission shall, to the extent practicable, give written notice of rulemaking proceedings in the official register of each participating state. Before the initial adoption of regulations establishing a compact over-order price or a commission marketing order and thereafter before any amendment with regard to prices or assessments, the commission shall hold a public hearing. The commission may commence a rulemaking proceeding on its own initiative or may in its sole discretion act upon the petition of any person including individual milk producers or handlers, general farm organizations, consumer or public interest groups, and local, state or federal officials.

§ 12. Findings and referendum

“(a) If the commission in accordance with the concise general statement of basis and purpose required by section 4(b) of the Federal Administrative Procedure Act, as amended (5 U.S.C. § 553(c)), the commission shall make findings of fact with respect to:

“(1) Whether the public interest will be served by the establishment of minimum milk prices to dairy farmers under Article IV.

“(2) What level of prices will assure that producers receive a price sufficient to cover their production and will enable an adequate supply of milk for the inhabitants of the regulated area and for manufacturing purposes.

“(3) Whether the major provisions of the order, other than those fixing minimum milk prices, are in the public interest and are reasonably designed to achieve the purposes of the compact.

“(4) Whether the terms of the proposed regional order or amendment are approved by producers as provided in section thirteen.

“§ 13. Producer referendum

“(a) The commission shall comply with the requirements for ascertain whether the issuance or amendment of regulations establishing a compact over-order price or a commission marketing order, including any provision with respect to milk supply under subsection 9(d), is approved by producers, the commission shall conduct a referendum among the producers. The referendum shall be held in a timely manner, as determined by regulation of the commission. The terms and conditions of the proposed order or amendment shall be described by the commission in the ballot used in the conduct of the referendum, but the nature, content, or extent of such description shall not be a basis for attacking the validity of the order or any action relating thereto.

“(b) An order or amendment shall be deemed approved by producers if the commission, after careful consideration by at least two-thirds of the voting producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which would be regulated under the proposed order or amendment.

“(c) For purposes of any referendum, the commission shall consider the approval or disapproval by any cooperative association of producers, qualified under the provisions of the Act of Congress of February 18, 1922, as amended (26 Stat. 490 Volstead Act,) bona fide engaged in marketing milk, or in rendering services for or advancing the interests of producers of such commodity, as the approval or disapproval of the producers who are members or stockholders in, or under contract with, such cooperative association of producers, is described in subdivision (1) hereof and subject to the provisions of subdivision (2) through (5) hereof.

“(1) No cooperative which has been formed to act as a common marketing agency for both cooperatives and individual producers shall be qualified to block vote for either.

“(2) Any cooperative which is qualified to block vote shall, when voting its approval or disapproval in any referendum, give prior written notice to each of its members as to whether and how it intends to cast its vote. The notice shall be given in a timely manner as established, and in the form prescribed, by the commission.

“(3) Any producer may obtain a ballot from the commission in order to register approval or disapproval of the proposed order.

“(4) A producer who is a member of a cooperative which has provided notice of its intention to oppose a proposed order, and who obtains a ballot and with such ballot expresses his approval or disapproval of the proposed order, shall notify the commission, by the cooperative of which he or she is a member, and the commission shall remove such producer’s name from the list certified by such cooperative with its corporate vote.

“(5) In order to insure that all milk producers are informed regarding the proposed order, the commission shall notify all milk producers. The commission shall consider, and that each producer may register his approval or disapproval with the commission either directly or through his or her cooperative.

“§ 14. Termination of over-order price or marketing order

“(a) The commission shall terminate any regulations establishing an over-order price or a marketing order issued under this article whenever it finds that such order or price obstructs or does not tend to effectuate the declared policy of this compact.

“(b) The commission may terminate any regulations establishing an over-order price or a commission marketing order issued under this article whenever it finds that such order or price is not supported by a majority of the producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which is regulated by such order; but such termination shall be effective only if announced on or before such date as may be prescribed in such marketing agreement or order.

“(c) The termination or suspension of any order or amendment thereof shall not be considered an order within the meaning of this article and shall require no hearing, but shall comply with the requirements for informal rulemaking specified in section four of the Federal Administrative Procedure Act, as amended (5 U.S.C. § 553).

“ARTICLE VI. ENFORCEMENT

§ 15. Records; reports; access to premises

“(a) The commission may by rule and regulations prescribe requirements of record keeping and reporting for all regulated persons. For purposes of the administration and enforcement of this compact, the commission is authorized to examine the books and records of any regulated person relating to his or her milk business and for that purpose, the commission’s properly designated officers, employees, or agents shall have full access during normal business hours to the premises and records of all regulated persons.

“(b) Information furnished to or acquired by the commission, officers, employees, or its agents pursuant to this section shall be confidential and not subject to the extent that the commission deems disclosure to be necessary in any administrative or judicial proceeding involving the administration or enforcement of this compact, an over-order price, a compact marketing order, or other regulations of the commission. The commission may promulgate regulations further defining the confidentiality of information pursuant to this section. Nothing in this section shall be deemed to prohibit (i) the issuance of general statements based upon the reports of a number of handlers, which do not identify the information furnished by any person, or (ii) the publication by direction of the commission of the name of any person violating any regulation of the commission, together with a statement of the particular provisions violated by such person.

“No officer, employee, or agent of the commission shall intentionally disclose information, by inference or otherwise, which is made confidential pursuant to this section. Any person who in violation of this section shall, upon conviction, be subject to a fine of not more than one thousand dollars or to imprisonment for not more than one year, or to both.

“§ 16. Subpoea; hearings and judicial review

“(a) The commission is hereby authorized and empowered by its members and its property and its officers, its agents and its properly designated officers, to issue subpoenas throughout all signatory states to compel the attendance of witnesses and the giving of testimony and the production of other evidence.

“(b) Any handler subject to an order may file a written petition with the commission stating that any such order or any provision of such order is being enforced in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be notified of the necessity for a hearing upon such petition, in accordance with regulations made by the commission. After such hearing, the commission shall either grant such petition or deny the same. The decision which shall be final, if in accordance with law.
17. Enforcement with respect to handlers

(a) Any violation by a handler of the provisions of regulations establishing an over-order price or a commission marketing order or any other regulations adopted pursuant to this compact shall:

(1) be a violation of the laws of each of the signatory states. Such violation shall render the violator subject to a civil penalty in an amount as may be prescribed by the laws of each of the participating states, recoverable in any state or federal court of competent jurisdiction. Each day that such violation continues shall constitute a separate violation.

(2) constitute grounds for the revocation of license or permit to engage in the milk business under the applicable laws of the participating states.

(b) With respect to handlers, the commission may enforce the provisions of this compact, regulations establishing an over-order price, a commission marketing order or other regulations adopted hereunder by:

(1) action for liquidated damages for the recovery of any milk handled in violation of any requirement adopted pursuant to this compact.

(2) suit to enjoin, or to any other state agency for enforcement by judicial or administrative remedy with the agreement of the appropriate state agency of a participating state.

(c) With respect to handlers, the commission may bring an action for injunction to enforce the provisions of this compact or the order or regulations adopted hereunder within the state, compelling to allege or prove that an adequate remedy of law does not exist.

ARTICLE VII. FINANCE

18. Finance of start-up and regular costs

(a) To provide for its start-up costs, the commission may borrow money pursuant to its general power under section six, subdivision (d), paragraph four. In order to finance the costs of administration and enforcement of this compact, including payback of start-up costs, the commission is hereby empowered to collect an assessment from each handler who purchases milk from producers within the region. If imposed, this assessment shall be collected on a monthly basis for up to one year from the date the commission convenes, in an amount not to exceed $0.05 per pound of milk handled from producers during the period of the assessment. The initial assessment may apply to the projected purchases of handlers for the two-month period following the date the commission convenes. In addition, if regulations establishing an over-order price or a commission marketing order or other regulations adopted pursuant to this compact, they may include an assessment for the specific purpose of their administration. These regulations shall provide for establishment of a reserve fund for the commission’s ongoing operating expenses.

(b) The commission shall not pledge the credit of any participating state or of the United States for any purpose and all obligations incurred by it shall be its sole responsibility and no participating state or the United States shall render the violator subject to a civil penalty for such violation.

19. Audit and accounts

(a) The commission shall keep accurate accounts of all receipts and disbursements, which shall be subject to the audit and accounting procedures established under its rules. In addition, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(b) The accounts of the commission shall be open for inspection for inspection by duly constituted officers of the participating states and by any persons authorized by the commission.

(c) Nothing in this article shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any participating state or of the United States.

ARTICLE VIII. ENTRANCE INTO FORCE: ADDITIONAL MEMBERS AND WITHDRAWAL

20. Entry into force; additional members

The compact shall enter into force effective when enacted by any three states of the group of states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia and when the consent of Congress has been obtained.

21. Withdrawal from compact

Any participating state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after notice in writing is given to the commission and the governors of all other participating states. No withdrawal shall affect any liability already incurred by or chargeable to a participating state prior to the time of such withdrawal.

22. Severability

If any part or provision of this compact is adjudged invalid by any court, such judgment shall be confined in its operation to the part or provision so adjudged invalid, and the rest of the compact or anything therein in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact, so far as it is valid and enforceable. If it shall be held invalid or unconstitutional in whole or in part, the invalidity or unconstitutionality of such part shall not affect the validity of any other part of this compact, and this compact shall be construed and enforced in such manner as to render the invalid or unconstitutional part of this compact inoperative, but so as to effectuate the legislative purpose of the compact to the maximum extent possible.

SEC. 149. PACIFIC NORTHWEST DAIRY COMPACT

Congress consents to a Pacific Northwest Dairy Compact proposed for the States of California, Oregon, and Washington, subject to the following conditions:

(1) Text.—The text of the Pacific Northwest Dairy Compact shall be identical to the text of the Southern Dairy Compact, except as follows:

(A) References to “south”, “southern”, and “Southern” shall be changed to “Pacific Northwest”,

(B) In section 9(b), the reference to “Atlanta, Georgia” shall be changed to “Seattle, Washington”.

(C) In section 20, the reference to “any three” and all that follows shall be changed to “California, Oregon, and Washington”.

(2) LIMITATION OF MANUFACTURING PRICE.—The Dairy Compact Commission established to administer the Pacific Northwest Dairy Compact (referred to in this section as the “Compact”) shall, on and after the effective date of the Compact price regulation during the fiscal year, as determined by the Secretary of Agriculture for the increased cost of any milk or milk products under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1775(b)(1)), that results from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 535 of title 5, United States Code.

(3) COMPENSATION OF SPECIAL MILK PROGRAM.—Before the end of each fiscal year in which a price regulation is in effect under the Pacific Northwest Dairy Compact, the Commission shall compensate the Secretary of Agriculture for the cost of any milk or milk products purchased under the special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1775(b)(1)) that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 535 of title 5, United States Code.

(4) EFFECTIVE DATE.—Congressional consent under this section takes effect on the day which is one year later than the date of enactment of this Act) on which the Pacific Northwest Dairy Compact is entered into by the second of the three States specified in the matter preceding paragraph (1).

(5) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year in which a price regulation is in effect under the Pacific Northwest Dairy Compact, the Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 535 of title 5, United States Code.

(6) MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Commission and be compensated for that assistance.

SEC. 150. INTERMOUNTAIN DAIRY COMPACT

Congress consents to an Intermountain Dairy Compact proposed for the States of Colorado, Nevada, and Utah, subject to the following conditions:

(1) Text.—The text of the Intermountain Dairy Compact shall be identical to the text of the Southern Dairy Compact, except as follows:

(A) In section 1, the references to “south”, “southern”, and “Southern” shall be changed to “Intermountain” and “Intermountain region”, respectively.

(B) References to “Southern” shall be changed to “Intermountain”

(C) In section 9(b), the reference to “Atlanta, Georgia” shall be changed to “Salt Lake City, Utah”.

(D) In section 20, the reference to “any three” and all that follows shall be changed to “Colorado, Nevada, and Utah.”.
OFFERED BY: MR. SMITH OF MICHIGAN
AMENDMENT No. 52: At the end of section 183 (page 213, line 6), insert the following new subsection: (d) Payment Limitation Regarding Marketing Assistance Loans to Cover All Producer Gains.—In applying the payment limitation contained in section 1901(2) of the Food Security Act of 1985 (7 U.S.C. 1388(2)) on the total amount of payments and gains that a person may receive for one or more covered commodities in any fiscal year, the Secretary of Agriculture shall include each of the following: (1) Any gain realized by a producer from repaying marketing assistance loan funds for any covered commodity at a lower level than the original loan rate established for the commodity; (2) Any loan deficiency payment received for a loan commodity; (3) Any gain realized by a producer through the use of the generic certificate authority or through the actual forfeiture of the crop covered by a nonrecourse marketing assistance loan.

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OFFERED BY: MR. SMITH OF MICHIGAN
AMENDMENT No. 53: At the end of title I (page 133, after line 13), insert the following new section: SEC. 131. REPORT ON EFFECT OF CERTAIN TARIFF PROGRAMS ON ECONOMIC VIABILITY OF PRODUCERS AND FARMERS. (a) Review Required.—The Secretary of Agriculture shall conduct a review of the effects that payments under production flexibility contracts, market loss and crop insurance payments have had, and that fixed, decoupled payments and counter-cyclical payments are likely to have, on the economic viability of producers and the farming infrastructure, particularly in areas where climate, soil types, and other agronomic conditions severely limit the covered crops that producers can choose to successfully and profitably produce.

(b) Case Study Related to Rice Production.—The review shall include a case study of the effects that payments described in subsection (a), and the forecast effects of increasing those or other decoupled payments, are likely to have on rice producers (including tenant rice producers), the rice milling industry, and the economies of rice farming areas in Texas, where harvested rice acreage has fallen from 320,000 acres in 1995 to only 211,000 acres in 2001.

(c) Report and Recommendations.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the information collected under this section and any findings made on the basis of such information. The report shall include recommendations for minimizing the adverse effects on producers, with a special focus on producers who are tenants, on the agricultural economies in farming areas generally, and in particular areas described in subsection (a), and on the area that is the subject of the case study in subsection (b).

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OFFERED BY: MR. STENHOLM
AMENDMENT No. 54: In section 167(a), strike paragraphs (4) and (5) (page 119, lines 9 through page 120, line 2), and insert the following: (4) Options for Obtaining Loan.—A marketing assistance loan under this subsection, and a loan deficiency payment under subsection (e), may be obtained at the option of the peanut producer through— (A) a designated marketing association of peanut producers that is approved by the Secretary; or (B) the Farm Service Agency.

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OFFERED BY: MR. STENHOLM
AMENDMENT No. 55: Page 213, line 6, strike “$10 million” and insert “$9.50 million”. Strike page on line 13 and all that follows through line 6 on page 215, and insert the following: section 19(a)(1) of the Food Stamps Act of 1977 (7 U.S.C. 2028(m)(1)) is amended— (1) in subparagraph (A), (i) in clause (ii) by striking “and” at the end; (B) by adding “a” at the end; and (C) by inserting after clause (ii) the following: “(iv) for each of fiscal years 2003 through 2011, the amount equal to the required to be paid under this subparagraph for the preceding fiscal year, as adjusted by the percentage by which the thrifty food plan is adjusted under section 3(a)(4) for the current fiscal year for which the amount is determined under this clause;”;

2) in subparagraph (B)— (A) by inserting “(i)” after “(ii)”; and (B) by adding at the end the following: “(ii) Notwithstanding subparagraph (A) and clause (i), the Commonwealth may spend up to $500,000 of the amount required under subparagraph (A) to be paid for fiscal year 2002 to pay 100 percent of the cost to upgrade and modernize the electronic data processing system used to provide such food assistance and to implement systems to simplify the determination of eligibility to receive such assistance.”;

(g) Territory of American Samoa.—Section 24 of the Food Stamp Act of 1977 (7 U.S.C. 2023) is amended— (1) by striking “Effective October 1, 1995, from” and inserting “From”; and (2) by striking “$3,500,000 for each of fiscal years 1996 through 2002” and inserting “$5,000,000 for fiscal years 2003 through 2011”.

Page 216, line 18, strike “(h) and (i) shall take effect of” and insert “(g), (h), and (i) shall take effect on”.

H.R. 2646

OFFERED BY: MR. STUPAK
AMENDMENT No. 56: At the end of title VIII (page 339, after line 26), insert the following new section: SEC. 808. TIMBER SALES FOR UNITS OF THE NATIONAL FOREST SYSTEM.

The Secretary of Agriculture and the Chief of the Forest Service shall ensure that, with
respective to each unit of the National Forest System, a quantity of timber is offered for sale on an annual basis that, at a minimum, is equal to annual allowable sale quantity of timber identified in the management plan for that unit.

H.R. 2646
OFFERED BY: Mr. THUNE
AMENDMENT No. 57: At the end of subtitle B of title X, insert the following:

SEC. 215. EXPANSION OF PILOT PROGRAM TO ALL STATES.
Section 1231(h) of the Food Security Act of 1985 (16 U.S.C. 3831(h)) is amended—
(1) in paragraph (1), by striking “and 2002” and inserting “through 2011 calendar years,”;
(2) by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (5), respectively.

H.R. 2646
OFFERED BY: Mr. THUNE
AMENDMENT No. 58: Add at the end of title IX the following:

SEC. 932. STUDY OF NATIONAL DAIRY POLICY.
(a) ApPOINTMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall establish an Interagency Task Force on Agricultural Competition (in this section referred to as the “Task Force”) and, after consultation with the Attorney General, shall appoint as members of the Task Force such employees of the Department of Agriculture as the Secretary considers to be appropriate.

(b) REPORT.—The Task Force shall conduct hearings to review the lenniness of competition among purchasers of livestock, poultry, and unprocessed agricultural commodities in the United States and shall include in such hearings review of the following matters:

(1) The enforcement of particular Federal laws relating to competition.
(2) The concentration and vertical integration of the business operations of such purchasers.
(3) Discrimination and transparency in prices paid by such purchasers to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.
(4) The economic protection and bargaining rights of producers who raise livestock and poultry under contracts.
(5) Marketing orders and alternatives available to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.
(6) The enforcement of particular Federal laws relating to competition.
(7) The economic protection and bargaining rights of producers who raise livestock and poultry under contracts.
(8) Marketing orders and alternatives available to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.
(9) The enforcement of particular Federal laws relating to competition.
(10) The economic protection and bargaining rights of producers who raise livestock and poultry under contracts.
(11) Marketing orders and alternatives available to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.

(c) REPORT.—Not later than one year after the last member of the Task Force is appointed, the Task Force shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agri-

H.R. 2646
OFFERED BY: Mr. THUNE
[Page and line numbers refer to the amendment in the nature of a substitute, Combes.011]
AMENDMENT No. 60: At the end, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 932. TASK FORCE ON AGRICULTURAL COMPETITION.
(a) APPOINTMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall establish an Interagency Task Force on Agricultural Competition (in this section referred to as the “Task Force”) and, after consultation with the Attorney General, shall appoint as members of the Task Force such employees of the Department of Agriculture as the Secretary considers to be appropriate.

(b) REPORT.—The Task Force shall conduct hearings to review the lenniness of competition among purchasers of livestock, poultry, and unprocessed agricultural commodities in the United States and shall include in such hearings review of the following matters:

(1) The enforcement of particular Federal laws relating to competition.
(2) The concentration and vertical integration of the business operations of such purchasers.
(3) Discrimination and transparency in prices paid by such purchasers to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.
(4) The economic protection and bargaining rights of producers who raise livestock and poultry under contracts.
(5) Marketing orders and alternatives available to producers of livestock, poultry, and unprocessed agricultural commodities in the United States.

(c) REPORT.—Not later than one year after the last member of the Task Force is appointed, the Task Force shall submit to the Committee on Agriculture of the House of Representa-

H.R. 2646
OFFERED BY: Mr. THUNE
[Page and line numbers refer to the amendment in the nature of a substitute, Combes.011]
AMENDMENT No. 61: At the end of title IX, insert the following new section:

SEC. 147. STUDY OF NATIONAL DAIRY POLICY.
(a) STUDY REQUIRED.—Not later than April 30, 2002, the Secretary of Agriculture shall submit to Congress a comprehensive economic evaluation of the market economic evaluation of the potential direct and indirect effects of the reforms of the national dairy policy, including an examination of the effect of the national dairy policy on—

(1) farm price stability, farm profitability and viability, and local rural economies in the United States;
(2) child, senior, and low-income nutrition programs, including impacts on schools and institutions participating in the programs, on program recipients, and other factors; and
(3) the wholesale and retail cost of fluid milk, dairy farms, and milk utilization.

(b) NATIONAl DAIRY POLICY DEFINED.—In this section, the term “national dairy pol-

H.R. 2646
OFFERED BY: Mr. TIERNEY
AMENDMENT No. 61: At the end of the bill, insert the following new section:

SEC. 932. REPORT REGARDING GENETICALLY ENGI-
NERED FOODS.
(a) In General.—Not later than one year after funds are made available to carry out this section, the Secretary of Agriculture, acting through the National Academy of Sciences, shall complete and transmit to Congress a report that includes recommenda-

dations for the following:

(1) DATA AND TESTS.—The type of data and tests that are needed to sufficiently assess and evaluate human health risks from the genetically engineered foods.
(2) MONITORING SYSTEM.—The type ofFederal monitoring system that should be created to assess any future human health consequences from long-term consumption of genetically engineered foods.
(3) REGULATIONS.—A Federal regulatory structure to approve genetically engineered foods that are safe for consumption.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture $500,000 to carry out this Act.

H.R. 2646
OFFERED BY: Mr. TRAFICANT
AMENDMENT No. 62: At the end of title IX, insert the following new section:

SEC. 147. STUDY OF NATIONAL DAIRY POLICY.
(a) STUDY REQUIRED.—Not later than April 30, 2002, the Secretary of Agriculture shall submit to Congress a comprehensive eco-

H.R. 2646
OFFERED BY: Mr. WALSH
AMENDMENT No. 63: At the end of chapter 1 of subtitle C of title I (page 75, after line 17), insert the following new section:

SEC. 147. STUDY OF NATIONAL DAIRY POLICY.
(a) STUDY REQUIRED.—Not later than April 30, 2002, the Secretary of Agriculture shall submit to Congress a comprehensive economic evaluation of the market economic evaluation of the potential direct and indirect effects of the reforms of the national dairy policy, including an examination of the effect of the national dairy policy on—

(1) farm price stability, farm profitability and viability, and local rural economies in the United States;
(2) child, senior, and low-income nutrition programs, including impacts on schools and institutions participating in the programs, on program recipients, and other factors; and
(3) the wholesale and retail cost of fluid milk, dairy farms, and milk utilization.

(b) NATIONAl DAIRY POLICY DEFINED.—In this section, the term “national dairy pol-

H.R. 2646
OFFERED BY: Mr. WALSH
[Page and line numbers refer to the amendment in the nature of a substitute, Combes.011]
AMENDMENT No. 64: At the end of chapter 1 of subtitle C of title I (page 75, after line 17), insert the following new section:

SEC. 147. STUDY OF NATIONAL DAIRY POLICY.
(a) STUDY REQUIRED.—Not later than April 30, 2002, the Secretary of Agriculture shall submit to Congress a comprehensive economic evaluation of the market economic evaluation of the potential direct and indirect effects of the reforms of the national dairy policy, including an examination of the effect of the national dairy policy on—

(1) farm price stability, farm profitability and viability, and local rural economies in the United States;
(2) child, senior, and low-income nutrition programs, including impacts on schools and institutions participating in the programs, on program recipients, and other factors; and
(3) the wholesale and retail cost of fluid milk, dairy farms, and milk utilization.

(b) NATIONAl DAIRY POLICY DEFINED.—In this section, the term “national dairy pol-

H.R. 2646
OFFERED BY: Mr. WALSH
[Page and line numbers refer to the amendment in the nature of a substitute, Combes.011]
SEC. 147. OVER-ORDER PRICING SYSTEM FOR FLUID MILK.

Congress hereby finds that dairy farmers, the overall agricultural sector, local farm-dependent economies, and consumers would benefit from an over-order pricing system for fluid milk administered through identical State approved agreements, as referred to in the bill H.R. 1827, as introduced in the 107th Congress, and hereby consents to each of the regional systems set forth in the bill, subject to the condition that the Secretary of Agriculture make a factual determination that there is compelling public interest for the regional system in the States to be served by the regional system. The Secretary shall make the factual determination on a case-by-case basis and, upon making the determination, shall authorize the operation of the regional system in the States to be served by the regional system.

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OFFERED BY: MR. WATKINS OF OKLAHOMA

AMENDMENT No. 65: At the end of title V, insert the following:

SEC. 1. TEMPORARY SUSPENSION OF FORECLOSURE ON CERTAIN REAL PROPERTY OWNED BY, AND RECOVERY OF CERTAIN PAYMENTS FROM, BORROWERS WITH SHARED APPRECIATION ARRANGEMENTS.

During the period that begins with the date of the enactment of this Act and December 31, 2002, in the case of a borrower who has failed to make a payment required under section 353(e) of the Consolidated Farm and Rural Development Act with respect to real property, the Secretary of Agriculture—

(1) shall suspend foreclosure on the real property by reason of the failure; and

(2) may not attempt to recover the payment from the borrower.
The Senate met at 9:30 a.m. and was called to order by the Honorable Hillary Rodham Clinton, a Senator from the State of New York.

PRAYER
The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Here is a promise from God for today. It is as sure as it was when it was spoken by Isaiah so long ago. Hear this word for today! "Fear not, for I am with you; be not dismayed, for I am your God. I will strengthen you, yes, I will help you, I will uphold you with My righteous right hand."—Isaiah 41:10.

Let us pray. Dear God, we claim this promise as we begin this day’s work. Your perfect love casts out fear. Your grace and goodness give us the assurance that You will never leave nor forsake us. Your strength surges into our hearts. Your divine intelligence inspires our thinking. We will not be dismayed, casting about furtively for security in anything or anyone other than You. Fortified by Your power, help us to focus on the needs of others around us and of our Nation. May this be a truly great day as we serve You. Bless the Senators as they place their trust in You and follow Your guidance for our Nation. You, dear God, are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE
The Honorable Hillary Rodham Clinton led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Hillary Rodham Clinton, a Senator from the State of New York, to perform the duties of the Chair. 

Rose C. Byrd, President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, today the Senate will resume consideration of the Defense authorization bill, with approximately 25 minutes to be equally divided prior to a 10 a.m. cloture vote. I just left the majority leader and he hopes we can invoke cloture and we can complete consideration of this bill today. The two managers have worked extremely hard. They were here until 8 last night working on as many amendments as they could clear.

The Senate will be in recess from 12:30 to 2:15 for the weekly party conferences.

I am on the floor a lot. I appreciate the work done by the managers of the legislation. The work done by Senators LEVIN and WARNER has been exemplary. They have worked diligently and very closely, trying to work on this most important piece of legislation.

I say to everyone, Democrats and Republicans, it would be a tremendous blow to these two men and how hard they have worked—as well as to the Senate and this country—if cloture is not invoked on this most important piece of legislation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002
The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1438, which the clerk will report. The legislative clerk read as follows:

A bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided between the chairman and ranking member or their designees. The Senator from Virginia.

Mr. WARNER. Madam President, I first thank the assistant majority leader for his words on this subject. I associate myself with the need to move forward on this bill. I am going to vote for cloture. I am about to leave and go into my party’s conference and so indicate and encourage others to do likewise.

Madam President, when I looked at the television this morning and saw our President with the leadership reconciling differences, such as the budget, our President moving to make the tough decision, but it is a correct one given the security arrangements in place, to open National Airport, these are bold initiatives. Now the Senate has the opportunity to move forward and complete today a bill for the men and women of the Armed Forces, men
and women who, with their families, are now preparing to face an unknown situation but facing it with commitment and courage. I hope this Senate stands tall behind them and moves forward with this legislation.

I ask my distinguished chairman to allocate a few minutes of his time to me. I have reserved the equal amount of time for those who may wish to come to the floor in opposition to this cloture motion. I stand strongly in favor of it so America can move forward with the support of the women of the Armed Forces of the United States and their families.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. First, I thank my dear friend from Virginia for all his work on this bill, for his comments, his determination to proceed on a bipartisan basis to a real test of wills. This vote we are now about to cast will decide whether we are going to have this year a Defense authorization bill which will provide funds for our military, pay raises for our men and women in the military, housing allowances which are desperately needed, the equipment that they need in order to prepare and go to war, should that be their fate, and it surely looks as though that is now clearly ahead.

What we are hoping for, looking for this morning, is a strong bipartisan expressed resolve to get this thing done. We hope for national unity by voting for cloture on this bill. It is the only way we will complete action on this bill. There has been an effort to debate matters on this bill that are unrelated, important matters but not matters that are directly related to providing and equipping the men and women in our forces.

This is the bill that provides the authorization required by the Department of Defense for their programs for the year 2002 that also includes the provisions for the Department of Energy. The bill is consistent with the national security priorities of the President of the United States and the Secretary of Defense. At a time when we are deploying forces around the world and mobilizing our National Guard and Reserve units to augment our active forces, it is a bill which is essential to our national security.

I am hoping that any partisan differences can be set aside. I am hoping that differences over particular provisions can be set aside. None of us agree with every provision in this bill. Some of us have taken steps to make sure that this bill could pass on a bipartisan basis and some of those steps have been very difficult steps for many of us to take. Many of us have had to take steps to preserve our rights to debate certain issues at a later time rather than at this moment in our history. I know that personally because I am one of those who has had to make a decision on language which I crafted and fought so hard for in committee as chairman, to set aside that issue—not to bury it; we are talking here national missile defense, but to save that debate for another day when two things could happen.

One, we could debate it in an environment which makes it possible for the people to be debated; second, at least to have a chance of prevailing on the issue, which is not possible under the current circumstances.

Nonetheless, the point is, some of us, on both sides of the aisle, have taken difficult steps. Some who oppose the BRAC provision, by the way—I am looking at our Presiding Officer—are faced with a decision: Will they vote for cloture on a bill which contains a provision to which they object? This was a close vote on BRAC, something like 53–47, if I remember. That means some of us who very much oppose that provision are now faced with a cloture vote. Are they going to vote to bring to an end debate on a bill that contains a provision to which they so strongly object? I am confident that most of the Senators who voted against the BRAC provision nonetheless will see that the bill overall is essential to our national security and to the well-being of our forces and to their success.

This bill contains a pay raise for military members that ranges from 5 percent to 10 percent depending on grade, the largest pay raise in two decades. We have been making progress on pay by the way. The last administration, as well as this one, has been making significant progress in making more adequate our pay for men and women in the Armed Forces. So we have the largest pay raise in two decades. We have authority and authorization for funding to increase the basic allowance for housing to eliminate the difference between the allowance that military members receive and the actual out-of-pocket expenses, and we are doing this now, a full 3 years earlier than the Defense Department’s plan.

We are trying to eliminate that differential a lot faster than we had planned.

Our bill extends and modifies the authority to pay 18 different bonuses and special pays to military members in order to recruit and retain a high-quality force. We authorize new accession bonuses for military services to offer officers in critical skills. We authorize the数额s for the Minuteman III Propulsion System that we enacted last year for military retirees over the age of 65.

All of this is hanging in the balance. The question is whether or not those who favor a debate on a comprehensive energy bill are going to use that issue and their inability to get it debated on this bill as an excuse to vote against this bill, or whether or not some who oppose the BRAC provision are now going to vote against cloture in order to bring down a bill which contains some of the most important provisions to the well-being of the men and women in the military and the success of their operations.

There are many other provisions in this bill which I will just briefly summarize. We have multiyear authority for the F-18E/F and the C-17 aircraft programs. We have a new round, as I have mentioned, of base closures in the year 2003, which the Secretary of Defense and the CBO and the Joint Chiefs of Staff have told us is critically needed for the improvement of DOD facilities in the future. We repeal a limit on the dismantlement of certain strategic delivery systems. The last administration wanted us to get rid of this restriction. The uniformed military wanted us to get rid of this restriction. Their civilian leadership wants to get rid of this restriction. This administration wants to get rid of the restriction in order to reduce the size of our offensive nuclear forces. We have missiles that our military does not want—nuclear-capable missiles with nuclear warheads on them. The military says: we do not want the money to maintain them. Yet Congress has forced the military to keep these systems that they do not want. This administration says please get rid of this limit. The last administration said we need to get rid of it. Again, our administration and military want us to get rid of it.

Congress now has a chance to get out of this artificial and costly and ineffectual restriction on the limitation/reduction of nuclear delivery systems.

We have had a lot of opportunities to amend this bill. We have been debating it over the course now of 6 days. We have adopted 76 amendments. Two amendments have been tabled. One amendment has been withdrawn. We have tried to get a finite list of amendments so debate could be finally brought to an end, so we could finally have a bill. As is usually done in the Senate, an effort is made to say bring these amendments to the vote, to show what you want to offer, and let’s agree on a so-called finite list of amendments.

There has been an unwillingness to do that. The people who are trying to bring to the floor a debate on a matter unrelated to the matters in this bill have said they will not agree to such a finite list. So here we are in a situation where we have no way to bring debate on this bill to an end without cloture. We are more than willing to consider the amendments that you want to offer, and let’s agree on a so-called finite list of amendments.

So that is the dilemma that we have had. The managers have worked hard, as Senator Risch has mentioned. I thank him very much for his comments. Our leadership has worked hard to get that finite list. We have not been able to do it. Now we face a very clear
vote as to whether or not we are going to demonstrate the support for our Armed Forces by voting for cloture on this bill. That is the simple issue. It has come down to that. We are not trying to preclude anybody from offering a relevant or germane amendment. Quite the opposite. We have been here now for days saying bring your amendments to the floor.

It is going to come down to this vote. I am very much afraid that unless we get cloture the Defense authorization bill, so important to our forces, is going nowhere this year. That would be a horrendous message to send to the men and women and to the Nation and to the world. I hope that message will not be sent; rather, a message of unity and determination will be sent by a strong bipartisan vote for cloture on this bill.

Madam President, I know there are others who are going to want to speak between now and 10 o'clock. I will reserve my time. I know Senator WARNER has his time, the remainder, reserved. I wonder if we could ask the Chair how much time we each have reserved?

The ACTING PRESIDENT pro tempore. The majority has 2 minutes and the minority has 10 minutes and 45 seconds.

Mr. LEVIN. I thank the Chair. I do not see anyone else who wants to speak, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that the Senator from Oregon be granted 3 minutes without changing the time for the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Madam President, I urge my colleagues to support Chairman LEVIN on cloture this morning.

As our country prepares to go to war against terrorism, this is not the time to be taking urgently needed national defense legislation hostage.

Protection’s energy infrastructure from attacks may well need to be part of our national defense strategy. But there is not one single provision in the energy legislation that some want to graft onto the defense bill that will in any way help protect our energy facilities from attack.

In fact, one of the bills that some are claiming is urgently needed for our energy security would actually undermine the security of our oil supply—by allowing Alaskan oil to be exported overseas.

While the House energy bill would restrict exporting of oil from the Arctic refuge, a Senate version of that bill would allow that same oil—that some are claiming we need to reduce our dependence on foreign oil—to be exported overseas. Those who claim we need to address energy policy as part of the defense bill don’t seem to acknowledge whether we need to restrict Alaskan oil exports in order to increase our energy security.

The issue of energy security and the role of Alaskan oil ought to be debated in the Senate, but it should be done as part of the debate on energy policy.

I think this is particularly important for all the residents of the west coast of our country because it is clear that it is a very tight market on the west coast of the United States. We have seen again and again evidence that the markets on the west coast have been manipulated, that oil has been sold to Asia at a discount, and the companies then make up for it by sticking it to consumers in Oregon, Washington, and California.

This is an extraordinarily important issue. One version that has been presented to the Senate would allow the oil that is so vital to our country to reduce our dependence on foreign oil to be exported. We aren’t going to improve our Nation’s energy security by short-circuiting the process on this legislation.

I urge my colleagues to support Chairman LEVIN and support cloture this morning.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, in the weeks since September 11, Congress has risen to the occasion and worked in a bipartisan manner to address the many problems caused by the atrocities committed against our country. The American public can be proud of how their elected representatives has responded to this grave national emergency. I am proud of our performance.

But in the next few weeks, the Senate may undo all our good work of the past three weeks. We are about to end this bipartisan cooperation that has distinguished this institution, and we are about to give the public a reason to be ashamed of us.

Obviously, with America at war, the Defense authorization bill may be the most important legislation we will pass since September 11. Recognizing that importance, Democrats and Republicans alike have worked hard to find areas of agreement. But it will come to pass that the Senate may undo all our good work by blocking a provision that has the support of the majority of Senators and that will give America the ability to reorganize our warfighting ability, if that is the case.

The chairman of the committee, Senator LEVIN, has agreed at the majority’s urging to remove a provision in the bill restricting the administration’s ability to develop a ballistic missile defense. I commend the Senator for that act of statesmanship, and for keeping his priorities straight in this critical hour.

Regrettably, some senators have decided that passing a defense authorization bill should take a backseat to fighting over our differences on energy policy and to denying the President, the Joint Chiefs and the military the ability to reorganize our military to respond to the new threats that confront this nation.

One informal leader of the United States armed forces has recognized that an additional round of base closings will be necessary to reorganize the military. We cannot, in this national emergency, let our parochial concerns override the needs of the military.

Nor should we insist on fighting over our differences on energy policy if the consequence of our insistence is that we fail to provide the military with the resources they need to maintain their readiness as they prepare to wage what the President has correctly called a “new kind of war.” There will be time enough for that debate. But not now, not on this bill.

I beg my colleagues to continue to distinguish themselves and the Senate by keeping the national interest first, second and last, to work together, as the country expects and needs us to, and to surrender, if only temporarily, the habits of partisanship and parochialism that have no place in this crisis.

Madam President, I ask unanimous consent that letters from Secretary Rumsfeld and Chairman Shelton to Senators LEVIN and WARNER be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:


Hon. Carl Levin, Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

Dear Mr. Chairman: I write to underscore the importance we place on the Senate’s approval of authority for a single round of base closures and realignments. Indeed, in the weeks since September 11, the imperative to consider excess capacity into warfighting ability is enhanced, not diminished.

Since that fateful day, the Congress has provided additional billions of taxpayer funds to the Department. We owe it to all Americans—particularly those service members on whom much of our response will depend—to seek every efficiency in the application of those funds on behalf of our warfighters.

Our installations are the platforms from which we will deploy the forces needed for the sustained campaign the President outlined last night. While our future needs as to base structure are uncertain and are strategy dependent, we simply must have the freedom to maximize the efficient use of our resources. The authority to realign and close bases and facilities will be a critical element of ensuring the right mix of bases and forces within our warfighting strategy.

No one relishes the prospect of closing a military facility or even the authority to do so, but as the President said last evening, “we face new and sudden national challenges,” and those challenges will force us to confront many difficult decisions.

In that spirit, I am hopeful the Congress will approve our request for authority to
close and realign our military base facilities. Thank you for the opportunity to provide our views in this important matter.

Sincerely,

DONALD RUMSFELD.

WASHINGTON, DC.


Hon. JOHN WARNER,

Ranking Member, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: As the full Senate deliberates the FY 2002 Defense Authorization Bill I would like to reiterate how critically important it is that Congress authorize another round of base closures and realignments.

Last Thursday the President outlined a sustained campaign to combat international terrorism and the effective and effective use of the resources devoted to this effort will be the responsibility of the Services and the Combatant Commanders. The authority to eliminate excess infrastructure will be an important tool our forces will need to become more efficient and serve as better custodians of our taxpayers' money. As I mentioned before, there is an estimated 23 percent under-utilization of our facilities. We cannot afford the cost associated with carrying the excess infrastructure. The Department of Defense must have the ability to restructure its installations to meet our current national security needs.

I know you share my concerns that additional base closures are necessary. The Department is committed to accomplishing the required reshaping and restructuring in a single round of base closures and realignments. I hope the Congress will support this effort.

Sincerely,

HENRY H. SHELDON.

Chairman of the Joint Chiefs of Staff.

Mr. LIEBERMAN. Madam President, I rise today to express my strong opposition to the attempt to add energy legislation to the Defense authorization bill.

This debate comes at a moment of historic challenge. We are a nation poised for battle against a shadow enemy that has as its aim the destruction of America and all that we stand for. Our President has prepared us for a sustained military campaign, and at this time there can be no higher priority than to pass this critical legislation to support our armed services and the men and women who will send into this war to, literally, defend our freedom. In that context, the amendment is an unnecessary and divisive distraction from that high purpose, which ultimately will do little to strengthen our national security.

My friend from Oklahoma is right to be concerned about our national energy policy. In fact, I believe we must take a fresh look at our policies in light of the terrible events of September 11. In particular, we must look at the vulnerability of our energy infrastructure to terrorist attacks, and refocus our energy policy to ensure that we address our weaknesses.

On that point, let me quote from a recent letter from a former Director of the CIA, a former Chairman of the Joint Chiefs of Staff, and the former National Security Adviser to President Reagan:

"Our refiners, pipelines and electrical grid are highly vulnerable to conventional military, nuclear and terrorist attacks. Disbursed, renewable and domestic supplies of fuels and electricity, such as energy produced naturally from wind, solar, geothermal, incinerated biomass, and agricultural biomass, address those challenges.

The authors of the letter continue by stating that we must limit our vulnerabilities and increase our energy independence by passing, among other things, a Renewable Portfolio Standard. There is much under consideration, however, does not include this innovative measure, or many of the other steps we can and must take to protect and enhance the security of energy infrastructure because it was drafted long before the terrible events of September 11 forced us to rethink our positions.

Just as problematic, these amendments would open the priceless Arctic National Wildlife Refuge for oil production. In the view of many, myself included, opening the refuge to drilling is not just bad environmental policy, it is bad energy policy and would do next to nothing to reduce our dependence on foreign oil. In fact, as we have repeatedly pointed out, the refuge would not provide a drop of oil for at least a decade. This 10-year figure is a conservative estimate that was made by the Department of Interior under President Reagan, and proof positive that ANWR is not the answer or even an answer to our current crisis, let alone our long-term needs.

What this proposal would do, however, is severely threaten a national environmental treasure, which is the last thing the American people would expect us to do at this moment of crisis. In times such as these, many of us found solace in nature, including many people at the heart of these horrific terrorist attacks. The New York times reported in the days following the attacks that Manhattanites were flocking to a garden in lower Manhattan to seek comfort, to grieve, and to connect with each other in sharing our grief.

In my view, we need to know that vast natural areas such as the Arctic refuge exist as we cope with the events of the past month. Nature reminds us of the eternal rhythms of life of which we are a part and which will endure over time. Ensuring an enduring refuge exist as we cope with the events of the past month. Nature reminds us of the eternal rhythms of life of which we are a part and which will endure over time. Ensuring an enduring refuge exist as we cope with the events of the past month. Nature reminds us of the eternal rhythms of life of which we are a part and which will endure over time. Ensuring an enduring refuge.

In my view, the time to debate the merits of energy policy is not today, and not as an amendment to the Defense authorization bill. Debating the merits of these, and other, provisions will take time, time we do not have now. There will be provisions and much disagreement. As Senator MURKOWSKI said just last week, consideration of energy legislation on the defense bill is "inappro-
I felt it imperative, based on the requests from the White House, the Vice President, and the Secretaries of Energy and Interior, that we have some assurance that the Senate will complete work on a national energy security package. The House has done its work. H.R. 4 has passed the House of Representatives. Unfortunately, the majority did not see fit to give us an indication of whether or not we would likely have an energy bill in the remainder of this session. That was my request relative to the authorization bill pending before us this morning. We still have not received any assurance from the majority that they intend to take up a national energy security bill this session. I encourage them to reconsider that. I advise my colleagues that I will be pressing this issue on other opportunities before this body.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator’s time has expired.

Mr. MURKOWSKI. I thank the Chair and wish the occupant of the chair a good day. And I thank my friend, Senator WARNER.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 161, S. 1438, the Department of Defense authorization bill:


The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on S. 1438, a bill to authorize appropriations for fiscal year 2002 for the Armed Forces, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

(RollCall Vote No. 209 Leg.)

YEAS—100

Akaka
Allen
Allard
Baucus
Bennett

Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Cruz
Crapo
Daschle
DeWine
Dodd
Domenici
Durbin
Edwards
Ensign
Enzi
Feinberg
Fitzgerald
Fink
Franken
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Holmes
Hutchison
Incant
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Markowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Saxby
Schumer
Sessions
Shelby
Smith (NI)
Smith (OR)
Snowe
Speier
Stabenow
Thune
Thompson
Thurmond
Torraccio
Voinovich
Warner
Wellstone
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEVIN. I move to reconsider that vote.

Mr. ALLARD. 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 Oklahoma.

Mr. INHOFE. Mr. President, I would like to be recognized to bring up an amendment. Prior to that, I yield no more than 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I did not hear what was said.

Mr. INHOFE. Mr. President, I have asked to be recognized to bring up an amendment that is at the desk. However, in deference to the Senator from Arizona and the Senator from Oregon, I have yielded them 5 minutes, but I want to retain my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I do not intend to object, I wonder whether or not that amount of time is sufficient for both of them. Mr. McCAIN. Mr. President, I have asked to be recognized to bring up an amendment that is at the desk. However, in deference to the Senator from Arizona and the Senator from Oregon, I have yielded them 5 minutes, but I want to retain my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Mr. President, I will not take more than 1 minute because we need to move forward with this legislation. In fact, we need to move forward with it urgently. I hope there will be time agreements and amendments decided on so we can finish this bill today. We have to move on to airport security and other important issues.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. McCAIN. Mr. President, I will not take more than 1 minute because we need to move forward with this legislation. In fact, we need to move forward with it urgently. I hope there will be time agreements and amendments decided on so we can finish this bill today. We have to move on to airport security and other important issues.

(The remarks of Mr. MCCAIN and Mr. WYDEN are printed in today’s Record under “Morning Business.”)

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1735

Mr. INHOFE. Mr. President, I call up amendment No. 1735, and I ask for its immediate consideration.

The PRESIDING OFFICER. The Senator will report.

The legislative clerk read as follows:

The Senator from Oklahoma. Mr. INHOFE presents the amendment No. 1735. (Purpose: To add an expression of the sense of the Senate on comprehensive national energy legislation that ensures the availability of adequate energy supplies to the Armed Forces.)

On page 47, between lines 12 and 13, insert the following:

(e) SENSE OF SENATE ON AVAILABILITY OF ENERGY-RELATED SUPPLIES FOR THE ARMED FORCES.—It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure that there is an adequate supply of energy for the Armed Forces.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am going to reread that because this is very simple. This is not the comprehensive amendment I had which would have put H.R. 4 into the Defense authorization bill.

There is no one in this Chamber who wants to have a Defense authorization bill more than I do. I will not jeopardize that. However, this amendment is simply a sense of the Senate on availability of energy-related supplies for the Armed Forces. It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on the comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure there is an adequate supply of energy for the Armed Forces.

The reason I am bringing this issue up is I cannot imagine that someone would not want to support it. Right now we are, as we all know—you have heard me say this many times—56.6 percent dependent upon foreign sources of oil for our ability to fight a war. Roughly half of that comes from the Middle East and the largest, fastest growing contributor to energy, to oil that is imported by the United States, is Iraq.

So what we are saying is we are dependent upon Iraq for our ability to fight a war against Iraq. Now, that is insane.

The very least we can do is recognize that energy is a national defense issue. So I ask for the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. NELSON of Florida. 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.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:36 a.m., recessed until 10:54 a.m. and reassembled when called to order by the Presiding Officer (Mr. Nelson of Nebraska).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from Delaware.

Mr. INHOFE. Mr. President, before we recessed subject to the call of the Chair, I called up amendment No. 1735.

I want to read it again because, as I stated before, to even consider that our energy independence upon foreign sources is not a defense issue I think is ludicrous.

Instead of offering the long amendment, I have merely offered a sense-of-the-Senate amendment that says:

Sense of Senate on Availability of Energy-Related Supplies for the Armed Forces.—It is the sense of the Senate that the Senate should, before the adjournment of the first session of the 107th Congress, take action on comprehensive national energy security legislation, including energy production and energy conservation measures, to ensure that there is an adequate supply of energy for the Armed Forces.

I think the strongest point we can make about our dependency upon the Middle East is the fact that the most rapid growing contributor to our energy supply in the Middle East, Iraq, is a country with which we are at war. It is absurd not to at least make this commitment as a sense of the Senate to get this done.

I ask this amendment be agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I make a motion that the Chair rule this amendment is dilatory.

Mr. INHOFE. Will the Senator withdraw that motion for just a moment so I can ask a question?

Mr. REID. I will be happy to.

Mr. INHOFE. I assure you, if you make the motion and the Chair rules it is not in order—I think if the Chair read it very carefully, it would be in order, but if it rules that it is not in order, I will not challenge the ruling of the Chair for obvious reasons. I do want as much as anyone in the Senate an authorization to pass, and pass quickly. I know if we had that motion and the Chair rules it is not in order, I will not challenge the ruling of the Chair, that would open it up and it would be disaster and we would not get a bill. So I would not do that. I am not going to.

I ask you not make that motion, but if you do make the motion, I encourage the Chair to realize and read—this is not the amendment I had before. This is merely directly relating to defense.

Mr. REID. Mr. President, I have been advised by my friend from Delaware he wishes to speak, and of course postcloture he has a right to speak for up to an hour. I would not stand in his way of doing that. I withdraw my previous point of order.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I am concerned. I wanted to speak on a matter of strategic airlift capability, but I do not want to get in the way of the sense-of-the-Senate amendment of the Senator from Oklahoma. I would like to say this, if I could. Obviously, we are not going to vote on the energy package that the House passed as an amendment to this bill. The Senator from Oklahoma and I have spoken. I don’t think that is appropriate. Having said that, if we have not learned any other lesson from the events of 3 weeks ago, I hope we have learned that this country needs an energy policy.

I finished my active-duty tour of the Navy in 1973 and went to the University of Delaware on the GI bill. My first recollection of being in Newark, DE, was sitting in a line trying to buy gas for my car. That was 28 years ago. We did not have an energy policy then; we don’t have an energy policy today; and we need one today a lot more than we did then.

Mr. President. 28 years ago about a third of the oil we consumed in this Nation was coming from places outside of our Nation’s border. Today it is almost 60 percent, and we still have no energy policy. My hope is that by the time we adjourn from this first session later this year, we will have taken up the legislation we are working on in the Energy Committee on which I serve and be in a position to go to conference with the House on a very important matter.

Mr. INHOFE. I say to my friend from Delaware, that is exactly what this amendment does. It is a sense of the Senate to do exactly what he has suggested. I certainly think it would be appropriate at this time to include this sense-of-the-Senate amendment.

Mr. CARPER. Mr. President, I retain my right to a roll call as to the germs; not I don’t know, but I know the issue is relevant and it is an important issue for our country and for this body. It is my hope, speaking to my friend and our leader from Nevada, that before we leave here we will have taken up and passed a comprehensive energy policy for our country, which we desperately need.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken to the majority leader many times in the last week about this issue of energy policy. The majority leader, my friend Senator Inhofe, has been here—recognize the importance of developing an energy policy. I agree with my friend from Delaware.

I was Lieutenant Governor of the State of Nevada during that time. I came back and had meetings with Vice President Ford as a representative of the National Lieutenant Governors Conference. The purpose of that meeting was to talk about the Department of Energy.

The first energy czar was a man named Bill Simon, who later came to the Department of Energy.

There is no question we need to do something about energy policy in this country. There is no question about it. Senator Daschle, the leader, realizes that. He wants to move to an energy bill just as quickly as is possible. But we have lots of problems in this country as a result of what happened on September 11 in New York.

It only exacerbates the problem as it relates to energy. We understand that. I have spoken to Senator Bingaman several times in the past week. He is doing his very best to report out a bill. He has spoken to the minority leader. The minority leader that Republicans want to go is basically the same. Probably 75 to 80 percent of the things that both parties want energywise we can all agree on. Some of the other things we can’t agree on. One example, of course, is ANWR, which is a real problem.

We understand the intentions of the Senator from Oklahoma. I have spoken to him many times on this issue.

The majority leader is going to get the energy bill—again as quickly as he can. We know we have to do something with an airline safety bill. We have a stimulus package. We have workers who have been displaced. We have to do something about that.

We have to finish this very important Defense bill. It is important. We are so happy that the Senate invoked cloture. We have 13 appropriations bills we have to complete. We have a lot of work to do. The majority leader recognizes that more than anybody else.

Mr. President, I make a point of order that the amendment filed by my friend from Oklahoma is dilatory.

The PRESIDING OFFICER. The point of order is well taken. The amendment fails.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I don’t know what the order is right now. The Senator from Delaware may have the floor. Is that correct?

The PRESIDING OFFICER. The floor is open.

Mr. INHOFE. Mr. President, I understand what the Senator from Nevada, the distinguished assistant majority leader, said. The problem is that we have been talking about this—my personal area—since the eighties when then-Secretary of the Interior Don Hodel and I would tour the Nation to explain to the Nation that our dependency on foreign sources of oil for our ability to fight a war was not an energy issue; it was a national security issue. At that time, we were 37-percent dependent on foreign sources of oil for
our ability to fight a war. Now it is much more serious. We have gone through the 1990 Persian Gulf war. I think everyone realizes that. The problem I have is the statement of the Senator from Nevada that nothing is going to happen, that this is merely a sense of the Senate. I know the Chair has ruled it is not germane. I will not challenge that and put in jeopardy the Defense authorization bill. I don’t want to do that.

I come back to this: This bill is cheap. We have been sitting around talking about it. The statement made by the Senator from Nevada is the same statement they made back in the 1980s and all during the time. Every time we try to bring up an energy bill, they say: Yes, we all want it. Yet do they really want it?

We will continue in our efforts. I will continue in such a way as to not jeopardize in any way the Defense authorization bill.

I yield the floor.

The PRESIDENT. OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I say from this side of the aisle that we welcome the decision not to challenge the bill so that we can go forward. The points the Senator made are well taken. Our Nation’s trade deficit this year is expected to exceed $300 billion. We consume oil from other places around the world. As sure as we are meeting here today, some of those billions of dollars we are paying for oil from other sources—including from places where people don’t like. Every time we try to surely going to fuel the kind of terrorism which happened 3 weeks ago this morning for a whole host of reasons.

I pledge to work with my friend from Oklahoma and others on the Energy Committee to get this legislation moving through and out of committee. There is a lot on which we can agree. ANWR may be one. On some points we disagree. A lot we can agree on. We need to do that and move.

I really want to say this morning a word or two with respect to the Defense authorization bill as it pertains to our strategic defense capability.

The tragedy of 3 weeks ago this morning left many dead. There are a number of uncertainties that grow out of those attacks: Who planned them? Who executed them? Who funded them? Who supported them? Who harbors the terrorism? And who will we respond?

Amid those uncertainties, there are a number of things we know for sure. They include the fact that this war is going to be unlike any war we have fought in my lifetime and before—unlike World War II, in which many of our fathers served, unlike Korea, unlike Vietnam, where my generation served, and unlike the Persian Gulf War barely a decade ago.

This we know: Our success in this war against terrorism will depend on many factors:

The readiness of our forces we are deploying;

Our ability in gathering the support of the other civilized nations of the world to join us in this war;

The quality of the intelligence, the reliability of the intelligence that we gather and that we receive from others with whom we work;

Our ability to understand our intelligence and to act effectively in a timely manner in response to that intelligence;

Our ability to deploy covert operations and do so successfully.

And our success in the world also depends in no small part on our ability to move quickly at a moment’s notice large numbers of men and women and materiel from the United States to other parts of the world.

There are many military bases around the world, out of which I used to operate as a naval flight officer, that are closed today. While we work with nations that are sympathetic to our cause, again in order to try to secure air space and to try to secure airfields to use, the fact of the matter is we simply don’t have the bases to deploy troops that we used to at airfields and ports. We depend more than ever on an air bridge that is going to be comprised of an air bridge that will be comprised of C-5s.

When I was a member of the active-duty forces, even though I was in the Navy, I flew a fair amount on C-141s, a transport aircraft that the Air Force uses. The engines on the C-141 are the same as those on the B-52. The Air Force C-5s were introduced, and we had a combination of the C-141 and the C-5 to provide an air bridge in earlier wars.

The C-141 is old today. It is being retired. Its place is being taken by the C-17, a terrific aircraft. The C-17 carries pretty long distance, it doesn’t have a lot of tanks and helicopters and trucks to be moved. The C-5 and the C-17 can do it.

Another major component of this bill deals with the engines that are mounted on the wings of the C-5. Most of the new airliners that are flying in our skies around and around the world today have engines that can generally fly for 10,000 hours before they need to be changed. The engines on the C-5s, which I said earlier are over 20 years old, those engines need to be changed about every 2,500 hours. We need to reengine, if you will, the C-5s. If we do that, with modern engine technology, we will be able to get 10,000 hours between engine changes, as they do in the commercial fleets.

The combination of those two steps—to introduce into and incorporate into our C-5 aircraft, the C-5As and C-5Bs, a modern avionics package, and to also reengine the aircraft in years going forth—will enable us to fully benefit from the 30 or 40 years that are still left in those planes. There are a lot of air miles to be traveled, a lot of troops to be carried, a lot of tanks and helicopters and trucks to be moved. The C-5 and the C-17 can do it.

With the adoption of this legislation, our air bridge from this country to other troubled points around the world will be reinforced and made stronger for this generation and for generations to come.

I yield back my time, Mr. President.

The PRESIDENT. OFFICER. The Senator from Nevada.

AMENDMENT NO. 1760

Mr. REID. Mr. President, I send an amendment to the Senate. It is a filed amendment. It is amendment No. 1760.

The PRESIDENT. OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. Reid], for himself, Mr. Hutchinson, Mr. Daschle, Mr. Biden, Mr. Breaux, Mr. Hatch, Mr. Johnson, Mr. Edwards, Mr. Specter, Mr. Inouye, Mr. Rockefeller, Ms. Cantwell, Mr. Bayh, proposes an amendment numbered 1760.

Mr. REID. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDENT. OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the condition precedent for the effectiveness of the dual compensation authority provided in section 651.)

Beginning on page 207, strike line 18 and all that follows through page 209, line 12, and insert the following:

(d) Effective Date.—(1) The amendments made by this section shall take effect on October 1, 2002.

(2) No benefits may be paid to any person by reason of section 1414 of title 10, United State Code, as added by the amendment.
Our amendment will correct an inequity for veterans who have retired from our Armed Forces with a service-connected disability. This amendment is identical to the bill I sponsored on January 24, S. 170, the Retired Pay Restoration Act of 2001. The Retired Pay Restoration Act currently has almost 80 cosponsors, 80 Senators, approximately. This clearly illustrates the bipartisan support for this legislation.

As with the bill, this amendment will permit members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans disability compensation. In 1891, the original inequitable 19th century law was passed to prohibit the concurrent receipt of military retired pay and VA disability compensation. When this original law was enacted, the United States had an extremely small standing army. Only a portion of our Armed Forces consisted of career soldiers.

Career military retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability. The law simply discriminates against career military men and women. I repeat, under the current law, if you retire from the military and have a service-connected disability, you have to waive your retirement pay. When I first heard about this, I could not believe my staff had given me bad advice. They had not.

But adding to this injustice is the fact that the Federal employee has been able to collect VA disability compensation while working for the Federal Government—but not if you are in the military. You can work for the Department of Energy or the Park Service, and if you have a service-connected disability, you can draw that because he is not a retiree and their disability. They have to waive part of their retirement. That is what the military is all about.

Veterans disability compensation, on the other hand, is compensation for pain, suffering, and lost future earning power caused by a service-connected illness or injury. Military retirement pay and disability compensation were earned and awarded for entirely different purposes. Current law ignores the distinction between these two entitlements.

One of our valued staff on the minority side of the Chamber proudly wore on his lapel a medal, the Silver Star. He wears that very proudly. But if he has a service-connected disability—and he may have one—he cannot draw that because he is not a retiree from the military or, if he is, he cannot. It does not make sense. It is not fair. Current law ignores the distinction between these two entitlements. Military retirement pay and disability compensation were both earned and awarded for entirely different purposes.

This amendment represents an honest attempt to correct an injustice that has existed for a long, long time, for far too long. Allowing disabled veterans to receive military retired pay and veterans disability compensation concurrently will restore fairness to Federal retirement policy.

It is unfair for our veterans not to receive both of these payments concurrently. Today we have 360,000 disabled military men and women who have sacrificed a lot for this country. Today nearly one and a half million Americans dedicate their lives to the defense of our Nation. And that is going up as our armed forces grow. We have 100 percent of our armed forces

Some believe this amendment may be too expensive. This country has saved lots of money by not doing the right thing in years past. We have 1,000 World War II veterans who die every day. If we decrease our spending 2 percent to help just a few people, we will never have the ability to enjoy their two well-deserved entitlements. To delay any action on this amendment means we will continue to deny fundamental fairness to thousands of our Nation's retirees.

If we can pass this legislation and give a World War II veteran 1 month of the compensation they deserve before they pass on, we should do that.

This amendment is supported by numerous veterans' service organizations—I cannot name them all—the Military Coalition, the National Military Veterans Alliance, the American Legion, Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America, and the Uniformed Services Disabled Retirees, plus many more.

This is the right thing to do, and we must eliminate this century of sacrifice. Our veterans have earned this. Now is our chance to honor their service to the Nation.

I hope this legislation passes overwhelmingly and that it is not taken out in conference. We passed the amendment last year. Out of 100 percent of our veterans, we may get 2 percent to help just a few people. We need to help them all.

It is not easy for me to stand here and say that we need to help just a few people. They do. Many of those World War II veterans are today receiving unfair payments by this Government. They are not able to receive their retirement and their disability. They have to waive part of their retirement. That is unfair.

I hope this amendment is adopted. I am not going to require a vote on it. I am not one who believes a big heavy vote helps in conference. Everyone
knows this has almost 80 Senate co-sponsors. It is something the veterans community supports wholeheartedly.

I was talking to one of the Armed Services staff people today. They get more mail on this issue than any other issue we deal with. It’s a reflection of how desperate they know they are dying off.

I hope this amendment will be accepted. I repeat, I am not going to require a recorded vote. But the conscience of this Senate calls out for recognizing these sacrifices made by these veterans and that we adopt this amendment in the Senate and make sure the same happens in conference because they deserve this.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. REID. Are we going to take action on this amendment? Is the Senator from Kansas speaking on my amendment?

Mr. ROBERTS. Mr. President, I was not aware unless the distinguished Senator would ask me to do so. I have worked with him at great length on the Ethics Committee. Is the amendment ethical?

Mr. REID. The two managers are not here, Mr. President. I have no objection. The Senator from Kansas is going to file another amendment, to setting mine aside.

Mr. ROBERTS. I thank my friend and colleague.

The PRESIDING OFFICER. The Senator from Kansas.

ESTABLISHING A SELECT COMMITTEE ON HOMELAND SECURITY AND TERRORISM

Mr. ROBERTS. Mr. President, in the interest of germaneness and to move this bill along, I am acceding to the request of the distinguished chairman of the Armed Services Committee, Senator LEVIN, and Senator WARNER, our distinguished ranking member, in that I had intended on introducing an amendment I had planned on introducing. I am not in a position to acquiesce to the Senator’s request. I would have to check with our leadership in that regard. I have no doubt the Senator has an outstanding amendment.

Mr. REID. The Senator has every right under postcloture to speak for an hour on anything relating to defense as he wishes. I know he has been a very stalwart member of the committee and has a lot of defense issues over the years. I certainly look forward to listening to him for 20 minutes.

Mr. ROBERTS. I thank my friend and colleague.

The PRESIDING OFFICER. The Senator from Kansas.
Last Thursday, the President of the United States designated Pennsylvania Gov. Tom Ridge, a former colleague of ours in the House, to head up a new Cabinet-level organization to focus attention and to speak for the administration security.

Last week, the House of Representatives of the United States established a subcommittee to be the single voice for the House. The Senate leadership knows, I am sure—I have talked with them at length—that we must create a single select committee in some form to coordinate and to prioritize initiatives and programs concerning homeland security and terrorism.

Mr. President, we have not done so. I say to my colleagues, it is our turn to act. The select committee I am recommending with this legislation will allow us to speak with one voice and be a key partner with the administration and the House of Representatives in the war on terrorism.

Before going any further, I think it would be invaluable. This is an extraordinary time, and they proved so very true.

First, there is precedent for creating a select committee to address a very significant problem. The Truman commission was strangled at birth. The commission that created the National Security Act of 1947 was created in some form to coordinate and to prioritize and to speak for the administration and the House of Representatives.

To combat terrorism and protect our homeland is an issue demanding unity of effort and focus at every level. In the Senate, several studies and commissions have been conducted on the threat of terrorism and the preparedness of America to cope with an attack. We all know what they are. There is the Bremer commission, the Hart-Rudman commission, the Gilmore commission, and a study by the Center for Strategic and International Studies; the acronym is CSIS. Each had elements of agreement. They all recommended the following:

Point No. 1, the threat to our homeland is real. It is not a matter of if but when. Sadly, we know the answer to when. The people who planned the terrorist attack and killed 19 of our service men and women on the U.S.S. Cole are the same kind of people who planned the attack in New York and Washington and the same kind of people who are planning the next attack.

Point No. 2, from all of these commissions, all of the experts: The executive branch is not well organized and poorly organized to prepare or deal with such an attack. The President is stepping up to that issue. So is Tom Ridge.

Point No. 3, the Nation needs a strategy to address the problems in international terrorism. I think the President is doing a good job on that respect with the help of his Cabinet, with the help also of the international community.

Point No. 4—and this is the point I want to make as of today—the Congress is as poorly organized and fragmented as the executive branch.

Finally, if we need another example of why we must coordinate our actions on this issue, we need only look at the variety of legislative proposals moving through the Senate to direct the administration to reorganize the executive branch to face this war on terrorism. These actions are certainly well meaning.

I do not choose each or any of them, and I do not perjure their intent or the intent of the distinguished Senators who have introduced the bills. But, I say to my colleagues, could we not better serve the Nation in this critical time by creating a select committee to coordinate and prioritize our efforts?

Could not a single committee serve the Nation better and work more closely with the President than all of the various committees we have now with some measure of jurisdiction over homeland security and terrorism?

How many committees and subcommittees must the administration meet with to take action now, to put policy before it? How many meetings would a single select committee to coordinate and prioritize our efforts?

Could not a single committee serve the Nation better and work more closely with the President than all of the various committees we have now with some measure of jurisdiction over homeland security and terrorism?

During the hearings of the Emerging Threats Subcommittee, we asked all the witnesses to state what keeps them at night, what was their biggest worry, and to prioritize homeland security threats.

Their suggestions mirror the threats now receiving national press attention and the priority challenges that now face Governor Ridge as he comes to the Senate asking for immediate consideration and expedited action.

The first concern mentioned by our witnesses was the danger of an attack using bioterrorism. Goodness knows, we have had headlines about that. The probability is low or perhaps medium, but the risk is severe, if not chaotic. Were I to be asked by Governor Ridge and his staff, I would recount that concern and recommend immediate funding and policy reforms.

I see the distinguished former chairman of the full Armed Services Committee, the ranking member, the gentleman I like to refer to as the ‘chairman emeritus,’ the distinguished Senator from Virginia, who is very much aware of an exercise that was just taken at Andrews Air Force Base called ‘Dark Winter,’ the use of biological weaponry. The results were very grim.

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I do not say that in a partisan way because both sides of the aisle, in terms of our committee, at times had to push hard to get measures through and to eventually get what money we could from the Appropriations Committees and the President’s initiatives of the former chairman of the Subcommittee on Emerging Threats.

We are fortunate the Senate remains as the ranking member under the chairmanship of the distinguished Senator from Louisiana.

I have not had an opportunity to examine the format of the Senator for this important initiative that must be taken at some point by the leadership of the Senate and hopefully the endorsement of the full Senate. From what I have heard of the Senator’s remarks, I think it is a landmark place from which to begin to examine this question.

One might inquire, perhaps in the Senator’s extended remarks he covers the budgetary authority. That, as the Senate knows, is very important. For example, in our bill now pending before the Senate for the Armed Forces for fiscal year 2000, we provided because of billions of dollars directed towards the President’s initiatives, the initiatives of the Congress of the United States, to thwart terrorism. How would that be treated under the proposal the Senator from Kansas has? Would that jurisdiction over those funds—would we have, should we say, coequal authority of, say, the Armed Services Committee and other committees that have jurisdiction over portion of terrorism?

Mr. ROBERTS. If the Senator will yield, I will be happy to respond. The second point, which will be inserted in the RECORD following my remarks, the select committee would coordinate and prioritize the Federal initiatives toward genuine homeland security and preventing incidents of terrorism.

It would have a legislative jurisdiction and have referred to it all legislation substantially connected to addressing homeland security and prevention of terrorism challenges, but the budget authority, of course, stemming from the Budget Committee and all the work they do and all the work the appropriators do would still remain in the Armed Services Committee. It is more of a clearinghouse.

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chairman of the Armed Services Committee would have a direct say in terms of the authorization. It would be like everything else we do that is subject to our work with the appropriators.

Mr. WARNER. If I might continue, one area of work of the Senator, as the former chairman, and I presume now in this bill the current chairman, is to prioritize those funds that go to the National Guard support teams. We started out 3 years ago with I think 4, 5, 6, 7. Our committee each year increased the number of teams, increased the funding for the teams. Their teams would be the first responders; or maybe the local police, fire, and other authorities would be the first responders. There was a problem because we only had so many teams for the 50 States. How many teams are we up to now?

Mr. ROBERTS. If the distinguished Senator will continue to yield, we increased that number by 22. There was a GAO Senator knows. He always sat as the presiding chair and now ranking member at the subcommittee because of his intense interest. We would not have the subcommittee focus on this problem without the inspiration and inspiration of the Senator from Virginia.

The GAO issued a rather critical report in regard to the teams, what we call civil support teams, the idea being that very well trained National Guard units could be within 4 hours of any community to be one of the first responders and signal back to the Federal Government—now with the FBI, with FEMA, with the Red Cross, with everybody concerned—exactly what the problem was.

That report found no fault in the raid teams. That report focused on the lack of direction and leadership within the Department of Defense. We fixed that problem with the help of the able staff, including the staff member who reported to the Senator's right. He goes on periodic inspections to make sure these raid teams are up to snuff. It means within 4 hours of anywhere in the United States you will have a crack professional and well-trained National Guard team to come in to immediately recognize the problem, indicate to the first responder, and also Washington, exactly what the problem is, and respond as fast as possible.

It was that initiative that the distinguished Senator mentioned to this Senator, and we were able to increase the number of teams even before the Department of Defense clearly recognized that need.

Mr. WARNER. I wanted to discuss that. There was a clear and historic bipartisanship in the work by the committee.

I pose it as a question now: Supposing in a future budget coming before the Congress from President Bush, and Mr. Ridge would have a voice, of course, and say, arbitrarily, he needed another 10 teams, and that funding is in the Department of Defense budget, and our committee decided we ought to have 20 teams. However, the new committee that you envisioned would, I presume, get the budget request, as would the Armed Services Committee, and would either have to agree with our committee or disagree, and if there is a disagreement, how do you resolve it?

Mr. ROBERTS. The same way we resolved the problems with Y2K. The leadership would have to make a decision in regard to the prioritization of what the distinguished Senator is talking about.

I point out No. 8 in the summary of the bill. The select committee is to complement—complement—by coordination and prioritization—the work of other committees in the Senate on homeland security and terrorism. Other committee jurisdiction is not removed by this proposal. I cannot imagine that the Select Committee on Homeland Security and Terrorism would not take the recommendations of the Armed Services Committee, more especially the subcommittee on which I serve, and also the budget as submitted by the administration. The budget authority is more concentrated now than authority to this select committee. It is not "triplication"—if there is such a word—in terms of the Budget Committee.

I do not want in any way to tread on the expertise and the knowledge of the distinguished chairman and all the members of the committees that have jurisdiction. The Senator might remember we had a chart that we showed weeks ago, before September 11. The Senator may remember he was an active participant when we had the 49 agencies that came in. We asked: What is your mission? Who do you report to? Who is in charge? As a matter of fact, I think you were the Senator who shook up with the chart that showed up it was a hodgepodge. It would be impossible for anyone to figure it out. I held up a much smaller chart of "stove-pipes," if you will.

At that time, I thought there were five major committees that had jurisdiction that somehow could recommend or at least be part of this select committee, either ex officio or official. We had decided now to make them members because I didn't want to scratch that term. I have since found out there may be nine, and it may be growing more than that. It did affect our budget.

Mr. WARNER. The RECORD should reflect the important contribution by that group of Senators. Senator Judd Gregg was in the leadership at that time. You were present. Senator Stevens, Senator Inouye, Senator Levin attended a lot of these. We had 2 full days of hearings.

Mr. ROBERTS. Senator Mikulski was very active. Senator Hollings was very active. Senator Stevens was there, as I have indicated, and Senator Shelby on the Intelligence Committee. We had the Armed Services Committee, Intelligence, and the appropriators.

Mr. WARNER. That was an important piece of work we did.

Again, if no standing committee gives up any jurisdiction, I am still having difficulty understanding exactly how this new committee will function. I ask the question in a supportive manner and in no way to infer that I am not supportive of the ultimate objective, especially of the leadership itself, to establish such a format. If we don't have some yielding of jurisdiction, I am not sure how that committee functions.

Mr. ROBERTS. If the Senator will yield again, I will try to do this one more time. We had plans A, B, C. The first plan was to create a task force. Then we thought about September 11 that yet another task force was not the thing to do. Then we had a clearinghouse of all the major committees that had that jurisdiction. The task force was to at least let everybody know what the right hand was doing. We had meetings like that. We would come once, staff members come later, and simply protect the turf of the subcommittee or the committees.

We said: We will hold a hearing on that. Why would you want to hold a hearing when we already held one? With whom are you working downtown in terms of the agencies? And round and round and round. So we decided the task force would not fit the bill.

When we had another plan. This plan I call the Bennett plan, although I am not sure the distinguished Senator from Utah would take credit for it, or even should. But it was based on the committee that he chaired in regard to the Y2K challenge.

In this particular case, you had the majority leader, the minority leader designating two designees to be vice chairs, which we do. He called it the worker bees they come and they basically were in charge of that particular effort. It didn't mean that the Commerce Committee—I do not remember the other main committee involved; perhaps it was the Governmental Affairs Committee; I may be misremembering—could not introduce legislation and have budget authority, which they did. It was an effort to make sure that the Senate of the United States was on top of this issue and everybody knew what was occurring.

When the leadership would come to Senator Bennett or Senator Dodd, the other participant, they would say: This is our best recommendation. We have an appointee chair who has a strong feeling. I understand that but in the end it will have to be a decision by the executive, by our leadership, hopefully by a single committee that can serve as a clearinghouse and prioritize. I think we get into the budgets that much.

Plan C is the one I have introduced to make sure your senior committee
Mr. LEVIN. Mr. President, I thank the Senator from Michigan [Mr. LEVIN], for his continuing leadership. He was an absolutely marvelous chairman of the Emerging Threats Subcommittee and took that committee in a direction that really foresaw some of the areas that we have seen in the year since he began that effort. For that foresight we are all in his debt.

I am trying to prompt action. Frankly, what I am trying to do when we have a problem in Dodge City, and you may have to slow the production and push it down a bit, that is what we are doing. I think it is a pretty good bill, but it may not be the best bill, and there may be another way to approach this.

The distinguished Senator knows what has happened. We have been talking about this now for 6 months.

Mr. WARNER. In fairness, Senator LOTT has hosted several meetings—you and I have been present—so he could look at all options on it.

Mr. ROBERTS. Yes, I have been present. Mr. WARNER. I want to follow this carefully.

Mr. ROBERTS. I have discussed this with the minority leader. I gave a similar plan, and I said it is not so much whether it is this plan or that plan, we must have a single select committee. We thought about a standing committee, and I said: No, this is going too far. You know and I know that if you tread on the turf of an important committee chairman, they will say no to the leadership. That is precisely what has happened. I am not going to get specific, but we have been working on this for 6 months. We do not just get into personalities and turf fights, there ought to be a way to work this out. So this select committee would prioritize and coordinate with Tom Ridge. My word, if he can do it with 40 agencies, we can do it here with all the subcommittees and committees we have in the Senate. If we do not, we will not be part of the answer.

Mr. WARNER. Mr. President, I think the Senator is aware that I, in my capacity on Armed Services, have not objected to what Senator LOTT has put out as some format. To the contrary, I have indicated to him my strongest support for whatever evolves, hopefully with his leadership and others—yourself—out of this effort.

I commend the Senator but I am prepared to make whatever adjustments are necessary in order for this very important concept to be formalized and instituted in the Senate.

I thank the Senator.

Mr. ROBERTS. I thank the Senator for his help, support, leadership, and advice, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN], for the record, the amendment is accepted on this side.

Mr. HUTCHINSON. Mr. President, I am proud to be a lead Republican sponsor of the concurrent receipt amendment offered by my distinguished colleague from Nevada, Senator REID. Now is the time to restore fairness to our military retired. Men and women who served our country, who dedicated their lives to the defense of freedom have earned fair compensation.

Our veterans have earned and deserve fair compensation. I have been a long-standing supporter of efforts to repeal the 110-year-old law that prohibits military retirees from collecting the retired pay that they earned as well as VA disability compensation.

This amendment will correct the inequity of disability compensation for our Nation's military retirees. Today, our military retirees are forced to fund their own disability compensation. Essentially, it is the view of this government, that those that have already given so much for our Nation must provide more. These are worthy Americans who answered our Nation's call for 20 years or more. They are veterans who stood the line, defending our Nation, during peacetime and conflict.

To our enemies we have the duty to show our men and women in uniform that we as a nation fully support them, that the United States Senate recognizes their sacrifice. I urge my colleagues on both sides of the aisle to support this important amendment.

The PRESIDING OFFICER. If there is no further debate, the amendment is agreed to.

The amendment (No. 1760) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1894

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator THOMAS and Senator GRAMM of Texas.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. THOMAS, for himself and Mr. GRAMM, proposes an amendment numbered 1894.

The amendment is as follows:

Strike the material beginning with page 294, line 21 and ending with page 296, line 6.

Mr. LEVIN. Mr. President, I am sure we all remember the lengthy, spirited debate on the question of whether or not private businesses in this country should have an opportunity to bid on items which the Government is buying or whether they ought to be preempted from being able to bid on those items by the monopoly position of Federal Prison Industries. The Senate spoke and spoke loudly. Senator GRAMM strongly opposed it. He had some suggestions afterward which I find acceptable, Senator Thomas finds acceptable, and those suggestions are now incorporated in the amendment which we have sent to the desk. It leaves intact the thrust of our amendment.

I ask unanimous consent the amendment be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Last week, the Senate voted 74–24 to table an amendment that would have removed the Federal Prison Industries provision from the bill. This vote was an overwhelming victory for those who believe, as I do, that Federal Prison Industries should not be able to prohibit private sector companies and their employees from bidding on federal contracts that are paid for with their tax dollars.

Under Section 821 of the bill, which has now been endorsed by the full Senate, FPI’s “mandatory preference”
today, we are agreeing to an amendment that would modify the Federal Prison Industries provision. In particular, this amendment would delete language from the bill which specifically addresses: (1) DOD purchases of integral or embedded products from FPI; (2) DOD purchases of national security systems from FPI; and (3) DOD purchases in amounts less than the micropurchase threshold of $2500.

The first thing that I would like to emphasize about this amendment is that it does not in any way alter or undermine the key language in the provision, which would end FPI's mandatory prefer- ence and allow private companies to compete against FPI for Department of Defense contracts. Would the Senator from Wyoming agree with this?

Mr. THOMAS. Absolutely. The Senate voted overwhelmingly to end FPI's mandatory preference on DOD procurements, and we have and would not agree to any amendment that would undermine that action. As Senator LEVIN stated, last week's vote sent a clear message that the Senate fully supports eliminating FPI's mandatory source status.

Mr. LEVIN. I would now like to address the language that we are removing from the bill.

First, we are removing language that would have expressly stated that DOD may not be required to purchase integral or embedded products from Federal Prison Industries. This provision was intended to address FPI's practice of using its mandatory source status to insist that it get a share of projects that would ordinarily be performed by a single general contractor.

While we believe that some of FPI's practices in this area have been abusive, we are dropping this language from the bill because we do not believe that is necessary. Since the language in the bill would end FPI's mandatory source status, FPI would no longer have the leverage it has used in the past to insist that contracts be divided up, that contract specifications specifically require the use of FPI products, or that subcontracts be awarded to FPI.

Let me be clear. We expect FPI's abusive practices to end under this provision. Our belief that with the elimination of the mandatory preference, these practices will come to a stop. Would the Senator from Wyoming agree with this?

Mr. THOMAS. I agree. The only reason for dropping this language from the bill is that it is redundant.

Mr. LEVIN. Second, we are removing language from the bill that would have expressly stated that DOD may not be required to purchase national security systems from FPI.

There are certain types of products that are inappropriate to produce in our prisons. I don't think we want guns produced in our prisons. I don't think we want missile guidance systems to be produced in prisons. I don't think we want rocket launchers to be produced in prisons. I don't think we want bullet proof vests to be produced in prisons.

We have agreed to drop the language in the bill because it is unnecessary. With the elimination of the mandatory preference, DOD will no longer be required to purchase any product from FPI, unless the Department determines that FPI offers the best product and the best price, and with a delivery schedule that meets the Department's needs. For this reason, we do not believe that is necessary to retain the language singling out national security systems.

Would the Senator from Wyoming agree with this?

Mr. THOMAS. I do agree and in fact, I think the American public would be shocked to learn that under a depression-era statute DOD is required to purchase national security systems from FPI, unless the Department determines that FPI offers the best product and the best price, and with a delivery schedule that meets the Department's needs. For this reason, we do not believe that is necessary to retain the language singling out national security systems.

Mr. LEVIN. Finally, we have removing language from the bill that would have stated that DOD may not be required to make purchases with a value less than the micropurchase threshold of $2500 from FPI.

The micropurchase threshold is important, because the removal of statutory requirements on small purchases makes it possible for DOD and other agencies to use efficient purchasing methods, including credit cards. For this reason, DOD has long sought, within the executive branch, an exemption from the statutory source requirement for purchases less than $2,500. So far, FPI has been willing to grant an exemption only for purchases up to $250.

We are removing this language from the bill so that the Department of Defense and the Department of Justice can continue efforts to work it out within the executive branch. It is our hope that, with the elimination of the mandatory preference for DOD purchases from FPI, the two agencies will be able to work this issue out in a constructive manner. Would the Senator from Wyoming agree with this?

Mr. THOMAS. I agree with the good Senator from Michigan and want to point out that FPI has been fighting such changes for more than 5 years. Furthermore, FPI's reluctance to increase the micropurchase threshold points to FPI's unwillingness to recognize the legitimate needs of its Federal agency customers. Lastly, I want to point out that this amendment does nothing to address the numerous other competitive advantages that FPI enjoys. As I pointed out...
on the Senate floor last week, FPI will retain advantages such as: paying inmates between $2.35-$1.15 per hour; not having to pay Social Security or Unemployment compensation; not having to pay for employee benefits; exemption from Federal and local income, excise tax, and State and local excise taxes; and utilities being provided by the host prison.

Under this amendment FPI will continue to enjoy these and other, competitive advantages. In no way does this amendment shut down FPI. In fact, FPI will continue to produce products for DOD contracts because the private sector cannot compete against not having to pay market wages, employee benefits, and Federal and State taxes.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. LEVIN. Mr. President, I commend the chairman, Senator Thomas, and the senior Senator from Texas for reconciling differences on an issue which was of great importance to all parties. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? Without objection, the amendment is agreed to.

The amendment (No. 1834) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. 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 Illinois is recognized.

AMENDMENT NO. 1895

Mr. DURBIN. Mr. President, last week I offered an amendment that would allow a needed land transfer agreement to take place in North Chi-
cago among the Navy, the Department of Veterans Affairs, and the Finch Medical School.

The managers of this bill accepted my amendment and I thank them for their help. I want to take this opportu-
nity to explain what the amendment does.

The Navy's only boot camp facility is at the Great Lakes Naval Training Center in North Chicago, Ill. Its Recruit Training Center area is a very long, thin stretch of land hemmed in by railroads and by land that the Navy transferred to the Department of Veterans Affairs, VA, many years ago. This layout forces recruits to do so much marching simply in the course of moving about the area in a normal day of training that these 19-year-olds have been suffering from overuse injuries.

Both the barracks and the large drill-
ing facilities used by recruits were built hastily during World War II and are long overdue for replacement. These military construction projects have been endorsed by the Navy and by Congress, but the layout of the Recruit Training Center must be modified before all the buildings needing replacement can be built.

The VA land adjacent to the Recruit Training Center was leased to the Finch Medical School, which is affiliated with the North Chicago Depart-
ment of Veterans Affairs Medical Center. The VA also has more land and buildings than it needs for veterans health care delivery today.

The Navy, the VA, and the Finch Medical School have been in negotia-
tions to set up a land swap that would benefit all concerned. The Finch Med-
ical School is amenable to giving up the land on which it carries a 99-year lease so that the Navy can use that land. The VA is willing to transfer the land the medical school has leased for other VA property that the VA no longer needs. I commend all the parties for their willingness to work together, compromise, and find a solution that benefits all parties. The details of this agreement are still being worked out, and a public hearing will be held on it as well.

This amendment simply authorizes the Navy to use up to $2 million of Op-
erations and Maintenance funds to ful-
fill its obligations, once a final agree-
ment is reached.

I appreciate the support from the bill's managers on this amendment. The rebuilt Recruit Training Center area will allow a major improvement in the training environment as well as the quality of life for new recruits. This amendment is absolutely neces-
sary for the Navy to carry out the plans for its new Recruit Training Cen-
ter.

Mr. LEVIN. It is now the under-
standing that we will recess until 2:15 and that we will be back at that time. We hope to be able to work out a pend-
ing amendment or two so we can com-
plete consideration of this bill, hope-
fully before the briefings which has been scheduled for, I believe, 2:30. It would be our goal that we can use that 15 minutes to resolve these pending amendments, that we can then go to final passage right after the 2:30 brief-
ing. That would be my goal.

Mr. WARNER. Mr. President, I share that goal. After carefully offering op-
opinions and suggestions, I under-
stand, if we resolve the matters with Senator Allard, that may conclude the amendments. It won't seal them off, but we have made a great deal of progress.

Mr. LEVIN. Senator Allard, Senator Nelson of Florida and others, Senator Dodd, are working hard to see if we can come up with something which moves in the direction we all want to move in terms of benefits for our military personnel and that does so in a way that we can protect against any unin-
tended consequences. That is our hope over the lunch period. We will come back at 2:15 with high hopes and, if not, we will have to resolve it in other ways.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in re-
cess until Thereupon, the Senate, at 12:32 p.m., recessed until 2:17 p.m. and reassem-
bled when called to order by the Presi-
ding Officer (Mr. Cleland).

NATIONAL DEFENSE AUTHORIZA-
TION ACT FOR FISCAL YEAR
2002—Continued

The PRESIDING OFFICER. The Sen-
ator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my remarks seated at my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. President, parliamentary in-
quiry, please. Is there an amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 1724

(Purpose: To protect United States military personnel and other elected and appointed officials of the United States government against criminal prosecution by an inter-
national criminal court to which the United States is not party)

Mr. HELMS. Mr. President, I call up amendment No. 1724 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. MILLER, Mr. ALLEN, Mr. BOND, Mr. HATCH, and Mr. MUKOWSKI, proposes an amendment numbered 1724.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HELMS. Mr. President, I have worked with our colleague from Geo-
rgia, Senator MILLER, and Senator MILLER and I and Senators LOTT, WARNER, HATCH, SHELBY, and MUK-
OWSKI together introduced the Amer-
ican Service Members Protection Act on May 9 of this year. We have worked since that time with the administra-
tion to craft legislation to protect our soldiers and offi-
cials from illegitimate prosecutions by the International Criminal Court. Sena-
tor MILLER and I and Senators LOTT, WARNER, HATCH, SHELBY, and MUK-
OWSKI have been working on this issue and have developed a comprehensive bill that would protect our soldiers and officials. The bill is based on the American Service Members Protection Act and would provide that the United States is not party to the International Criminal Court.

Our soldiers and decisionmakers will be all the more exposed to the risk of illegitimate prosecution as they pro-
cceed with "Operation Enduring Fre-
dom," for it has been announced, against those who on September 11 committed mass murder against innocent Amer-
ican civilians.

The pending amendment ensures that, countries, or overzealous prosecutors and judges, will never be able to use this court to persecute American military personnel carrying out war against terrorism.
At this time of national mobilization to fight terrorists who killed thousands of American citizens in New York and Pennsylvania and right near us at the Pentagon, there is a consensus in Congress that we should give the President the tools he needs to carry out the mission.

Chairman HENRY HYDE, of the House International Relations Committee, and I have painstakingly negotiated refinements to the American Service Members Protection Act with the Bush administration, and this revised version of the bill gives the President the flexibility and authority to delegate provisions in the legislation to Cabinet Secretaries and their deputies in this time of national emergency.

As a result of these careful negotiations, I have a letter dated September 25, 2001, from the Assistant Secretary of State for Legislative Affairs. His name is Paul V. Kelly. He indicates in his letter that the administration supports the precise language in my amendment to the Defense authorization bill. By the way, I submitted that letter for the RECORD last week, specifically on September 26.

So it will be a matter of record again. I ask unanimous consent that the letter from Assistant Secretary of State for Legislative Affairs Paul V. Kelly be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE

BUREAU OF LEGISLATIVE AFFAIRS,

Hon. Henry J. Hyde,
Chairman, Committee on International Relations, House of Representatives.

Dear Mr. Chairman: This letter advises that the Administration supports the revised text of the American Servicemembers Protection Act (ASPA), dated September 10, 2001, proposed by you, Senator Helms and Mr. Delay.

We commit to support enactment of the revised bill in its current form based upon the agreed changes without further amendment and to oppose alternative legislative proposals.

We understand that the House ASPA legislation will be attached to the State Department Authorization Bill or other appropriate legislation.

Sincerely,

PAUL V. KELLY,
Assistant Secretary, Legislative Affairs.

Several Senators addressed the Chair.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Carolina is speaking. The Senator will continue speaking, and the Senate will be in order.

Mr. HELMS. I thank the Chair.

We have as Senators to Senators to enact an insurance policy for our troops and our officials—such as Secretary of State Powell—to protect them from a U.N. Kangaroo Court where the United States has no veto.

I do believe that this is all about. Let me state for the record, to be absolutely certain there is no mistake made about it, (1) this amendment will prohibit U.S. cooperation with the court, including use of taxpayer funding or sharing of classified information; (2) it will restrict a U.S. role in peacekeeping missions unless the United Nations specifically exempts U.S. troops from prosecution by this international court; (3) it blocks U.S. aid to allies unless they too sign onto the court; (4) U.S. troops on their soil from being turned over to the court; and (4) it authorizes the President to take any necessary action to rescue U.S. soldiers, any service man or woman, improperly handed over to that Court.

Now, then, my very good friend from Connecticut, and he is my friend—we have worked together on a number of things—Senator Dodd, has made comments about this legislation which I feel obligated to address. This past Wednesday, September 26, the distinguished Senator from Connecticut, here on the Senate floor, said: "This amendment is called, ironically [Senator Dodd said], the American Servicemen’s Protection Act. It is anything but (said Senator Dodd). The establishment of this amendment places our men and women in uniform in greater jeopardy than they would otherwise be if we were to accept it. We are trying to develop the structures of this court to minimize problems. Now that is quoting Senator Dodd, my friend, a friend of all of ours. But the message I hope I might persuade Senator Dodd to withdraw that statement because it is not the case. Let me repeat for emphasis, it is not the case at all. The pending amendment does nothing whatsoever to preclude the Bush administration from taking any action it deems necessary to address our concerns during the Preparatory Commission meetings of the International Criminal Court.

However, we should not be misled: the negotiating of this Court have no intent to amend the treaty creating the Court to meet our objections. In fact, negotiators voiced a loud cheer when they finished negotiation of the treaty in 1999—over the objections of the United States of America.

Senator Dodd acknowledged that the Rome Treaty creating the Court is fatally flawed, when he stated: "In fact, if, for some reason, miraculously the proposal were brought to this Senate chamber, members were asked to vote on it as is, I would vote against it because it is a flawed agreement.

Also, when President Clinton signed the Rome Treaty on December 31, 2000, he stated that he would not send the treaty to the Senate for ratification and recommended that President Bush not transmit it either, given the remaining flaws in it.

So let me be, as the saying goes, perfectly clear. The pending amendment would shield American service people, men and women, from a court run amok. U.N. bodies often run amok. For instance, filled with bias, the U.N. Human Rights Commission condemned the only democracy in the Middle East, Israel, in multiple resolutions earlier this year.

And just five weeks ago, the United Nations Conference on Racism in Durban South Africa, became an agent of hate rather than against hate. If U.N. commissions and conferences run amok, a permanent court, not subject to Security Council approval—and instead to a U.S. veto—turns against us, and on our democratic allies (the most likely one being Israel).

We need only to look back to the Kosovo War when the Bosnian Tribunal’s chief prosecutor attempted to undertake an investigation of NATO for war crimes abuses.

Mr. President, despite the importance of this pending amendment with sponsorship and that of others, opponents may want to hide behind procedural objections in an effort to just make our amendment go away. Unfortunately, this kangaroo court is not going away, it will be there, and the risk to our service men and women will exist as long as it is there unless we do something, as described in this amendment.

In the meantime, our Secretaries of State and Defense are telling us and the American people at the same time to get ready for a long campaign against global terrorists. We owe it, don’t we, to our men and women representing this country, both in the military and in civilian agencies, to ensure their actions are not the subject of second-guessing by United Nations judicial bodies?

Mr. WARNER. Mr. President, would the Senator kindly yield for me to make this observation?

It had been the intention of the leadership of the Senate, and the managers, in order to accommodate Senators desiring to attend the briefing, to go into recess subject to the call of the Chair. Is that correct?

Mr. REID. I appreciate very much the Senator from North Carolina allowing us to interrupt. We have a number of people attending from the administration.

Mr. HELMS. Of course. I understand.

Mr. REID. We would be happy to allow the Senator to complete his statement, and as soon as that statement is completed, we ask the Senate to be in recess subject to the call of the Chair, and at some subsequent time after we come back. I understand some people may want to raise a point of order against this amendment.
Mr. HELMS. I understand the same thing. I have about 2 minutes more. I will stop now.

Mr. REID. No, no. We thought the Senator from North Carolina was going to speak much longer. We would be happy to let him speak.

Mr. HELMS. I wouldn’t think of putting you in that position.

Mr. President, let me yield to the Senator on condition that I will have the floor when the Senate reconvenes.

Mr. REID. It is my understanding the Senator from North Carolina will resume the floor when the Senate comes back in session?

Mr. HELMS: I think that was my unanimous consent request.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I ask unanimous consent the Senate stand in recess subject to the call of the Chair on the condition that when the Senate does reconvene the Senator from North Carolina will resume the floor.

The PRESIDING OFFICER. Without objection the Senate at 2:32 p.m., recessed subject to the call of the Chair and reassembled at 3:37 p.m. when called to order by the PRESIDING OFFICER (Mr. CARPER).

Mr. HELMS. Forgive me for not standing, but who has the floor?

Mr. REID. The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

AMENDMENT NO. 1724

Mr. HELMS. Mr. President, I will finish what I was saying a moment ago. First of all, I ask unanimous consent that the Senator from Nebraska, Mr. HAGEL, be added as a cosponsor to amendment No. 1724, now pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I do not know how many people were listening breathlessly when I made the first part of my statement earlier today, but I will not repeat it. I will have mercy upon you.

This is a very important amendment. I want to serve notice to the managers of the bill that I shall not contest or try to contest any motion that may be made on this amendment. I do hope the managers will give some thought as to whether they will support my offering this amendment as a bill, but that is up to them.

Mr. President, to complete my statement that I began earlier, the Veterans of Foreign Wars of the United States has sent me a letter in support of my amendment. I want to read part of it.

On behalf of the 2,7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, I want to express our strong support for amendment number 1690 to the National Defense Authorization Act, 124 Stat. 1438, the “American Service Members’ Protection Act of 2001.” We think this legislation brought forward by Senators Jesse Helms (R-NC) and Zell Miller (D-GA) is an appropriate response to the threat to American sovereignty and international freedom of action posed by the International Criminal Court. Also, we believe it is essential that our nation’s military personnel be protected against criminal prosecution under procedures inconsistent with our Constitution.

We oppose the International Criminal Court (ICC) in its present form. We believe it poses a significant danger to our soldiers, sailors, airmen, and Marines, who are deployed throughout the world. U.S. military personnel and other U.S. Government officials could be brought before this court even though the United States is not a party to the treaty. The court will claim jurisdiction to indict, prosecute, and imprison persons accused of “crimes against humanity,” “genocide,” and other “crime of aggression” (not yet defined by the ICC).

I ask unanimous consent the entire letter be ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS OF THE UNITED STATES

To: All Member of the U.S. Senate.
From: Robert E. Wallace, Executive Director.

On behalf of the 2,7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, I want to express our strong support for amendment number 1690 to the National Defense Authorization Act, 124 Stat. 1438, the “American Service Members’ Protection Act of 2001.” We think this legislation brought forward by Senators Jesse Helms (R-NC) and Zell Miller (D-GA) is an appropriate response to the threat to American sovereignty and international freedom of action posed by the International Criminal Court. Also, we believe it is essential that our nation’s military personnel be protected against criminal prosecution under procedures inconsistent with our Constitution.

We oppose the International Criminal Court (ICC) in its present form. We believe it poses a significant danger to our soldiers, sailors, airmen, and Marines, who are deployed throughout the world. U.S. military personnel and other U.S. Government officials could be brought before this court even though the United States is not a party to the treaty. The court will claim jurisdiction to indict, prosecute, and imprison persons accused of “crimes against humanity,” “genocide,” and other “crime of aggression” (not yet defined by the ICC).

I urge support for this legislation.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I will momentarily make a parliamentary inquiry as to germaneness. I say to my friend, who has been by my side in the Senate the 23 years I have been here, I was a cosponsor from day one. Should the Senator elect to pursue this as a freestanding or in other measures legislatively, I would like to be a cosponsor.

At the appropriate time—I see another colleague who wishes to address the issue—I will make the inquiry with regard to germaneness. The distinguished chairman and myself have made clear, in order to manage this bill, I will have to move for those amendments on my side, and he has agreed to move accordingly on germaneness for amendments on his side.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I understand the postcloture situation we are now in and the germaneness argument that the Senator from Virginia has just placed.

I stand in support of the concept and the intent that Senator HELMS brings to the floor as it relates to the International Criminal Court.

I, along with Senator HELMS and a good many others, have worked for some time to clarify this Nation’s position in relation to the Rome treaty and the International Criminal Court. We became signatories to that in the final days of the Clinton administration and even then President Clinton spoke it with confidence, and now faced with participating or not participating in something that we believe, as the Senator has just spoken to, puts our men and women in uniform at risk and the possibility that an international body, as adjunct of the United Nations, would prosecute them, even though they were under the direct orders of our Commander in Chief in the execution of their duties.
Senator HELMS has spoken to and, adequate. At stake, I believe, are everything good many others. It is a subject that LES, A LLEN, S MITH, C RAPO, K YL, and a to hand that system and the absence of citizens under our judicial system, but direct participation in the International Criminal Court.

What is at question? Our sovereignty, the right of this country to protect its citizens under our judicial system, but to hand that system and the absence of that protection off to an international body.

Senator HELMS has spoken to what we deem are rogue adjuncts of the United Nations—the conference that was held in Durban, South Africa that we have left, along with the State of Israel, because of racist expressions that that conference was willing to make concerning certain nations with which we could not agree. The International Criminal Court stands as one of the key characteristics of the defining language within the Rome treaty. In other words, once it is ratified, it isn’t just a question of our men and women in uniform becoming subject to it. It is a question of any citizen of the world 18 years of age or older or any nation in the world becoming subject to it.

That is why I believe we ought to disassociate ourselves and, in fact, reverse our policy and work to deny its ratification.

I have a second-degree amendment I would offer, but I understand there will be a question of germaneness. If that question fails, then I would offer that second degree. It does not disallow the protection the Senator from North Carolina has brought but says that we protect others—and that is, citizens—in that we don’t associate ourselves with the International Criminal Court, nor do we allow on special cases confidentiality to flow from our Government to the court. In other words, we should not be facilitators to a court that by its very definition denounces our citizens the right of sovereignty and the protection under our judicial system. That is what is at issue, Mr. President. I deny that.

Those who have joined with me in my second degree are Senators LOTT, NICKLES, ALLEN, SMITH, CRAPO, KYL, and a good many others. It is a subject that deserves a stand-alone debate on the floor and full consideration by the Senate. At stake, I believe, are everything Senator HELMS has spoken to and, additionally, what I have just spoken to.

That is why it is important that at some time this Senate collectively speak out against the whole of the ICC and the illegitimacy that we think it creates and the denial of the sovereignty of our citizens within the construction of the judicial system of our country.

Mr. FEINGOLD. Mr. President, I am deeply concerned about the amendments introduced by Senators HELMS and CRAIG relating to the proposed International Criminal Court. Regardless of how one feels about the court, this amendment could have the unintended but devastating effect of alienating our allies and undermining the global coalition against terrorism. By imposing sweeping limitations on the President’s capacity to cooperate with other countries on security and intelligence matters, and by taking a unilateral approach to an important global issue, this amendment weakens the United States hand in pursuing the united front against terrorism. The amendment could also limit our ability to participate in what we believe to be happening, by engaging in and/or supporting the same prosecution. In other words, what we believe to be happening, by engaging in and/or supporting the same prosecution.

Those who have joined with me in my second degree amendment would not accomplish that goal, and we simply cannot afford to create a rift in our growing global alliance against terrorist networks by adopting such a troubled amendment. This is the wrong amendment. And this amendment is offered at the wrong time; it is offered just as we are beginning to realize important diplomatic successes in building a global coalition against terrorism. I would urge all of my colleagues to oppose it.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Virginia.

Mr. WARNER. Mr. President, parliamentary inquiry regarding the manuverness of the amendment by the Senator from North Carolina.

The PRESIDING OFFICER. The Chair rules that the amendment is not germane.

Would the Senator from Virginia state the question? Would the Senator from Virginia restate the question?

Mr. WARNER. I asked the Chair as to the parliamentary inquiry regarding this amendment. The Chair has responded. I was awaiting the Chair’s ruling. I raised a point of order, but I mean, the Chair then rules that the amendment falls, am I not correct, the PRESIDING OFFICER. That is correct. If the Senator will bring the point of order, the Chair will rule.

Mr. WARNER. I have done that. The PRESIDING OFFICER. The Chair rules that the amendment is not germane.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I wonder if the managers of the bill would be willing to support a suggestion by me and perhaps Senator CRAIG that this be converted into a freestanding bill, as suggested by the Senator from Idaho, and be considered immediately following passage of this pending legislation.

Mr. WARNER. Mr. President, I cannot exercise the decision of the leaders as to when it would be brought up.

It certainly can be introduced today as a freestanding measure, again with the second-degree amendment of the Senator from Idaho. I indicated I would like to be a cosponsor. As to the time it will be considered by the Senate, that is within the purview of the two leaders.

Mr. HELMS. I understand. I wonder if the distinguished Senator from Michigan will consider this.

Mr. WARNER. Mr. President, I wonder if the distinguished Senator from Michigan will consider this.

Mr. HELMS. I understand. Mr. WARNER. I am not sure I understood it as a unanimous consent request.

Mr. HELMS. I understand. Mr. WARNER. I am not sure I understood it as a unanimous consent request. It was an inquiry to the managers. I certainly have indicated my support for it, and Senator LEVIN and I are of the opinion it is a matter that has to be addressed by the leadership as to the schedule.

Mr. HELMS. Mr. President, we will be here on another day in another way. I thank the Chair and the distinguished Senator from Virginia.
The PRESIDING OFFICER. Who seeks recognition?
Mr. WARNER. Mr. President, we have the matter of the Allard amendment. That is the only amendment on this side I have knowledge of. I so advise. I am advised that Senator ALLARD is on his way. I wonder if the chairperson might comment on his knowledge. Senator ALLARD indicated to me he believed his amendment had reached a resolution and that it could both go on both sides.
Mr. LEVIN. That is my understanding, and there will be a voice vote on this matter. The Allard amendment is germane. My understanding is he will modify that amendment, and he will then agree to a voice vote on it.
Mr. WARNER. On our side, I know of no further amendments. May I inquire of my colleague, the chairperson?
Mr. LEVIN. I know of no further germane amendments anyone intends to offer. If there are such germane amendments that have been filed, I hope somebody will let us know very quickly. Otherwise, as soon as we dispose of the Allard amendment, we will want to presumably go to third reading.
Mr. REID. I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.
The legislative clerk proceeded to call the roll.
Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
The PRESIDING OFFICER (Mr. CORZINE). WITHOUT OBJECTION, IT IS SO ORDERED.
Mr. REID. Mr. President, the majority leader has asked that I advise the Senate there will be two votes beginning at 4:45, one on final passage of this bill and the other dealing with another matter.
I ask unanimous consent that following the disposal of the Allard amendment there be no amendments in order and that we could then go to third reading.
The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. REID. Mr. President, with that unanimous consent agreement having been granted, we can start the vote at 4:30. I ask unanimous consent the vote begin at 4:30.
The PRESIDING OFFICER. Without objection, it is so ordered.
AMENDMENT NO. 1755, AS MODIFIED
Mr. ALLARD. Mr. President, I call up the amendment numbered 1755.
The PRESIDING OFFICER. The clerk will report.
The legislative clerk read as follows:
The Senator from Colorado (Mr. ALLARD) proposes an amendment numbered 1755.
Mr. ALLARD. 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 printed in today's Record under "Amendments Submitted."

AMENDMENT NO. 1755, AS MODIFIED
Mr. ALLARD. I send a modification to the desk.
The PRESIDING OFFICER. The amendment is so modified.
The amendment (No. 1755), as modified, is as follows:

On page 147, beginning with line 13 strike through page 154, line 16 and insert the following:

Subtitle F—Uniformed Services Overseas Voting Rights and Consequences Act of 2001

SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should:

(1) be aware of the importance of the ability of each uniformed service voter to exercise their right to vote;

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting;

(B) each valid ballot cast by such a voter is duly counted; and

(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term "uniformed services voter" means:

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a spouse or dependent of a member referred to in paragraph (1); and

(3) an overseas citizen (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(4) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)); and

(5) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Each State shall—

(1) be deemed to have lost a residence or domicile in any other State; or

(2) be deemed to have acquired a residence or domicile in any other State;

(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

(1) be deemed to have lost a residence or domicile in any other State; or

(2) be deemed to have become a resident in or a resident of any other State.

(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS. —

(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter solely.

(2) BALLOTS CAST IN A TIMELY MANNER.—If the application is received by the appropriate State or local office an application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.

(d) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking "FEDERAL OFFICE" and inserting "FEDERAL OFFICE.

SEC. 573. USE OF SINGLE APPLICATION AS A SIMPLIFICATION OF THE UNIFORMED SERVICES VOTER REGISTRATION PROCESS.

(a) IN GENERAL.—Section 202 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–1), as amended by section 572(a)(1), is further amended by inserting after paragraph (2) the following new paragraph:

"(3) accept and process the official postcard form prescribed under section 101 as a simultaneous absentee voter registration application and absentee ballot application; and".

SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) IN GENERAL.—Section 202 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–1), as amended by section 572(a)(1), is further amended by inserting after paragraph (2) the following new paragraph:

"(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

SEC. 575. USE OF SINGLE APPLICATION AS A SIMPLIFICATION OF THE UNIFORMED SERVICES VOTER REGISTRATION PROCESS.

(a) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter solely.

(1) on the grounds that the ballot lacked a notarized witness signature, an address other than on a Federal write-in absentee ballot (SF-48);

(2) on the basis of a comparison of signatures on absentee ballot envelopes, or registration forms, unless there is a lack of reasonable similarity between the signatures.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

SEC. 576. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 600 et seq.) is amended by adding at the end the following:

"SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or with orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State.

(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.

SEC. 575. USE OF SINGLE APPLICATION AS A SIMPLIFICATION OF THE UNIFORMED SERVICES VOTER REGISTRATION PROCESS.
SEC. 579. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE Polls.

(a) ABSENTEE VOTING.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 311)), each State shall, with respect to any uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter requesting to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) DEFINITIONS.—In this section:

(1) has registered to vote under such subsection; and

(2) the term "State" means the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

SEC. 580. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM REQUIREMENTS.

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents the State to which that recommendation was submitted. The report shall be submitted in a form prescribed by the Secretary of Defense.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date on which a State receives a legislative recommendation under section 108 of the Uniformed and Overseas Citizens Absentee Voting Act (2 U.S.C. 301) and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) the term "legislative recommendation" means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 108 of the Uniformed and Overseas Citizens Absentee Voting Act (2 U.S.C. 301) and each recommendation made under section 101 of the Federal Voting Assistance Program (Public Law 107-309); and

(2) the term "Presidential designee" means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (2 U.S.C. 301).

The PRESIDING OFFICER. I ask unanimous consent that the State legislature may use new technologies, such as electronic voting systems, to facilitate voting by recently separated uniformed services voters and overseas voters.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I wish to compliment our colleague. This amendment was worked on by both sides. There is mutual support to move forward. I thank the Senator for his help and for the support of Senator LEVIN.
Mr. WARNER. And the Senator from Florida.

Mr. ALLARD. The Senator from Florida as well as Senator DODD worked on this amendment. I appreciate their input.

Mr. WARNER. In our early discussions today, the Senator from Florida worked some constructive changes. The Rules Committee has overall jurisdiction of voting in elections. Senator DODD, the ranking member of the Rules Committee, collaborated on this issue, and it was badlyneeded. We suffered, as a nation, when we had the problems in Florida. I am not suggesting guilt anywhere, but there was a lot of confusion with the unexpected situation. There was great controversy over the men and women in the Armed Forces, particularly those beyond our shores serving in posts overseas, as to their ballots, when they were finally received in that State—and indeed we found other States had problems, so it was not exclusively a problem for Florida.

This amendment will go a long way toward clarification.

Mr. ALLARD. The Senator from Virginia has a lot of constituents from his State who have been dedicated to protecting the citizens of this country, and I have a lot of citizens in Colorado who have dedicated their lives to serving in the military and protecting and securing the interests of the United States military issue. We need to make sure they have an opportunity to vote and do not lose that right.

I thank the manager of the bill for his effort in working on this compromise.

Mr. LEVIN. Mr. President, I thank Senator ALLARD, Senator WARNER, and others who worked so hard on this amendment. We made some very important progress in the bill that came from committee on assuring voting rights or military service members and veterans of the Armed Forces and those who leave the Armed Forces, for a short period of time after their departure.

Senator ALLARD has worked hard and has suggested some additional ways in which we can give that assurance that every eligible voter serving in our military does have a meaningful opportunity to vote and that properly cast ballots will be counted. I commend him.

Senator BILL NELSON of Florida, Senator DODD, and Senator MAX CLELAND worked so hard. I ask unanimous consent someone who has also worked extremely hard on this issue and made wonderful contributions, Senator LANDRIEU of Louisiana, be added as a co-sponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. In addition, Mr. President, I express my thanks to Senator ALLARD. This is a complicated issue, and it is important we hear from a number of sources, including secretaries of state of the various States, between now and the time we go to conference. We will be seeking to get their input on this language. We have not had a chance to do that. There may need to be some additional work.

In the meantime, I support the amendment and hope we will adopt it.

The amendment is (No. 1755), as modified, was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Without objection, it is agreed to.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is agreed to.

Mr. WARNER. Mr. President, under the unanimous consent agreement adopted a few minutes ago, no further amendments are in order.

Senator TORRICELLI, Senator BIDEN, and Senator ALASKA, and I expressed a strong interest in an issue that cannot be addressed on the floor through amendment and, as it turns out, may not need to be offered through an amendment. I want to take a moment to speak to that before we come to the vote. Before doing so, I again compliment Senator LEVIN, the Chairman of the committee, and the ranking Republican, Senator WARNER, helping us to navigate through some difficult waters as we come to the close of debate on this bill.

The issue that Senator TORRICELLI and Senator BIDEN and I expressed concern about involves the Department of Defense. The Department of Defense, it turns out, is the only consumer of a military-grade propellant which is manufactured through a joint venture between two companies, General Dynamics Ordnance Tactical Systems and Alliant Techsystems.

Previously, nitrocellulose, which is used to make this propellant had been provided to General Dynamics by two sources: Alliant Techsystems, and Expro, Inc. Green Tree Chemical Technologies, which it turns out has obligations in the States of the Presiding Officer and the Senator from Delaware, provided Expro with base components used to manufacture nitrocellulose. Since the joint venture with Alliant Technologies, General Dynamics terminated their contract with Expro, Inc.

Concerns have been expressed by Green Tree Technologies that with the current joint venture we would end up with a sole source provider for nitrocellulose. This propellant is used to make, among other things, weapons; and if there is only one provider of nitrocellulose we may put ourselves in some jeopardy as a nation if we should lose that one source.

There are further concerns that have been raised with respect to possible antitrust violations. For this reason, the Federal Trade Commission has opened an investigation concerning the joint venture between General Dynamics and Alliant Techsystems. Since the Department of Defense is the only purchaser of military-grade nitrocellulose, they have the determining role in whether or not the FTC moves forward with their review.

Senator TORRICELLI prepared an amendment. It is not going to be offered, but it is an amendment that says we need the Department of Defense, specifically the Army, to signal to the FTC that they have an understanding of the concerns over the possible antitrust issues and concerns over permitting this joint venture to go forward, limiting ourselves to one source for nitrocellulose.

The amendment encourages the Department of Defense to express its view on nitrocellulose in the Department of Defense antitrust investigation within 30 days of enactment. It is my understanding that the Department of Defense will formally indicate their view of the FTC investigation in the coming weeks.

The Senator from Colorado, Senator ALLARD, and I express our view that this is an accomplishment through amendment appears to have been accomplished without the adoption of this amendment, which I believe is good news, not just for Green Tree Technologies, but I think it is good news for the Department of Defense and ultimately for the taxpayers of this country. With sign off from the Department of Defense, the FTC is free to move forward and to make whatever rulings or decisions they see fit.

While the amendment will not be offered, I want to say to Senator TORRICELLI, thank you very much for raising this issue and providing the leadership here in the Senate for the committee to make sure we address these matters.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am sorry I did not have an opportunity to hear all of Senator CARPER's words, but I think I understand enough to know what he has indicated, that apparently there has been now a statement from the DOD to the FTC on this matter. If so, that was the purpose of the Torricelli amendment which was supported, I believe, by the Senator from Delaware and one of our colleagues.

Mr. CARPER. And Senator BIDEN.

Mr. LEVIN. Senator BIDEN as well. If that information for whatever reason turns out not to be accurate, Senator TORRICELLI, Senator CARPER, Senator BIDEN, and others have my assurance that I will be putting tremendous weight on the Department of Defense between now and conference to be certain those views are expressed, whatever those views are. It is not up to me, and I do not have an opinion as to the substance of the matter. I do not know enough about it. But they have apparently now expressed those views. If
they have not, I will do everything within my power to make certain they do between now and the time this bill comes back from conference.

I thank Senator TORICELLI and Senator CARPER for their position on this matter.

Mr. WARNER. Mr. President, might I also add the Chairman and I had to make a decision to move on the question of germaneness. I do it on my side; the chairman was prepared to do it on his side. There was clearly a question of germaneness.

We have a number of Senators—another one just appeared. We had a list of over 100 amendments. We have been waiting. We stayed here until late last night and tried to consider them. I regret if there was a miscommunication. As captain of the ship, I take responsibility. But in good conscience, I have claimed many times and stated at lunch today among my colleagues that we were moving to final passage. As far as I knew, no amendments were going to be brought up.

I regret profusely, I say to my friend, and I regret if he wants to make a few comments.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Very briefly, again to Senator WARNER, I understand the difficult position he and Senator LEVIN found themselves in with respect to germaneness. I thank Senator LEVIN very much for the assurances he has given us. We look forward to working with the Senator to a satisfactory conclusion.

Mr. ALLEN. Mr. President, I want to state for the record why I voted in support of the request from President Bush for an authorization of a Base Realignment and Closure Commission in fiscal year 2003.

I support a BRAC round in 2003 for three reasons. First, I am confident with an objective analysis of their military value, Virginia bases will score well compared to other installations throughout the Nation. I am sensitive to the fact that BRAC is an emotional issue. As unmotivated as we would like to make it, we cannot get completely away from the emotion that is involved with closing installations and potentially uprooting people's lives. While I am sensitive to the emotions involved, I am confident that Virginia's continuing well, Virginia bases have, in past years, demonstrated their military value and will do so again this time. As Governor of Virginia, I, in 1994, established the Virginia Office of Base Retention and Defense Coordinating; we coordinated an effective State effort to assess the attributes of our military facilities to protect Virginia interests in the 1995 BRAC rounds. Indeed, after the 1995 BRAC, some 4,000 jobs were returned to Virginia that were lost in the 1993 BRAC round.

Finally, Fort Pickett was on the 1995 BRAC list until we negotiated a transfer to the Virginia National Guard to serve as Headquarters of the Commonwealth's Department of Military Affairs. So our bases are not only operationally important to their own services but they are interwoven in a web of jobs that take years during falling out. We are operating at peak capacity in Virginia. We are efficient and ready to work our national interests and meet the challenges of a BRAC round.

Second, the Department of Defense has indicated that a BRAC is needed on the merits. They have indicated there is a 25 percent excess infrastructure throughout our military installations. The Bush administration believes we could save $3.5 billion by consolidating operations. We then have a responsibility to work for more efficiency so that our resources can be allocated where they are needed most. These resources can be used to improve pay for our Soldiers, Sailors, Airmen, and Marines. We are still trying to acquire upgraded, more technologically advanced equipment, armaments, and spare parts; all to better protect our uniformed personnel. Indeed, these savings can even be used to upgrade facilities in which they are located.

Finally, during this time of national emergency, we should give due deference to the decisions of the President, Secretary of Defense, and the Pentagon. The administration has said, as has the chairman, to authorize a commission. Secretary Rumsfeld called it "imperative to convert excess capability into war-fighting ability." During a time of national emergency and throughout our "war on terrorism," it is important to support the National Command Authority in their decisions to wage war and structure an efficient war machine. Again, because this is a highly emotional issue and affects the lives of people throughout the land, Congress must continue in the recommendations of the administration, Department of Defense, and the commission. I am confident of the Secretary's ability to ensure the integrity of the BRAC process which is so important to the accurate assessment of our future operational needs and force structure.

Again, I am aware of the concerns that many of my fellow Virginians feel as we approach BRAC once again. But I remain confident the Bush administration during this time of national emergency. When thinking objectively, everyone understands the urgency of utilizing our assets in the most effective manner possible. I am confident in the Secretary and commission's ability to conduct an objective assessment of the Nation's defense infrastructure needs.

Mr. MCCAIN. Mr. President, I rise today in support of S. 1438, the National Defense Authorization Act for Fiscal Year 2002. At the outset, I must commend Senate Armed Services Committee Chairman CARL LEVIN for agreeing to a compromise to the committee-reported version of the defense authorization bill, by restoring $1.3 billion for the President's missile defense proposal, and removing language that would have harmed timely deployment of a missile defense system for America and our allies.

In my 18 years in Congress, I had never seen a defense authorization bill reported out of committee strictly on party lines. I am very proud, however, of the unified efforts and spirit of my colleagues since the tragic attacks on September 11, and I am pleased that we are working together to enhance our national security at this crucial time in our country's history.

It is tremendously important to me that the committee included language in the defense authorization bill and report that would authorize payment of retired pay and disability pay for any and all veterans—practice known as "concurrent receipt." For the past 10 years, I have offered legislation on this issue. This matter is of great significance to many of our country's military retirees, because it would reverse existing, unfair regulations that strip retirement pay from military retirees who are also disabled, and costs them any realistic opportunity for post-service earnings. I am pleased that the committee included in the final bill language that describes this offset as unfair to disabled career service members.

My friends, we must do more to restore retirement pay for those military retirees who are disabled. I have stated before in this chamber, and I am compelled to reiterate now—retirement pay and disability pay are distinct types of pay. Retirement pay is for service rendered in years of military service. Disability pay is for physical or mental pain or suffering that occurs during and as a result of military service. In this case, members with decades of military service receive the same compensation as similarly disabled members who served only a few years; this practice fails to recognize their extended, clearly more demanding careers of service to our country. This is patently unfair, and I will continue to work diligently to correct this inequity.

In the legislation we are considering today, there are several provisions that will significantly improve the lives of active duty members, reservists, veterans, and their families. It will come as no surprise, however, that I would like to emphasize that this year's Defense Authorization bill contains nearly $1 billion in pork—unrequested add-ons to the defense authorization that would encourage military spending on a plethora of vital funding for priority issues. While this year's total is far less than in previous years, it is still $1 billion too
much. Given the grave circumstances facing our nation today, we need to demonstrate to all Americans that we can do better.

Over the past six years, Congress has increased the Presidents’ defense budgets by nearly $90 billion in order to redress the serious readiness and modernization problems caused by a decade of declining defense budgets.

Every year as we work on defense authorization legislation, however, certain items are funded that are not on the Service chiefs’ unfunded requirements list and, frankly, whose merits are questionable. For example, I have noticed in the fiscal year 2002 bill a total increase of nearly $35 million for advancing a technology that is not yet proven and is related fuel cell technology research—it sounds like the Motor City will be pleased, but what about the Service Chiefs? The auto industry also must be pleased with funding for the National Automotive Center’s SmarTruck Army program mentioned in Senator Cochran’s report last year, it was revealed that the SmarTruck, which was envisioned as a modified Ford F-350 pick up, has developed into a vehicle that looks like it should be in the next James Bond film but paid for with American taxpayers’ hard-earned money.

I am also concerned that despite the President’s clear budget request for the procurement of 2 C-130J aircraft for the Air Force, the committee voted by the narrowest margin to add $99 million for an additional, unrequested C-130J for the Little Rock Air Force Base. DoD and GAO have regularly criticized the C-130J program for serious cost overruns and development delays; moreover, there is a significant surplus of this platform in the Air Force inventory—called “an embarrassment of riches” by the Air Force Chief of Staff. This continued procurement clearly makes the contractor happy, but what about the Service Chiefs? For the $99 million cost of a C-130 J, our Navy could have procured 2 additional F/A-18 E/Fs, to respond directly to the critical need of replacing aging Navy aircraft inventory whose airplanes average 18 years old. In fact, the CNO, Admiral Vernor E. Clark, USN, testified before the committee this year that he needs to procure 180 jet aircraft per year just to sustain the 1997 Quadrennial Defense Review level, considerably more than the 48 F/A-18 E/Fs provided in our bill.

Just as discouraging, given its pork barrel nature, is a provision that would delay the B-1B Lancer bomber force re-structuring or downsizing another $165 million to U.S. taxpayers. This provision has literally made it illegal for the Secretary of Defense to retire, dismantle, transfer, or reassign the Air National Guard B-1B Lancer bomber force by 33 aircraft until the following reports have been prepared: The National Security Review, the Quadrennial Defense Review, the Revised Nuclear Posture Review, the Secretary of Defense’s B-1B Lancer Bomber, the Bomber Force Structure Report, and a Comptroller General Report on the B-1B Lancer Bomber I have never witnessed a more absurd illustration of congressional micro-management, and at such great cost; the service chiefs will be unable to make wise use of this $165 million in fiscal year 2002 and the taxpayers’ money will again be spend imprudently.

I would like to mention one further example of wasteful spending. For the last several years, Congress has added money for cultural and historic preservation activities, which is funded through a program called the Legacy Resource Management Program, fancy terminology for pork. The fiscal year 2002 defense authorization bill will add $8 million to this program, principally for recovery and preservation of the C.S.C. Virginia, which ran aground near Craney Island near the James and Elizabeth Rivers. After being abandoned in May 1962, now, my friends, can’t we agree that there are much more pressing needs, such as improving military readiness and providing quality-of-life benefits to our service men and women, than raising this Civil War ironclad?

I also hope that we can re-focus our attention on re-forming the bureaucracy of the Pentagon. With the exception of minor changes, our defense establishment looks just as it did 50 years ago. We must continue to incorporate practices from the private sector, like restructuring, reforming, creating efficiencies and streamlining to eliminate duplication and capitalize on cost savings.

More effort must be made to reduce the growth trend of headquarters’ staff and to decentralize the Pentagon’s morass of bureaucratic fiefdoms. Although nearly every military analyst shares these views, this bill instead moves significantly in the direction of increasing the size of headquarters staff, thereby eliminating any incentive for the Pentagon to change its way of doing business with its bloated organization and overstaffing policies.

In addition, I appreciate that the Administration and the majority of my colleagues supported one round of Base Realignment and Closure in 2003, but more must be done to eliminate unnecessary and duplicative military contracts and military installations. Every U.S. military leader, civilian and uniformed, has testified about the critical need for further BRAC rounds. We can redirect at least $6 billion per year by eliminating excess defense infrastructure spending. We estimate the $2 billion per year that we can put to better purposes by privatizing or consolidating support and maintenance functions, and an additional $5 billion that can be saved each year by eliminating “Buy America” restrictions that undermine U.S. competitiveness overseas. Despite these compelling facts, the defense bill did not address many of these critical issues. And the overall bill includes several provisions that move expressly in the opposite direction.

Again, I am pleased that many of my colleagues voted to support Secretary Donald Rumsfeld and General Henry H. Shelton, USA, and approve another round of BRAC by a 53 to 47 rollcall vote.

In addition, sections in this bill designed to preserve deports, and to funnel work in their direction irrespective of cost, are examples of the old philosophy of protecting home-town jobs at the expense of greater efficiencies. And calling plants and deports “Centers of Excellence” does not, Mr. President, constitute an appropriate approach to protecting maintenance and outdated activities. Consequently, neither the Center of Industrial and Technical Excellence nor the Center of Excellence in Service Contracting provide adequate cloaks for the protectionist and parochial budgeting endemic in the legislating process. Similarly, whether the Center of Academic Excellence in Information Assurance Education through the information assurance scholarship program is worthy of the $5 million earmarked in the budget is certainly not academic, but clearly debatable.

Last year the Defense appropriations bill included a provision statutorily renaming National Guard armories as “Readiness Centers,” a particularly Orwellian use of language. By legally re-labeling “depot-level activities” as “operations at Centers of Industrial and Technical Excellence,” we further institutionalize this dubious practice, the implications of which are to deny the American public the most cost-effective use of their tax dollars. When will it end?

In closing, I would like to reiterate my strong commitment to continuing to work for enactment of meaningful improvements for active duty and Reserve service members. They risk their lives to defend our shores and preserve democracy, and we can not thank them enough for their service. But, we can pay them more, improve the benefits for their families, and support the Reserve Components in a similar manner as active forces. Our service members past, present, and future need these improvements.

We owe so much more to the honorable men and women in uniform who defend our country. They are our nation’s heroes and deserve to be woefully under-represented. At this time of national sorrow, resoluteness, when we in Congress have witnessed so many moving demonstrations of American patriotism, is there any greater duty facing us than to work in unity in full support of our service men and women? We must pledge to do our best on their behalf.
### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002 NON-PRIORITY ADDS-ONS (in millions of dollars)

**Army**
- Missile Procurement: HMDA/SSS 40.0
- Aircraft Procurement: Navy PNAS (Add 10 Navy PNAT) 44.6
- Air Force Procurement: Loyal (C-130) 99.9
- Air Force Research and Development, Test and Evaluation: Fly-by-Light (UCAV) 4.0
- F-15 Air Force Reserve Composites 1.4
- Army Research and Development, Test and Evaluation: Force Decision Authority: Digital Control (National Guard) 8.0
- USAF Linear or Light-Span Air Base Drop System for HGU68 8.1
- Laser and Directed Energy Systems 4.3
- Chemical Agents & Munitions Destruction, Defense: Laser Inertization Device 4.0
- M919 Demolition Kits 3.4
- Army Research, Development, Test and Evaluation: University Research and Industry Research Centers (Lightweight composite mats) 0.75
- Advanced Materials Processing Research in Nanomaterials 4.0
- C-RAM Integrated Missile Defense System (IMDS) 2.0
- Single Atom Tunneling Penetrator 5.0
- Actuated Cables for Portable Military Applications 2.0
- Ground Vehicle Electronics 1.5
- C3 and Commercial Wireless Reliability Tested 1.0
- Geosciences and Atmospheric Research 3.0
- Personal Weapon Surveillance Navigation-MEMS 5.0
- Combat Vehicle and Automotive Advanced Technology 5.0
- Mobile Parts Hospital Technology (MPHT) Program 8.0
- Networked STEP-Enabled Production 5.0
- Plasma Energy Pyrolysis Systems (PEPS) 3.0
- Managing Army Technology Environmental Enhancement Programs 5.0
- Information Operations Training (Functional Area 10) 1.0
- Navy Research, Development, Test and Evaluation: Southeast Atlantic Coastal Ocean Observing System 8.0
- Marine Mammal Low Frequency Sound Research 1.0
- Fusion of Hypersonic and Pulsed Lasing Data 5.0
- Advanced Personal Communication 3.0
- Bio-sensor Nanotechnology 4.0
- Integrated Bioweapons Detection Research Programs 3.0
- Modeling, Simulation and Training Immersion Facility 2.0
- High Brightness Electroluminescent Source Program 2.5
- High Power Laser Gas Laser Program 3.0
- Nanoscale Devices 1.0
- Nanoscience and Technology 3.0
- Wide Bandgap Device Research Initiative 2.5
- Ship Service Fuel Cell Technology Verification and Training Program 5.0
- Nanoplastics for Neutralization of Force Threats (Weapons) 2.0
- Urban Operations Environment Lab 4.0
- ITC Human Resource Enterprise Strategy 5.0
- Air Force Research, Development, Test and Evaluation: Environmentally Sound Corrosion Coatings 1.5
- Metals and Materials Initiative 7.5
- Titanium Matrix Composite Composites 7.5
- UV Free Electron Laser 2.5
- Information Protection and Architecture 3.0
- Advanced Aluminum Aerostatics 5.0
- Cyber Security Research 5.0
- Defense-wide Research, Development, Test and Evaluation: National Nanotechnology Initiative 5.0
- Bioinformatics Program 1.5
- Fabrication of 3D Micromachines Structures 2.0
- Nanomaterials for Frequency Tunable Devices 3.0
- 0.25/0.18 Micron Radiation Hardening Hardening Electronics Process 3.0
- Device Characterization Technology 2.0
- Electrostatic Decontamination System 8.0
- Standard Detection of Explosions 5.0
- Unmanned Ground Combat Vehicle 11.0
- UDO Environmental Security Remediation 5.0
- Fluorescence Based Chemical and Biological Point detectors 2.0
- Counter Decision Support National Guard Support 40.0

**Operations & Maintenance:**
- Army: Live Fire Range Targets 11.9
- Navy: Shipyard Apprenticeship Program 4.0
- Corruption Prevention (Pacific) 4.0
- Air Force: Civil Air Patrol 4.0
- Defense Wide: Khadishahr 35.0
- Military Historic Activities (Raising Civil War Ships) 8.0
- MILCON:
  - Planning and design, Mountain Home AFB, Idaho 0.87
  - PAX River Aircraft retrofit facility 1.45
  - Naval War College National Research Center, Newport RI 1.79

Mr. KYL. Mr. President, I rise to speak to an amendment to the fiscal year 2001 National Defense Authorization Act.

This body is understandably focused right now on the issues of terrorism and homeland defense. It is entirely appropriate. With the imminent release of the Quadrennial Defense Review, however, we should not lose sight of the broader picture of U.S. foreign policy and national security for the decades ahead. While we can and will wage the war against international terrorism, we cannot afford to ignore other future national security concerns that will most assuredly require the United States to maintain a large and robust conventional military capability.

Mr. CRAIG. Mr. President, in reviewing S. 1438, I came across a provision that would have disastrous consequences, no matter what its original intentions might have been. I am talking about section 1062, making it unlawful for individuals to possess “significant military equipment” ever owned by the Defense Department that is not demilitarized and giving the Attorney General the authority to seize such items. “Significant military equipment” can mean a wide variety of goods; for example, it can include military vehicles, aircraft, ammunition, firearms and parts. “Demilitarization” can mean a number of things, too, including cutting or destruction.

The Department of Defense already can, and does, demilitarize some military equipment before surplusing it. I am not advocating a change in that current authority.

However, section 1062 of S. 1438 goes well beyond this current authority. By making possession of such equipment illegal, it would create tens of thousands of lawbreakers overnight, veterans, collectors, sportsmen, even law-abiding individuals, who would then be subjected to the authority to seize such items. “Significant military equipment” ever owned by the Department of Defense that is not demilitarized and giving the Attorney General the authority to seize such items. “Significant military equipment” can mean a wide variety of goods; for example, it can include military vehicles, aircraft, ammunition, firearms and parts. “Demilitarization” can mean a number of things, too, including cutting or destruction.

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Consider the chaos and injustice that would result from enactment of this provision. Veterans service organizations across the country who have acquired military firearms to use for ceremonial purposes, they would be criminals. Americans who learned to shoot and range through the government’s own Division of Civilian Marksmanship program would find themselves being served with a warrant by the same government for the same firearm. Museum displays or airshows featuring tanks, tanks, or aircraft would be threatened. A firearm containing a military surplus replacement part would now be subject to confiscation and destruction or begin rendered inoperable. In my own state, a collector of military Jeeps would risk losing his investment and his collection through no fault of his own.

This provision is breathtaking in its reach and unfairness, capturing millions of items and their law-abiding owners in an even less-onerous provision in the last DOD Authorization bill was dropped during the House-Senate conference on that bill. That same conclusion must be reached by the conferees on S. 1438; this provision can be dropped in order to prevent certain harm.

PRIVATE INSURANCE PRODUCTS OF BRAC INSTALLATIONS

Mr. SMITH of New Hampshire. Mr. President, it is well known that concerns about future liability have been a significant impediment to the remediation and reuse of military installations closed through the BRAC process. Private insurance products have proven an effective tool for addressing the liability concerns of local governments, contractors and developers of BRAC installations. With these products in hand, local governments, contractors, and developers of BRAC installations have been willing to accept the early transfer of contaminated DOD property as long as they could agree to accepted fixed price arrangements with DOD to complete the cleanup of sites. These arrangements encourage the better coordination of remediation and reuse, accelerating both, they save the Federal Government significant money in the process. Would the distinguished managers of the bill agree that the military services should consider the use of private insurance products as a method for expediting the remediation and reuse of BRAC installations, when appropriate cost savings can be achieved?

Mr. LEVIN. I do believe the services should consider such insurance products.

Mr. WARNER. I agree.

Mr. WELLSTONE. Mr. President, I rise to address the subject of our Nation’s security needs in the context of the Defense authorization bill presently before the Senate.

I believe we should provide the best possible training, equipment, and preparation for our military forces, so they can effectively carry out whatever peacekeeping, humanitarian, warfighting, or other missions they are given. They deserve the targeted pay raises of 5–10 percent and deferred maintenance for base housing included in this bill. For many years running, those in our armed forces have been suffering an inequality of life, despite rising Pentagon budgets. The pressing needs of our dedicated men and women in uniform, and those of their families, must be addressed as they mobilize for duty in response to the current threat of war. This bill does largely address those needs, and I will vote for it today.

Even so, I have a number of concerns about the bill, especially about its missile defense provisions. The initial committee language would have cut total funding for missile defense programs from $8.3 billion to $7 billion. In addition, it would have required that President Bush return to Congress with a specific request for funds for any missile defense tests that would violate the ABM Treaty, with congressional approval then required to spend those funds. I am disappointed that this language was removed.

I oppose the plan to deploy a national missile defense shield for many reasons. The crucial question is whether a missile shield will make the United States more or less secure. After studying the matter carefully, I have concluded that deploying a missile shield is likely to make us less secure, and that would be better off using these funds to finance key anti-terrorism initiatives.

The new funding language in the bill allows the President to choose between missile defense research and development and combating terrorism. I believe that fighting terrorism should take priority over missile defense, and should receive most or all of the new funding. I further believe that spending to combat terrorism is more important than digging silos at Fort Greely. ACRs have there have already begun construction of a 135-acre missile field and are planning to begin building silos in the Spring of 2002. Russian officials have said they would view construction of the Fort Greely missile silos as a violation of the ABM Treaty.

Moreover, Moscow has said it would react to U.S. treaty withdrawal by abandoning all arms and nonproliferation training at Washington and might respond to the missile shield by putting multiple nuclear warheads on some of its missiles. Is it worth jeopardizing the system of stable nuclear deterrence that has worked for almost 40 years to build a very costly system that we don’t know will work? I believe it is urgent that we strongly support the renewed efforts of Senator Levin and others to require the President to seek congressional approval before spending funds for missile tests that would breach the ABM Treaty.

I believe in maintaining a strong national defense. We face a number of credible threats in the world today, including terrorism and the proliferation of weapons of mass destruction. We must make sure we carefully identify the threats we face and tailor our defense spending to meet them. We could do a better job of that than this bill does, and I hope that as we move to consider this bill, we will make every effort to transfer funds from relatively low-priority programs to those designed to meet the urgent and immediate anti-terrorism and defense needs of our forces.

Mr. HATCH. Mr. President, I want to express my support for this bill. On balance, I believe it will greatly benefit our national defense and our country. Importantly, we have taken steps to increase pay and benefits for our men and women in uniform and reverse the neglect of our Armed Forces over the past decade. For this alone, the legislation is an important priority.

Let me take a moment to highlight a few of the bill’s other provisions that have special significance.

First is the amendment I supported concerning the waiver authority for the 50:50 rule which governs outsourcing of maintenance depot work. The amendment moves waiver authority to the Secretary of Defense and servicer secretaries. It also requires the Secretary to explain how he will meet the requirements if he requests a waiver. This is vitally important in order to maintain our depot infrastructure which is crucial to national security.

Also of great interest to our veterans is a provision in the bill that addresses the concurrent receipt problem. For too long, we have penalized our disabled military retirees by forcing them to give up their retirement in order to receive disability pay. Senator Reid’s amendment fixes this by allowing our military retirees to receive both their retirement pay and their disability pay. The sacrifice of disabled veterans should not be diminished by this unfair penalty, and I am happy to have co-sponsored Senator Reid’s amendment which rectifies this inequity.

I am also pleased that S. 1438 includes another provision which would address a gross inequity in the law. Currently, a retirement-eligible service member who dies in the line of duty is not considered vested in the military retirement program. The bill we are passing today will allow for the posthumous retirement of the member and those provide additional benefits to the surviving spouse and children.

The bill also includes an additional $5 million for consequence management training involving weapons of mass destruction. This will make use of the unique training capabilities that exist at Dugway Proving Ground in Utah. I think we will all agree this is very timely given the terrorist threats our nation is facing.

I am committed to ensuring adequate resources are available to train units, civil support teams and other teams and individuals in combating terrorism. To that end, I support the bill’s
provision to require the Secretary of Defense to report back on the capabilities of defense installations, such as Fort Leonard Wood and Dugway Proving Ground, to train first responders. Along with the positive aspects of the bill, there are still provisions with which I disagree. First and foremost of these is the authorization for a round of base closures in 2003. This is simply not the moment to spend inordinate amounts of time and federal tax dollars preparing for base closings. The Nation’s needs and the defense establishment need to be focused on the war effort. I hope that this unwise language will be dropped by the conference.

Additionally, I oppose the provision concerning the Federal Prison Industries. Any change to Federal Prison Industries should be part of a comprehensive overhaul rather than piecemeal changes in an unrelated bill. The ability to put prisoners to work greatly contributes to their rehabilitation. Without a market for the goods, an important tool is eliminated. Again, I am hopeful this provision will be dropped in conference.

I was very disappointed, that the bill did not include the Service Members Protection Act. By prohibiting the Government from cooperating in any way with the International Criminal Court, this legislation would protect our service members from unjust and arbitrary prosecutions for carrying out policies of the United States Government. I will continue to work with Senator HELMS, the author of the legislation, to secure its passage.

Before closing, I also want to discuss Senator DOMENICI’s amendment to make spending for the Radiation Exposure Compensation Trust Fund mandatory. I am heartened the amendment will be included in the bill we are about to pass. I strongly support this amendment and commend Senator DOMENICI on a job well done.

Over the past months, Senator DOMENICI and I have worked together to make needed improvements to the RECA program. We have been joined in this effort by Majority Leader Tom DASCHLE and Senators BINGAMAN, REID, CAMPBELL, WELLSTONE and JOHNSON.

I feel safe in speaking for all of us when I express the shock and outrage we felt upon learning that the RECA trust fund was empty and that our constituents were receiving IOUs for the compensation they deserved. We vowed to our constituents that we would work day and night to ensure that funding for RECA would be guaranteed, and when this amendment is enacted, that promise will be fulfilled for the next decade.

As my colleagues are aware, earlier this year, I introduced legislation, S. 898, which includes language similar to the Domenici amendment. This language would also make spending for RECA mandatory, so that the appropriators would automatically fund the program each year. It will guarantee that all eligible individuals would receive their compensation in a timely manner.

Despite all of our efforts, despite the RECA claimants’ good faith, and despite the hard work of Justice Depart- ment officials administering the program, the Trust Fund became depleted in March of 2000. This situation was simply unacceptable. RECA claimants began receiving “IOU” letters from the Department of Justice advising them that because of an accounting oversight until we approved this year’s supplemental appropriations bill, which covered the past IOUs and all claims approved as of September 30, 2001. However, many new claims will be approved in the coming months. Therefore, it is imperative that spending for this program become mandatory.

And while these mandatory funds will provide a substantial amount of money to the RECA trust fund from fiscal year 2002 through fiscal year 2011, it is important to know that this will not completely solve our constituents’ concerns, we will still need more Fed- eral money to provide compensation to all RECA victims. Let me assure those in that there we will continue to fight this battle until all individuals are compensated by the Federal Government.

On a whole, this is a very good bill crafted by very good lawmakers. It begins to provide the Defense Depart- ment with adequate resources after 10 years of erosion. However, this is only the first installment; there is yet much to be done in the coming months and years ahead to ensure that we strengthen our de- fense posture as quickly and as effec- tively as possible.

Mr. FEINGOLD. Mr. President, under normal circumstances, it is likely that I would have opposed this bill. Under normal circumstances, I may have of- fered amendments to realign the Pen- tagon’s lingering cold war mentality with the realities of the post-cold war world. However, I am concerned that there would have been a more com- prehensive debate on the proposed na- tional missile defense system.

But as we all know, these are not normal times. The tragedies that began to unfold in New York, Washington, DC, and Pennsylvania on September 11, and the bold strike against terrorism that this country and our men and women in uniform are about to launch, demand a bold and unified Congress and a uni- fied nation. For those reasons, I will vote in favor of this bill.

The events of the past three weeks have crystallized support for our Armed Forces and have made it very clear to me that they have the resources necessary for the daunting task that lies ahead. But this strong sense of unity does not require Congress to abdicate its responsibility to review closely the funding requests of the President, and it does not pro- hibit discussions about the direction of federal spending, including defense spending.

Each year that I have been a member of this body, I have expressed my con- cern about the priorities of the Pen- tagon and about the process by which we consider the Department of Defense authorization and appropriations bills. I am pleased that the Department of Defense does not receive the same scrut- iny as other parts of our Federal budg- et. This time of unprecedented national crisis underscores the need for the Con- gress and the administration to take a hard look at the Pentagon’s request to ensure that scarce taxpayer dollars are targeted to those programs that are necessary to defend our country in the post-cold war world and to ensure that our Armed Forces have the resources they need for the battles ahead.

I look forward to reviewing carefully the recently released Quadrennial De- fense Review, a document which I be- lieve should have been submitted in re- gard to with an fiscal year 2002 defense budget request. At a time when the Department of Defense has rightly undertaken a comprehensive review of our military and its missions, it is important to know that the defense bill that is largely rooted in the long-ended cold war. I commend the Secretary of Defense for acknowl- edging the impact of the September 11 terrorist attacks on our future defense strategy, and urge him to continue to analyze of the role of our Armed Forces in combating terrorism and other chal- lenges of the post-cold war world.

This bill is not perfect. To be sure, there are some good things in it. I am pleased that the committee has re- duced the President’s procurement re- quest for the troubled V-22 Osprey from 12 aircraft to nine. I remain con- cerned, however, that those nine air- craft, and the Ospreys that have al- ready been with an fiscal year 2002 budget, will require costly and ex- tensive retrofitting following the ongo- ing review of the program. Since it re- mains unclear whether many of the problems with this aircraft can be fixed, since the proposal of the De- fense’s decision on whether to move forward with this program remains a long way off, I am pleased that the committee has included language in its report requiring the Department of De- fense to study alternatives to this air- craft.

We owe it to our men and women in uniform to provide them with safe, ef- fective equipment. Their safety should be a principle concern of the Pentagon and the author- izes another round of base closures. We should continue to reassess our base structure to ensure that we are maxi- mizing the use of our defense facilities.
By closing bases that are no longer needed, we can help to ensure that our military personnel and their families are not being forced to live and work in hazardous conditions. The decision to move forward with another round of base closings, and with some of the hard decisions that this body will have to make as we face the realities of the Federal budget.

I am also concerned that this bill again focuses on procurement of costly weapons systems at a time when we should be redirecting more funding to readiness and to quality of life programs for our men and women in uniform and their families. I regret that this bill authorizes the conversion of four Trident II submarines to carry conventional weapons when the Defense Department requested the conversion of two submarines and the retirement of two submarines. I also regret that we continue to procure cold war-era weapons such as the Trident II submarine-launched ballistic missile and that we continue to operate the Navy’s Extremely Low Frequency communications system.

This is a time for the administration, the Congress, and the country to stand together in the face of the horrific attacks on September 11. We must do everything we can to support our military personnel as they prepare to combat the scourge of evil who perpetrated these vicious crimes and those who offer them financing, shelter, and support. While this bill is far from perfect, I will vote in favor of it.

Mr. WARNER. Mr. President, we are about to vote in 2 or 3 minutes; am I not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I would like at this time again to thank all colleagues for their assistance in getting this very important piece of legislation up and carefully considered over a period of several days. I thank the staffs—on my senior staff, Les Brownlee, who hopefully will be moving on to other assignments here in the near future, and David Lyles, his counterpart, and others. I am most grateful. Senator LEVIN and I have been on this committee 23 years. I guess this is our 23rd bill. We have had tremendous cooperation from colleagues, staff, and otherwise.

This morning it was quite clear there was unanimity on both sides of the aisle to proceed with this bill. I thank my distinguished chairman. It is a pleasure to work with him. We had some hard decisions to make and I think we made them basically to-gether. We eliminated from the bill some programs, such as Senator MURkowski, Senator BINGAMAN, Senator LUGAR, Senator BIDEN, Senator HOLLINGS, Senator LANDRIEU, and Senator THURMOND.

I am not here to complain about their efforts, their diligent work. But I am a little concerned about the fact that I had some very good amendments pending. There is a very serious misunderstanding because it seems to me they may have been working with staff on a number of these amendments.

I was preparing to pull some of the amendments in a negotiation process. I want to state two of them that would have been very important to have. It is my hope, and for reasons such as Senator MURkowski, Senator BINGAMAN, Senator LUGAR, Senator BIDEN, Senator HOLLINGS, Senator LANDRIEU, and Senator THURMOND.

It has to do with trying to make sure the United States in its workings with Russia on plutonium disposition programs, which I happen to have something to do with—$200 million was appropriated to start this program in an urgent supplemental 2 years ago. You may remember, such as Senator MURkowski, Senator BINGAMAN, Senator LUGAR, Senator BIDEN, Senator HOLLINGS, Senator LANDRIEU, and Senator THURMOND.

All this is when you have a plan, send it up, and we will consider it. In the meantime, we don’t think you should pick a piece out of the program without telling us how you are going to keep it intact.

I think anybody around here would have accepted that, or at least would have thought it was something very serious, unless they do not care about the program. There are some who do not think the plutonium disposition program is very good. But they don’t have the luxury of deciding that it is not good. It is the law of the land right now. It is hard and difficult to get it done.

As an example of another one: Senator BINGAMAN, Senator LUGAR, and Senator HAGEL. This is on the coordination of nonproliferation programs and assistance thereto.

There is no question on the part of those experts around who looked at this issue that we have to coordinate these programs. We have come to the word “coordination” after this terrible attack as it applies to a lot of programs. We must coordinate better between the FBI and their information system, the CIA and theirs, and DOE and theirs. We finally decided to get something coordinated.

Specifically, on the nonproliferation programs, we are desperately in need of coordination. God forbid that something happens and we will say, Where was the coordination? At least we can say we have been trying for a long time to get coordination. We didn’t get it in this amendment because for some rea-son somebody here had a misunder-standing with us—neither of these two
Senators—or they just didn’t think we ought to be doing this kind of thing on this bill.

In a sense, the cloture may very well have closed these off, but in the middle of negotiations we thought we should probably not have thought that. We probably shouldn’t have stopped it. Unless it gets done, we shouldn’t think that in negotiations.

Having said that, I want to put these two amendments in by way of some thought that will go into what I was talking about. I will choose to take the remainder of my amendments and put them in now so that somebody at some point will be able to look and see if their amendments were reasonably good amendments. I believe with the exception of one or two, which I was prepared to change or withdraw, they are very good amendments. Ultimately, they are needed and should be paid for.

I will submit the package for perusal by those who might want to take a look to see if we could have made the bill a bit better, and at least be given some reasonable consideration.

I thank the Senators. I yield the floor.

Mr. WARNER. Mr. President, if I might for 1 minute, I think the Senator from New Mexico has some very constructive suggestions. I am familiar with them. I spoke just this morning with Senator LUGAR about a letter that he wrote to the Secretary of Defense, which is the subject matter of one of these amendments. I would have signed the letter with him. Yesterday I was engaged here. I hope in the context of the conference and otherwise we can address these important matters.

Mr. DOMENICI. It will be in the RECORD.

Mr. LEVIN. Mr. President, if the Senator from New Mexico will yield, let me also say, as someone who supports those amendments, that I will be working very hard in conference to see if we can find some way that is permitted in conference to get some of those issues resolved. I happen to be one who strongly supports those amendments. I thank him.

Mr. DOMENICI. The Senator from Michigan has attended a number of meetings where these issues were discussed. They are really serious issues. They will be coming along in a very good way.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I congratulate our two managers for the outstanding job they have done in getting us to this point. It was not easy. I am grateful to my chairman and to our ranking member for the excellent job they did in maneuvering and orchestrating the effort to this point. I expect we will have a very good vote, thanks in large measure to their leadership.

After this vote, it is my intention to move to the Vietnam trade bill. There may be a request to have a vote on the motion to proceed. It would be my desire to have the vote, if it is required, immediately following the vote on the Defense authorization bill. I urge Members to stay until we can clarify whether or not a second vote is required. If it is not required, the vote on the Defense authorization bill will be the final vote for the day.

We will be on the Vietnam trade bill either way—either on the motion to proceed, which I don’t expect, or on the bill itself.

As my colleagues I am sure know, there is a 20-hour time limit. It is my hope and my plea that we don’t feel the need to spend all 20 hours on this bill. It is an important piece of legislation. I don’t minimize it. But we have a lot of work to do in what is a short work-week once again. We will take up the bill. I am hopeful we can have a good debate tonight and then vote on it tomorrow, and hopefully early in the day.

I ask my colleagues to stay on the floor until we know for sure whether there is a second vote. I urge my colleagues as well to come and debate this bill so we can move it along and, hopefully, vote on its final passage sometime tomorrow.

Mr. LEVIN. Mr. President, could I add my thanks to the majority leader for his very strong and determined leadership to bring this bill to a close. I must say it could not have happened without the determination of the majority leader to finally just simply file cloture. That is what it came to. We were not able to bring this to closure without that cloture motion.

The majority leader’s leadership has been absolutely superb and essential. That is going to permit us to have a strong vote and a unified, bipartisan voice in support of our troops. Both the majority leader and the Republican leader at an earlier time had sought to limit amendments to some kind of a procedure. I thank both the majority and Republican leaders for that effort. They did not succeed in achieving that, but the next step will be taken. The majority leader took that action. That is the true mark of leadership, and the Nation is very much in his debt.

Mr. DASCHLE. I thank the chairman for his comments.

Mr. WARNER. Mr. President, I join in thanking the Republican and Democratic leadership for their assistance in getting us to this point. Senator Lott and Senator NICKLES also were on the floor last night until 8 o’clock, as was Senator REID. We thank them.

Mr. DASCHLE. I thank the Senator from Virginia.

I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from South Carolina (Mr. THURMOND), is necessarily absent.

I further announce that the present and voting the Senator from South Carolina (Mr. THURMOND) would vote ‘‘yea.’’

The PRESIDING OFFICER. Mr. REED. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—99

Akaka  Doughty  Lott
Allard  Durbin  Lugar
Baucus  Ensign  McConnell
Bayh  Rini  Mikulski
Bennet  Feingold  Miller
Biden  Feinstein  Markowski
Bingaman  Fitzgerald  Murray
Bailey  Frist  Nelson (FL)
Baucus  Graham  Nelson (NE)
Breaux  Gramm  Nickles
Brownback  Graddley  Reid
Running  Gregg  Reid
Burns  Hagel  Roberts
Bunce  Harkin  Rockefeller
Campbell  Hatch  Santorum
Cantwell  Helms  Sarbanes
Caraballo  Hollings  Schumer
Carper  Hutchinson  Sessions
Chafee  Hutchinson  Shelby
Cleland  Inouye  Smyth (NI)
Clinton  Johnson  Smith (OK)
Coehorn  Jeffords  Snowe
Cochran  Johnson  Speier
Conrad  Kennedy  Stabenow
Curnette  Kerry  Stevens
Craig  Kohl  Thomas
Crappo  Kyl  Thompson
Daschle  Landrieu  Torricelli
Dayton  Leahy  Voinovich
DeWine  Lieberman  Whitehouse
Domenici  Lincoln  Wyden

NOT VOTING—1

Thurmond

The bill (S. 1438) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. LEVIN. I move to reconsider the vote.

Mr. DODD. 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 Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that it be in order for the Senate to proceed en bloc to the consideration of the following calendar items: Calendar No. 156, S. 1417; Calendar No. 157, S. 1418; and Calendar No. 158, S. 1419; that all after the enacting clause be stricken, en bloc; that the bills be passed and engrossed en bloc; that the bills be passed and engrossed en bloc; that the bills be read a third time, passed, and the motions to reconsider be laid upon the table en bloc; that the consideration of three divisions of S. 1438, as passed the Senate, be inserted as follows: Division A, S. 1419; Division B, S. 1418; and Division C, S. 1417; that the bills be read a third time, passed, and the motions to reconsider be laid upon the table en bloc; and that the consideration of these bills appear separately in the RECORD. I further ask unanimous consent that with respect to S. 1438, S. 1417, and S. 1419, as passed the
Senate; that if the Senate receives a message from the House with respect to any of these bills, the Senate then proceed to the House message; that the Senate disagree to the House amendment or amendments, agree to the request for a conference on the disagreeing votes of the two Houses, or request a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint committees with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, sometimes seemingly small issues take on a great significance in large debates. I raised the prospect of objecting to going to conference on this bill because of an issue that both in my State and potentially in my country looms very large.

A week ago, I raised with the committee my concerns that because of a merger by General Dynamics and another company, the United States of America is being left with one producer of smokeless gunpowder. One. One plant, one company, one location.

It is a highly volatile matter. Aside from the questions of what this does to the competitiveness for cost for the Pentagon, the waste it may produce, there is the danger of loss of production.

I remind my colleagues this is what fuels the TOW missile, hundreds of which are probably now making their way to the Middle East for antitank operations; our strategic forces with the Trident, the Hellfire missile that is used from aircraft and helicopters, one manufacturer.

If I am understanding the Pentagon is now considering acquiescing to an action by the Federal Trade Commission because of concerns about what this will do to government costs, monopoly status, safety and quality for what is a matter of great significance to our Armed Forces.

It was my hope and intention to include an amendment in the legislation that would have put the Senate on record that indeed the Federal Trade Commission should investigate and, if appropriate, take the proper action.

In my judgment, the right action is for the Pentagon to indeed ensure there are two suppliers and to divide the contract as we do with so many other items that are important for national security.

Because of the cloture vote, I could not include this amendment in the legislation, but it is my understanding the Secretary of Defense has now decided on the merits, on his own volition, to accede to the Federal Trade Commission.

I inquire of the chairman of the committee his understanding of this action and whatever actions he might be taking in coming days in regard to this concern.

Mr. LEVIN. I thank my friend from New Jersey for a number of things: First, for voting for cloture in a very difficult situation where he had an amendment about which he feels very strongly, which I happen to support. The amendment was also, of course, co-sponsored by Senators CARPER and CORZINE. Even though this amendment would not be in order after the cloture vote, the stakes were so great in terms of the Nation’s security to get this bill passed that we had a strong vote for cloture nonetheless. This was true of the Senator from New Jersey and a number of other Senators who knew their amendments would not be in order if cloture, in fact, were invoked. I thank him for putting that need of this Nation so high that even though this amendment which is so important then could not be made germane, nonetheless cloture was voted for.

We understand the Defense Department is going to express a view on this matter to the Federal Trade Commission, if it has not already done so, within the next few days. While I am not prepared to take a position on the merits because I do not know enough about the merits, and I would not do it anyway, I nonetheless believe it is important that the Department of Defense express itself, as the Senator’s amendment, or amendments, support. Since the amendment simply said it was the sense of the Senate the Department of Defense should express its views on the antitrust implications of the joint venture described in subsection A to the FTC not later than 30 days after enactment.

I felt that was a very reasonable approach. It did not weigh in on the merits. It simply said this matter was so important the Defense Department should express its views.

The Senator has my assurance that if for any reason the Defense Department does not express its views to the FTC before we complete conference, or if it has not already done so, I would take whatever steps I could to make sure that, in fact, it does so before we bring back the conference report to the Senate.

Mr. TORRICELLI. Reclaiming my time, I thank the chairman of the committee, Senator LEVIN, for his consideration and his support. I believe the Secretary of Defense will make a proper communication to the Federal Trade Commission. If for any reason he does not, I am very grateful the chairman of the committee will express his own views at the appropriate time.

Obviously, if this is not successful in conference with this matter, we will return on the appropriations bill. What matters most is not simply the Greater Chemicals and the few hundred people in Parlin, NJ, and those who work in Delaware. They matter to me and they matter to me enormously. More significantly, at a time when we have seen the vulnerability of our country and at a time of national emergency, the Nation, for principal defense items, cannot either on this specific item or speaking more broadly in national defense generally ever limit itself to single suppliers or create choke points in supplying our Armed Forces.

Today I am rising on behalf of a small company in New Jersey, but tomorrow it could be somebody in any city in any State in America. The principle still stands. We live in an age of terrorism, and even if we did not, we live in a time where simple industrial accidents cannot impair the ability of our country to supply ourselves or our Armed Forces.

I thank the Secretary of Defense for the action he has promised with the Federal Trade Commission, and I am particularly grateful to the Senator from Michigan for his own statement of support.

I withdraw my objection.

The PRESIDING OFFICER. Is there any further objection? Without objection, it is so ordered.

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2002

The bill (S. 1417) to authorize appropriations for fiscal year 2002 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division C of S. 1438, which will be printed in a future edition of the Record.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2002

The bill (S. 1418) to authorize appropriations for fiscal year 2002 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division B of S. 1438, which will be printed in a future edition of the Record.)

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR THE FISCAL YEAR 2002

The bill (S. 1419) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(See Division A of S. 1438, which will be printed in a future edition of the Record.)

Mr. LEVIN. Mr. President, I ask unanimous consent that S. 1438, as
passed the Senate, be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. To the members of our committee, including the Presiding Officer, as well as our staff on this side of the aisle: Les Brownlee and his staff, but most important perhaps of all Senator WARNER for, as always, his extraordinary efforts to produce a bill in a bipartisan fashion, I am truly indebted. More importantly, the Nation has been advantaged by his service, and I am very grateful personally to him for all of his efforts.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I echo the compliments made by Chairman LEVIN for the work of Senator WARNER. I will also say that Senator LEVIN did an outstanding job. It was great the Senate was able to work. We had no partisan votes, as I read in the DOD authorization bill, a very important bill for our national security and important for us. So now we can go on and finish the DOD appropriations bill, a very critical bill as well.

Again, my compliments to Chairman LEVIN and Senator WARNER for their leadership, and for all Senators working together to get this bill passed as expeditiously as we did.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIETNAM TRADE ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to calendar No. 154, H.J. Res. 51, the Vietnam trade bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: A joint resolution (H.J. Res. 51), approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate now proceed to a period of morning business, with Senators allowed to speak for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNET TAXING

Mr. MCCAIN. Mr. President, the Senator from North Dakota, Mr. DORGAN, and the Senator from Massachusetts, Mr. KERRY, and others have been working for years on the issue of Internet tax. We still have not reached an agreement. The moratorium expires very soon.

We will be introducing legislation today for another 2-year extension of the Internet tax moratorium. I hope we can get agreement on that, and in calmer and quieter times, we will be able to address and debate the issue of Internet taxation. It is a very difficult, very complicated, and an increasingly important issue to Governors, legislators, mayors, and city council members.

At this point in our American history, we need an extension of a couple years so in calmer and quieter times we can come to some agreement on this very important issue. That does not mean the Senator from Oregon and I are opposed to Internet taxes per se, but we have a long way to go before we are in agreement, so we will be introducing legislation today. I hope we can get unanimous agreement on it and move forward.

I yield to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, today with Senators MCCAiN and LEAHY, I am introducing legislation that would extend the moratorium on discriminatory taxes on electronic commerce. Senator MCCAIN is absolutely right. The moratorium expires in a few days, and we are very hopeful the bipartisan bill we are going to introduce today is going to help bring the Senate together on what has surely been a very contentious issue.

Considerable confusion even exists as to what the current law entails. For example, there are countless stories written that say there is a ban on Internet taxes. That is absolutely incorrect. The only thing that is banned today is taxes that single the Internet out for discriminatory treatment. We are extending that ban.

As Senator MCCAIN has noted, there are strong feelings on both sides of this issue. I happen to believe very strongly that no jurisdiction in this country has shown they have been hurt by their inability to discriminate against the Internet. Certainly folks in State and local government feel very strongly about it, and they have a right, at this time of economic concern, to know where the revenue is going to be for their essential needs.

Mr. DORGAN. Senator KERRY, Senator HOLLINGS, and I intend to continue the very constructive conversations we have had literally for 18 months on the issue, but because it is important to move forward quickly, given the fact the moratorium expires, Senator MCCAIN, Senator LEAHY, and I are introducing our bipartisan effort today and plan to continue our conversation with our colleagues.

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 the 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 January 17, 2001 in Helena, MT. An openly gay student at Carroll College withdrew from school 14 days after being knocked unconscious and beaten in his dorm room. The victim did not initially report the incident due to fear of further retribution.

Someone struck the student in the head with a bottle as he returned to his room from the dorm showers early in the morning and then beat him while he was unconscious. The attacker also wrote "Die Fag" on his body with an ink marker.

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.

ADDITIONAL STATEMENTS

HONORING DEAN DORT, CHARLES ORLEBEKE, AND DAVID WILLIAMS

Mr. LEVIN. Mr. President, I want to commend the services of three midwesterners who are ending their terms on the Northeast-Midwest Institute’s Board of Directors.

Dean Dort, Charles Orlebeke, and David Williams have provided stable leadership, offered a wealth of ideas, and advanced the Institute’s credibility. Dean Dort is vice president of international affairs for Deere & Company, which is headquartered in Moline, IL. He has been a criminal trial lawyer, a Federal Criminal Court Judge, the representative of the Secretary of the Army to the United States Congress, and Washington counsel for Deere & Company.

Charles Orlebeke is a professor of urban planning and public affairs at the University of Illinois at Chicago. He previously served as executive assistant to Michigan Governor George Romney, founding dean of the urban planning and public affairs program at the University of Illinois at Chicago, and assistant under secretary and assistant secretary for policy development at the US Department of Housing and Urban Development.

David Williams is vice president of Earth Tech, an engineering firm based in Chicago. He has served as commissioner of public works for the City of Chicago; a member of the Illinois Public Utilities Commission; and city manager of Inkster, Michigan. The Northeast-Midwest Institute provides policy
research for the bipartisan Northeast-Midwest Senate Coalition and its Great Lakes Task Force, which I co-chair with Senator MIKE DEWINE of Ohio. I again want to commend Dean Dort, Charles Orlebeke, and David Williams for their service on the board of the Northeast-Midwest Institute. They have provided valued counsel and helped increase that organization’s reputation and effectiveness.

TRIBUTE TO DANE GRAY BALES, A KANSAS LEGACY

Mr. ROBERTS. Mr. Chairman, I rise today to call attention to the death, August 26, 2001, of a good friend and distinguished Kansan, Dane Gray Bales of Logan, KS.

Mr. Bales was born in 1918 to a pioneer Kansas family. He served in the Army Air Corps in WWII and returned home to Kansas to work for the Hansen Oil Company.

Throughout his life he was a community builder and civic leader known across the State. Fort Hays State University gave him its Distinguished Service Award in 1985.

Mr. Bales is best known for his unflagging support for higher education in Kansas. With his wife, Polly, he was life member of the University of Kansas Chancellor’s Club, the School of Business Dean’s Club, the School of Fine Arts Dean’s Club, the Williams Fund, and the Oread Fund and other organizations.

They were major contributors for the Dane and Polly Bales Organ Recital Hall and the Wolff Organ and they established the first organ professorship at the University of Kansas.

I submit for the record a recent article from the Hays Daily News that comments on Mr. Bales’ outstanding life of service to Kansas and the eulogy delivered by Kenneth Tidball, superintendent of Logan. I ask that the article and eulogy be printed in the RECORD.

The material follows:

[From the Hays Daily News, Sept. 2, 2001]

LOGAN LEGACY

Flags flew at half-staff. Downtown businesses closed early. For at least an hour on Wednesday afternoon, this small Phillips County community closed up shop to pay its respect to a man who was more than just a lifelong resident.

Dane Bales embodied the tradition of small-town Kansas. While he carried the portfolio of an accomplished businessman, political activist, and world traveler, Bales’ appreciation and love for his hometown was one of his greatest attributes.

It was something he had learned at an early age.

His uncle, Dane G. Hansen, the namesake of a multimillion-dollar trust fund and not-for-profit foundation in downtown Logan, exemplified the same characteristics.

Hansen never married, and at the time of his death in 1965, his estate, valued at between $9 million and $16 million, was left to a foundling bearing his name. Those funds were to be used explicitly for the betterment of area residents.

That money had grown first from a simple general store, handed down to Hansen by his parents, Danish immigrants who were part of Logan’s original settlement in the late 19th century. His business endeavors later developed into a lumberyard, then road construction and finally the oil business. Ultimately, Hansen’s success developed into exactly what his uncle intended that he establish: the first organ professorship for Kansas residents.

For 36 years, it all was overseen by his nephew, the lone descendent of the Hansen family.

At the time of Hansen’s death, Bales was named to head the family trust and also was one of seven men handpicked by his uncle to head the Hansen Foundation. Now, Bales’ widow, Polly, said the family legacy will continue, just without a family patriarch heading the board.

The couple’s only son, Dane G. Bales Jr., died of leukemia in May 1998. His widow, Carol, now of Atchison, still serves as a trustee for the trust and foundation.

Polly Bales said legal documents stipulate that the trust will continue for 20 years after the death of the Hansen family’s final descendant. That now ensures it will continue through 2021.

Although his life was surrounded by great experiences and people of all walks of life, this week Bales remembered as a man who loved a few simple things.

The Rev. Ron Lowry told the hundreds of people who packed Sunday’s United Methodist Church for Bales’ funeral that he frequently tried to “find the unique” things in a person. That was a simple task this week, he said, because there were so many unique things about Dane.

Neighbor Kenneth Tidball talked about Bales’ passion for golf. And while he loved Kansas basketball and basketball, golf had been his game for a number of years. He played his last round of 18 holes less than a month ago.

Following a lifelong admiration for airplanes, at age 46 he learned to fly and bought his first plane. Also an accomplished ham radio operator, Lowry said he shared that hobby with Bales. As he talked to Polly Bales about it, she joked with Lowry that if he’s ever able to send a message to Bales’ signal, he was to notify Bales that she also expected to hear from him.

“I appreciated the kind of love they had for each other,” Lowry said. “They were such a complementary couple.

The two met while students at the University of Kansas. Polly Bales said her husband of nearly 60 years was dating her roommate while they were in college.

“I was trying to get the two of them together,” she recalled.

Then one night, Bales called and asked if she wanted to go to Kansas City to attend an Ella Fitzgerald concert.

“I said, ‘Oh, sure. I’m there. That’s how you start to age. We dated for at least a year and a half. I wasn’t trying to get him. I didn’t really notice him, but that’s how it worked out,’ ” she says.

Their love of the Jayhawks was a shared passion. They were members of countless school-related organizations and activities, all dedicated to the promotion of higher education.

For 21 years they have hosted the area KU Honors Program, and in recent years have welcomed Robert Hemenway’s Wheat State Whirlwind Tour to the Dane G. Hansen Memorial Museum and Hansen Plaza. They were among the first to tour the Bales Organ Recital Hall, which opened in 1999 and traveled with the group on 30 international trips.

They were major contributors for the Dane and Polly Bales Organ Recital Hall, adjacent to KU’s Ku Stadium. The organ was delivered to Lawrence, and the couple since have established the university’s first organ professorship.

Although Polly Bales said at first they “protested a little bit” the name of the recital hall, school officials told them that the Board of Regents already had decided on its name.

“So much of what we have is because of the Hansens. We thought that would be the name attached to it, but they said it was going to be Hansen Hall,” she said.

Polly Bales, a former organ student at KU.

“What an honor.”

In 1985, the couple were awarded the Fort Hays State University Distinguished Service Award. Two years later, they were included in the KU Gallery of Outstanding Kansans, and both have received the Fred Ellsworth Memorial Award from the university.

“We were in pretty heady company,” Polly Bales said with a smile.

Earlier this year, the couple received the Volunteers of the Year Award from a 10-state district of the Council for Advancement and Support of Education.

All of those recognitions, which Polly Bales said they both cherished, hang in the hallway of the couple’s home, built on the same stretch of land where Bales was born where he died, and just across the street from Hansen Plaza.

“I always told him he didn’t go too far,” Polly Bales said of her husband, joking that he had never worked and even died in an area equivalent to the size of a couple of city blocks.

His steadfast commitment to his hometown was not going unnoticed. His death in fact brought an end to a long-standing record in Logan, 130 continuous years of business by a member of the Hansen family. By this week’s issue of the Logan Republican, the weekly newspaper, refers to Bales on its front page as “a legend.”

“The love he had for our community was extraordinary. He could have made his home anywhere in the world but he chose to stay in Logan, Kansas, where his family roots had long been a part of our community. The recognition and prestige he gave our little town will forever be remembered.”

Even among all of their success and fortune, Polly Bales said she knew her husband would be flooded by all the attention showered on him this week. Floral shops delivered more than 80 arrangements in his name, and just one day’s mail, full of sympathy cards and condolences, filled a couple of shoeboxes.

“Would be so thankful. I know he would,” she said as tears filled the corners of her eyes. “I’m so lucky to have a family this family. They’re so loving, and they’ve always taken care of me. But I’m going to miss him.”

EULOGY FOR DANE GRAY BALES

(By Kenneth Tidball, Superintendent of Schools, Logan, KS, August 29, 2001)

A reporter from a big city newspaper called Monday at my office to ask me why I was doing the eulogy for Dane Gray Bales. He said why isn’t the governor or the chancellor of KU or Congressman Moran doing it. I told him why I don’t know what you would tell him, but I could tell him this, no one could be more honored, no one could feel more privileged than I did to talk about a wonderful, kind, loving man Dane Gray Bales.

I told that reporter that I felt so inadequate to do justice to the man we’ve come to honor today. There are so many of you gathered here that have a lasting relationship with Dane that I have; some of you did business with Dane; some of you played golf with Dane; some of you flew, or traveled, or lived in Logan; some of you loved KU or loved chocolate or did several of those things that made up such a
large part of Dane's life; I didn't have those special opportunities.

My special opportunity was that Dane was my neighbor. When we moved back to Logan, God had the special privilege of moving next door to the Bales. There I learned to respect and admire a descendent of true pioneer stock, a man with more determination and tenacity than most of us have bones in our body, a man who could do hand-to-hand combat with his fountain in the yard, or underground sprinkler and make them work again. He could also talk about world affairs, the stock market, education and consumer prices.

But a special right was I always knew there were right with the world when I would look out my east window and see Dane up on his roof with his leaf blower, or getting ready to go play golf; wrestling with his fountain or getting ready to play golf; filling his bird feeder, putting ears of corn out for the squirrels, or getting ready to go play golf. There's no doubt about it, Dane loved to play golf.

Some of his golfing buddies have told me stories about Dane's game. Rich Wallgren says his putting technique, the jump-n-putt, should be adopted by the PGA tour.

Jerry Patterson gave me the following observation from which I now quote:

"I have played a lot of golf with Dane, all over the state of Kansas, in a few other states as well. Dane was a very honest person in all that he was involved in. At the age of 83 he did as well as good as it might have once been and after tallying up, say an 8 on a hole, the scorekeeper, which was usually Rich or I, would try to make it a little easier on him, and I'd say, 'Dane, you had a 7 didn't you?' He would answer back 'No, I had a dag-blasted 8.' If you are a golfer you know when someone offers to give you one less stroke on a hole, it tests your honesty. Dane always declined.

Dane loved the game of golf and when we had fixed it for the day he would then ask, 'Where are we going tomorrow?' The answer from the rest of us usually was, 'I don't care, wherever you guys want to.'

Dane played 18 holes less than a month ago.

As dedicated as he was to his golf, he was even more dedicated to the responsibility of his office. A few weeks ago, he came back from a medical center to work in his office for two hours because the trust in his office. Less than three weeks ago, Dane was invited by then Secretary of Defense Dick Cheney to become a member of the Joint Civilian Orientation Committee and to travel around the world, to 60 different countries, I always knew they would be uncomfortable and embarrassed.

But I can't help it. I admired him so, I respected him so, and I, like the rest of you, will miss him so.

Dane was not a demonstrative person, but his love for Polly was legendary, and although they won't get to celebrate their 60th wedding anniversary this November, the last sentence that Dane said to Polly was "I love you." What a beautiful memory.

I'm going to close with a quotation from a letter written by a grand-nephew of Dane's just last week. "A man who spends his life doing his job the way he does, whose God is the man that will be remembered forever in the hearts of loved ones and all who have known him. I feel my life has been enriched having been able to say to Dane, 'I love you.' I know in the Bible that a 'proud person' is a sinner, but I will forever be honored for what my Uncle Dane stands for and believes in. With all my love.

My life has been enriched having been able to say that Dane was my neighbor.

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.)

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. WYDEN (for himself, Mr. MCCAIN, and Mr. LEAHY):

S. 1482. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WELLSTONE (for himself and Mrs. MURRAY):

S. 1481. A bill to amend Family Violence Prevention and Services Act to reduce the impact of domestic violence, sexual assault, and stalking on the lives of youth and children; and provide appropriate services for children and youth experiencing or exposed to domestic violence, sexual assault, or stalking; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL:

S. 1494. A bill to prevent fraud in the solicitation of charitable contributions, and for other purposes; to the Committee on the Judiciary.

By Mrs. CARNAHAN:

S. 1495. A bill to amend the Poison Prevention Packaging Act to authorize the Consumer Product Safety Commission to require child-proof caps for portable gasoline containers; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS:

S. Res. 165. A resolution establishing a Select Committee on Homeland Security and Terrorism; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mr. KENNEDY, Mr. BROWNBACK, Mr. BIDEN, Mr. FENTON, Mr. PENNACCHIO, Mr. ALLEN, Mr. FRINGOOLD, Mr. BENNETT, Mr. SCHUMER, Mr. JEFFORDS, Ms. CANTWELL, Mr. EDWARDS, Mrs. CLINTON, Mr. BINGAMAN, Mr. KERRY, Mr. MURRAY, Mr. CORZINE, Mrs. BOXER, Ms. LANDRICK, Mr. MIKULSKI, Mr. CLELAND, Mr. LIEBERMAN, Mr. CARPER, Mr. TORUCHELLI, Mr. SARBANES, Mr. LEVIN, Mr. INOUYE, Mr. JOHNSON, and Mr. REID):

S. Con. Res. 74. A concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 70. At the request of Mr. INOUYE, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 70, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 79. At the request of Mr. KOHL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 79, a bill to ensure that employees of traveling sales crews are protected under there Fair Labor Standards Act of 1938 and under other provisions of law.

S. 81. At the request of Mr. HUTCHINSON, the names of the Senator from Kentucky (Mr. McCONNELL) and the Senator from New Hampshire (Mr. GHEGG)
were added as cosponsors of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

At the request of Mr. CRAIG, the name of the Senator from Nebraska (Mr. Akaka) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of the current implementation of administrative simplification standards for health care information.

At the request of Mr. HATCH, the names of the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Akaka), and the Senator from Nevada (Mr. Baucus) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. NICKLES, the name of the Senator from Idaho (Mr. DZHADZHOVA) was added as a cosponsor of S. 1151, a bill to amend the Internal Revenue Code of 1986 to provide for the postponement of the effective date of the increase in the excise taxes on tobacco products.

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. Jeffords) was added as a cosponsor of S. 1147, a bill to amend title X and title XI of the Energy Policy Act of 1992.

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. Jeffords) was added as a cosponsor of S. 1214, a bill to amend the MerchandiseMoratorium Act, 1986, to establish a program to ensure greater security for United States seaports, and for other purposes.

At the request of Mr. NICKLES, the name of the Senator from Idaho (Mr. DZHADZHOVA) was added as a cosponsor of S. 1151, a bill to amend the Internal Revenue Code of 1986 to provide for the postponement of the effective date of the increase in the excise taxes on tobacco products.

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 1214, a bill to amend the MerchandiseMoratorium Act, 1986, to establish a program to ensure greater security for United States seaports, and for other purposes.

At the request of Mr. DEMPSEY, the name of the Senator from Maryland (Mr. Mikulski) was added as a cosponsor of S. 1237, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

At the request of Mrs. CARNAHAN, the names of the Senator from Maryland (Ms. Mikulski) and the Senator from Kansas (Mr. Brownback) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 1465, a bill to authorize the President to provide assistance to Pakistan and India through September 30, 2003.

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. J. Res. 8, a joint resolution designating 2002 as the “Year of the Rose.”

At the request of Mr. SMITH, the name of the Senator from New Hampshire (Mr. Bingaman) was added as a cosponsor of amendment No. 1721 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. Bond) was added as a cosponsor of amendment No. 1806 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. BOND, the name of the Senator from Utah (Mr. Hatch) was added as a cosponsor of amendment No. 1806 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. ALLARD, Mr. CRAPO, Mr. CRAIG, Mr. NIKEI, Mr. CUMMINGS, and Mr. LEAHY, S. 1481. A bill to extend the moratorium enacted by the Internet Tax Freedom Act for 2 years, and encourage states to seek consent on a workable national system for collecting sales taxes on electronic commerce and keeping it free from discriminatory and multiple State and local taxes. I am pleased to join the senior Senator from Oregon and the senior Senator from Arizona as an original cosponsor of the Internet Tax Moratorium Extension Act to commend Senator Wyden and Senator McCain for their continued leadership on Internet tax policy.

Although electronic commerce is beginning to blossom, it is still in its infancy. Stability is key to reaching its full potential, and creating new tax categories for the Internet, is exactly the wrong thing to do. E-commerce should not be subject to new taxes that do not apply to other commerce.

Indeed, without the moratorium, there are 30,000 different jurisdictions around the country that could levy discriminatory or multiple Internet taxes on E-commerce. Let’s not allow the future of electronic commerce, with its great potential to expand the markets of Main Street businesses, to be crushed by the weight of discriminatory taxation.

We also need a national policy to make sure that the traditional State and local sales taxes on Internet sales are applied and collected fairly and uniformly. This two-year extension of the current moratorium must give our Governors and State legislatures time to simplify their sales tax rules and reach consensus on a workable national system for collecting sales taxes on E-commerce.

E-commerce is growing, our moratorium law is working, and we should keep a good thing going. I am proud to cosponsor the Internet Tax Moratorium Extension Act to encourage online commerce to continue to grow with confidence. I urge my colleagues to support its swift passage into law.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. HATCH, Mr. DAYTON, Mr. AKAKA, Mr. JOHNSON, Mr. ALLARD, Mr. CRAIG, Mrs. LINCOLN, Mr. HELMS, and Mr. NELSON of Florida):

AMENDMENT NO. 1721

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of amendment No. 1721 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1724

At the request of Mr. HELMS, the name of the Senator from Nebraska (Mr. Hagel) was added as a cosponsor of amendment No. 1724 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1725

At the request of Mr. DEWINE, his name was added as a cosponsor of amendment No. 1750 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1729

At the request of Mr. ALLEN, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1732

At the request of Mr. CLELAND, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

AMENDMENT NO. 1734

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

AMENDMENT NO. 1735

At the request of Mr. HAGEL, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

AMENDMENT NO. 1736

At the request of Mr. LEVIN, the name of the Senator from Louisiana (Ms. Landrieu) was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

AMENDMENT NO. 1737

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

AMENDMENT NO. 1738

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, supra.

AMENDMENT NO. 1760

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. Dorgan), the Senator from Florida (Ms. Landrieu), the Senator from Oregon (Mr. Smith of Oregon), the Senator from Arkansas (Mrs. Lincoln), and the Senator from New Mexico (Mr. Bingaman) were added as cosponsors of amendment No. 1760 proposed to S. 1438, a bill to authorize ap-
S. 1482. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today, I am pleased to introduce the Animal Health Protection Act, AHPA, of 2001. I am grateful for the support I have received from Senator Lugar, Senator Hagel, Senator Roberts, and Senator Breaux. This legislation modernizes and consolidates important animal health statutes. We support the AHPA as a means towards improved domestic livestock protection.

As many of my colleagues are aware, the U.S. Department of Agriculture, USDA, is currently more prepared to protect our Nation’s plants from foreign pests and diseases than to protect our domestic livestock from the same threats. Last year, the Plant Protection Act, a bill that greatly improved plant protection regulations, was signed into law. We need similar action to protect agriculture. The AHPA will expand USDA’s legal authority to protect animals to that currently afforded for plant agriculture.

This legislation also gives USDA authority to specifically address modern threats to all aspects of animal health. One such threat is foot-and-mouth disease, or FMD. If we do not update our laws, I worry that our Nation will be vulnerable to the introduction and spread of foreign animal diseases like FMD or “mad cow disease”, BSE. The recent discovery of BSE in Japan shows that we are not prepared to take more effective, expeditious action to protect animal health.

Finally, this legislation has become even more important since the tragic events of September 11. Our national biosecurity and possible biological or chemical attacks directed at our Nation’s food supply must be taken very seriously. This legislation is crucial to fully protect domestic livestock and the U.S. food supply from these threats.

I hope that the Senate will be able to move quickly on this legislation, and I thank Senator Lugar and others for working with me to get it introduced. 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. 1482

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Animal Health Protection Act.”

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

Sec. 1. Short title; title of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Restrictions on importation or entry.
Sec. 5. Exportation.
Sec. 6. Interstate movement.
Sec. 7. Seizures, inspections, and disposal.
Sec. 8. Inspections, seizures, and warrants.
Sec. 9. Detection, control, and eradication of pests.
Sec. 10. Veterinary accreditation program.
Sec. 11. Cooperation.
Sec. 12. Repeals and conforming amendments.
Sec. 13. Administration and claims.
Sec. 14. Penalties.
Sec. 15. Enforcement.
Sec. 16. Regulations and orders.
Sec. 17. Authorization of appropriations.
Sec. 18. Repeals and conforming amendments.

SEC. 2. FINDINGS.

Congress finds that—

(A) the prevention, detection, control, and eradication of diseases and pests of animals is essential to protect—

(i) animal health;

(ii) the health and welfare of the people of the United States;

(iii) the economic interests of the livestock and related industries in the United States; and

(iv) the environment of the United States;

(B) that the further movement of any animal, animal product, or other article that is determined to be infected with any of the organisms described in this paragraph, or that is determined to pose a threat to animal health, public health, plant health, or animal welfare, is necessary to prevent the introduction and spread of foreign animal disease or other threat into the United States;

(C) the economic interests of the livestock and related industries in the United States;

(D) the health and welfare of the people of the United States;

SEC. 3. DEFINITIONS.

In this Act—

(A) ANIMAL.—The term “animal” means any member of the animal kingdom (except a plant).

(b) ARTICLE.—The term “article” means any pest or disease or any material or tangible object that could harbor a pest or disease.

(c) DISEASE.—The term “disease” means—

(i) any infecion with a noninfectious disease or condition affecting the health of livestock; or

(ii) any condition detrimental to production of livestock.

(d) ENTER.—The term “enter” means to introduce and spread foreign animal disease or other threat into the United States.

(e) EXPORT.—The term “export” means to move from a place within the territorial limits of the United States to a place outside the territorial limits of the United States.

(f) FACILITY.—The term “facility” means any structure, building, or enclosure.

(g) IMPORT.—The term “import” means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.

(h) INDIAN TRIBE.—The term “Indian tribe” has the meaning given in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(i) INTERSTATE COMMERCE.—The term “interstate commerce” means trade, traffic, or other commerce—

(A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State;

(B) within the District of Columbia or any territory or possession of the United States.

(j) LIVESTOCK.—The term “livestock” means all farm-raised animals.

(k) MEANS OF CONVEYANCE.—The term “means of conveyance” means any personal property used for or intended for use for the movement of any other personal property.

(l) MOVEMENT.—The term “movement” means—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;

(D) to receive in order to carry, enter, import, mail, ship, or transport;

(E) to release for movement; or

(F) to allow any of the activities described in this paragraph.

(g) PEST.—The term “pest” means any of the following that can directly or indirectly injure, cause damage to, or cause disease in livestock—

(A) A protozoan.

(B) A plant.

(C) A bacteria.

(D) A fungus.

(E) A virus or viroid.

(F) An infectious agent or other pathogen.

(G) An arthropod.

(H) A parasite.

(I) A prion.

(J) A vector.

(k) ANIMAL.

(l) Any organism similar to or allied with any of the organisms described in this paragraph.

(m) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(n) STATE.—The term “State” means any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

(o) THIS ACT.—Except when used in this section, the term “this Act” includes any regulation or order issued by the Secretary under the authority of this Act.

(p) UNITED STATES.—The term “United States” means all of the States.

SEC. 4. RESTRICTION ON IMPORTATION OR ENTRY.

(a) IN GENERAL.—The Secretary may prohibit or restrict—

(1) the importation or entry of any animal, article, means of conveyance, or use of any means of conveyance or facility, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(2) the further movement of any animal that has strayed into the United States if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(3) the use of any means of conveyance in connection with the introduction or entry of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement of livestock.

(b) REGULATIONS.—The Secretary may promulgate regulations requiring that any animal imported or entered be raised or handled...
under post-importation quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the animal is or may be affected by any pest or disease of livestock.

(c) Destruction or Removal.—
(1) IN GENERAL.—The Secretary may order the destruction or removal from the United States of:
(A) any animal, article, or means of conveyance that has been imported but has not entered the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction or dissemination within the United States of any pest or disease of livestock;
(B) any animal or progeny of any animal, article, or means of conveyance that has been imported or entered in violation of this Act; or
(C) any article used in the exportation of an animal.
(2) Failure to Comply with Orders.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—
(A) take remedial action with respect to the animal, article, or means of conveyance referred to in subparagraph (A) of this subsection;
(B) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action;
(C) Certification.—The Secretary may certify the classification, quality, quantity, condition, processing, handling, or storage of any animal or means of conveyance for export.

SEC. 6. INTERSTATE MOVEMENT.
The Secretary may prohibit or restrict—
(1) the movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock; and
(2) the use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article affected with or exposed to any pest or disease threatening the livestock of the United States, the Secretary may—
(A) take remedial action with respect to the animal, article, or means of conveyance that the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock; and
(B) prohibit or restrict the movement or use within a State, or any portion of a State of any animal or article, means of conveyance, or facility if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of the pest or disease.

SEC. 7. SEIZURE, QUARANTINE, AND DISPOSAL.
(a) IN GENERAL.—The Secretary may hold, seize, quarantine, treat, destroy, dispose of, or take other remedial action with respect to—
(1) any animal or progeny of any animal, article, or means of conveyance that—
(A) is moving or has been moved in interstate commerce or has been imported and entered; or
(B) has not been maintained, in accordance with any law, to prevent the introduction or dissemination of any pest or disease of livestock;
(2) any animal or progeny of any article, means of conveyance, or facility that the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock;
(b) Requirements of Owners.—
(1) REQUIREMENT TO DISINFECT.—The Secretary may require the disinfection of—
(A) any means of conveyance used in connection with the importation of an animal;
(B) the animal involved in the importation of an animal and personal articles of the individual; and
(C) any article used in the importation of an animal.
(2) Failure to Comply with Orders.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—
(A) take remedial action, destroy, or remove from the United States the animal or progeny of any animal, article, or means of conveyance as authorized under paragraph (1); and
(B) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action, destruction, or removal.

SEC. 5. EXPORTATION.
(a) IN GENERAL.—The Secretary may prohibit or restrict—
(1) the exportation of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination from or within the United States of any pest or disease of livestock;
(2) the exportation of any livestock if the Secretary determines that the livestock is unfit to be moved;
(3) the use of any means of conveyance or facility in connection with the exportation of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination from or within the United States of any pest or disease of livestock; or
(4) the use of any means of conveyance in connection with the exportation of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not contain accommodations for the safe and proper movement and humane treatment of livestock.
(b) Requirements of Owners.—
(1) REQUIREMENT TO DISINFECT.—The Secretary may require the disinfection of—
(A) any means of conveyance used in connection with the exportation of an animal;
(B) the animal involved in the exportation of an animal and personal articles of the individual; and
(C) any article used in the exportation of an animal.
(2) Failure to Comply with Orders.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—
(A) take remedial action with respect to the animal, article, or means of conveyance referred to in subparagraph (A) of this subsection;
(B) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action;
(C) Certification.—The Secretary may certify the classification, quality, quantity, condition, processing, handling, or storage of any animal or means of conveyance for export.

(2) STATE ACTION.—
(A) IN GENERAL.—The Secretary may take action in a State under this subsection only on finding that measures being taken by the State are inadequate to control or eradicate the pest or disease, after review and consultation with—
(i) the Governor or an appropriate animal health official of the State, or
(ii) in the case of any animal, article, facility, or means of conveyance under the jurisdiction of an Indian tribe, the head of the Indian tribe.
(B) Notice.—Subject to subparagraph (C), before any action is taken in a State under subparagraph (A), the Secretary shall—
(i) notify the Governor, an appropriate animal health official of the State, or head of the Indian tribe of the proposed action;
(ii) issue a public announcement of the proposed action; and
(iii) publish in the Federal Register—
(I) the findings of the Secretary; and
(II) a description of the proposed action; and
(iv) a statement of the reasons for the proposed action.
(C) Notice After Action.—If it is not practicable to publish in the Federal Register the information required under subparagraph (B)(iii) before taking action under subparagraph (B)(ii), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

(3) QUARANTINE, DISPOSAL, OR OTHER REMEDIAL ACTION.—
(A) IN GENERAL.—The Secretary, in writing, may order the owner of any animal, article, facility, or means of conveyance referred to in subsection (a) or (b) to maintain in quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance, in a manner determined by the Secretary.
(B) Failure to Comply with Orders.—If the owner fails to comply with the order of the Secretary, the Secretary may—
(A) seize, quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance under subsection (a) or (b); and
(B) recover from the owner the costs of any care, handling, disposal, or other remedial action incurred by the Secretary in connection with the seizure, quarantine, disposal, or other remedial action.

(4) Compensation.—
(A) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall compensate the owner of any animal, article, facility, or means of conveyance that the Secretary requires to be destroyed under this section.
(B) Amount.—
(A) Subject to subparagraphs (B) and (C), the compensation shall be based on the fair market value, as determined by the Secretary, of the destroyed animal, article, facility, or means of conveyance; and
(B) Limitation.—Compensation paid any owner under this subsection shall not exceed the difference between—
(i) the fair market value of the destroyed animal, article, facility, or means of conveyance; and
(ii) any compensation received by the owner from a State or other source for the destroyed animal, article, facility, or means of conveyance.
(C) Reviewability of Determination.—The determination by the Secretary of the amount to be paid under this subsection shall be final and not subject to judicial review.

(5) EXCEPTIONS.—No payment shall be made by the Secretary under this subsection for—
(A) any animal, article, facility, or means of conveyance that has been moved or handled by the owner in violation of an agreement for the control and eradication of diseases; or

(B) any progeny of any animal or article, which animal or article has been moved or handled by the owner of the animal or article in violation of this Act;

(C) any animal, article, or means of conveyance that is refused entry under this Act; or

(D) any animal, article, facility, or means of conveyance that becomes or has become affected with or exposed to any pest or disease of livestock because of a violation of an agreement for the control and eradication of diseases or pests or a violation of this Act by the owner.

SEC. 8. INSPECTIONS, SEIZURES, AND WARRANTS.

(a) GUIDELINES.—The activities authorized by this section shall be carried out consistent with guidelines approved by the Attorney General.

(b) WARRANTLESS INSPECTIONS.—The Secretary may stop and inspect, without a warrant, any person or means of conveyance moving—

(1) into the United States, to determine whether the owner of the animal or article regulated under this Act;

(2) interstate commerce, on probable cause to believe that the owner or means of conveyance is carrying any animal or article regulated under this Act; or

(3) interstate commerce from any State, or any portion of a State, quarantined under section 7(b), on probable cause to believe that the owner or means of conveyance is carrying any animal or article quarantined under section 7(b).

(c) INSPECTIONS WITH WARRANTS.—

(I) IN GENERAL.—The Secretary may enter, with the assistance of officers of the United States for the purpose of making inspections and seizures under this Act.

(2) APPLICATION AND ISSUANCE OF WARRANTS.—

(A) IN GENERAL.—On proper oath or affirmation showing probable cause to believe that there is on certain premises any animal, article, facility, or means of conveyance regulated under this Act, a United States judge, or a United States magistrate judge, if the claimed damage is under $75,000, a United States judge, or a United States magistrate judge, if the claimed damage is $75,000 or more, shall—

(i) be credited to the account that incurs the costs; and

(ii) remain available until expended, without fiscal year limitation.

(B) COOPERATIVE PRODUCTION AND SALE.—

(i) IN GENERAL.—The Secretary may cooperate with State authorities, Indian tribe authorities, or other entities cooperating with the Secretary, to produce and sell sterile screwworms.

(ii) USE OF FUNDS.—Any late payment penalty and any accrued interest shall be—

(a) deposited into the United States Treasury; and

(b) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(3) USE OF FUNDS.—The Secretary may, in the manner determined by the Secretary, deposit into and use in the manner determined by the Secretary, any late payment penalty and any accrued interest in any of the following accounts:

(A) the account that incurs the costs;

(B) the account that is responsible for the authority necessary to perform the operations or measures—

(a) that is consistent with this Act, including the establishment of standards of conduct for accredited veterinarians.

(b) GOVERNMENT AGENCIES.—The Secretary may make a claim arising out of the destruction of any animal, article, or means of conveyance consistent with the purposes of this Act.

SEC. 10. VETERINARY ACCREDITATION PROGRAM.

(a) IN GENERAL.—The Secretary may establish a veterinary accreditation program that is consistent with this Act, including the establishment of standards of conduct for accredited veterinarians.

(b) CONSULTATION.—The Secretary shall consult with State animal health officials regarding the establishment of the veterinary accreditation program.

SEC. 11. COOPERATION.

(a) IN GENERAL.—To carry out this Act, the Secretary may cooperate with other Federal agencies, States or political subdivisions of States, or international organizations, governments of foreign countries, local governments of foreign countries, domestic or international organizations, domestic or international organizations, Indian tribes, and other persons.

(b) RESPONSIBILITY.—The person or entity cooperating with the Secretary shall be responsible for the authority necessary to carry out the cooperation.

(c) SCREWWORMS.—

(I) IN GENERAL.—The Secretary may, independently or in cooperation with national governments of foreign countries or international organizations or associations, produce and sell sterile screwworms to any governmental authority of a foreign country or international organization or association, if the Secretary determines that the production and sale of sterile screwworms will not adversely affect the livestock industry and related industries of the United States.

(ii) USE OF FUNDS.—Any late payment penalty and any accrued interest shall be—

(a) deposited into the United States Treasury; and

(b) credited to the account that incurs the costs; and

(iii) remain available until expended, without fiscal year limitation.

(d) PAYMENT OF EMPLOYEES.—

(I) IN GENERAL.—Notwithstanding any other law, the Secretary may pay an officer or employee of the Department of Agriculture for services under this Act relating to imports into and exports from the United States for all overtime, night, or holiday work performed by the officer or employee at a rate of pay determined by the Secretary.

(II) REIMBURSEMENT.—

(A) IN GENERAL.—The Secretary may require a person for whom the services are performed to reimburse the Secretary for any expenses paid by the Secretary for the services under this subsection.

(B) USE OF FUNDS.—Any funds collected under this subsection shall—

(i) be credited to the account that incurs the costs; and

(ii) remain available until expended, without fiscal year limitation.

(e) PENALTIES.

(I) IN GENERAL.—Any person that violates this Act, the Secretary may—

(a) acquire and maintain real or personal property;

(b) employ a person;

(c) make a grant; and

(d) notwithstanding chapter 63 of title 31, United States Code, enter into a contract, grant, memorandum of understanding, or other agreement.

(II) Torts.—

(a) APPLICABILITY.—The Secretary may pay a tort claim, in the manner authorized by the first paragraph of section 2672 of title 28, United States Code, if the claim arises outside the United States in connection with an activity authorized under this Act.

(b) REQUIREMENTS.—A claim may not be allowed under this subsection unless the claim arises more than 1 year after the date on which the claim arises.

SEC. 12. REIMBURSABLE AGREEMENTS.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into reimbursable fee agreements with persons for preclearance of animals or articles at locations outside the United States for movement into the United States.

(b) FUNDS COLLECTED FOR PRECLEARANCE.—Funds collected for preclearance activities shall—

(I) be credited to accounts that may be established by the Secretary for carrying out this section; and

(II) remain available until expended for the preclearance activities, without fiscal year limitation.

(c) PAYMENT OF EMPLOYEES.—

(I) IN GENERAL.—Notwithstanding any other law, the Secretary may pay an officer or employee of the Department of Agriculture for services under this Act relating to imports into and exports from the United States for all overtime, night, or holiday work performed by the officer or employee at a rate of pay determined by the Secretary.

(II) REIMBURSEMENT.—

(A) IN GENERAL.—The Secretary may require a person for whom the services are performed to reimburse the Secretary for any expenses paid by the Secretary for the services under this subsection.

(B) USE OF FUNDS.—Any funds collected under this subsection shall—

(i) be credited to the account that incurs the costs; and

(ii) remain available until expended, without fiscal year limitation.

SEC. 13. ADMINISTRATION AND CLAIMS.

(a) ADMINISTRATION.—

(I) IN GENERAL.—To carry out this Act, the Secretary may—

(a) acquire and maintain real or personal property;

(b) employ a person;

(c) make a grant; and

(d) notwithstanding chapter 63 of title 31, United States Code, enter into a contract, grant, memorandum of understanding, or other agreement.

(II) Torts.—

(a) APPLICABILITY.—The Secretary may pay a tort claim, in the manner authorized by the first paragraph of section 2672 of title 28, United States Code, if the claim arises outside the United States in connection with an activity authorized under this Act.

(b) REQUIREMENTS.—A claim may not be allowed under this subsection unless the claim arises more than 1 year after the date on which the claim arises.

SEC. 14. PENALTIES.

(a) CRIMINAL PENALTY.—Any person that knowingly violates this Act, or that knowingly authorizes, or permits, or consents to, or knowingly is a party to, any violation of this Act, or knowingly violates this Act, or that knowingly authorizes, or permits, or consents to, or knowingly is a party to, any violation of this Act, shall—

(I) be fined not to exceed the greater of—

(a) $10,000 in the case of any civil penalty by the Secretary that does not exceed $100,000;

(b) $1,000 in the case of any civil penalty by the Secretary that does not exceed $100,000; or

(c) $1,000 in the case of any civil penalty by the Secretary that exceeds $100,000;

(II) be imprisoned not more than 1 year, or both.

(b) CIVIL PENALTY.—Any person that violates this Act, or that knowingly authorizes, or permits, or consents to, or knowingly is a party to, any violation of this Act, shall—

(I) be fined not to exceed the greater of—

(a) $10,000 in the case of any civil penalty by the Secretary that does not exceed $100,000; or

(b) $1,000 in the case of any civil penalty by the Secretary that exceeds $100,000;

(II) be imprisoned not more than 1 year, or both.
(11) $500,000 for all violations adjudicated in a single proceeding; or
(12) twice the gross gain or gross loss for any violation or forgery, counterfeiting, or unauthorized use, alteration, defacing or destruction of a certificate, permit, or other document provided under this Act that results in the person’s deriving pecuniary gain or causing pecuniary loss to another person.

(2) FACTORS IN DETERMINING CIVIL PENALTY.—In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstance, extent, and gravity of the violation or violations and the Secretary may consider, with respect to the violator:
(A) the ability to pay;
(B) the effect on ability to continue to do business;
(C) any history of prior violations;
(D) the degree of culpability; and
(E) such other factors as the Secretary considers to be appropriate.

(3) SETTLEMENT OF CIVIL PENALTIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this subsection.

(4) FINALITY OF ORDERS.—
(A) FINAL ORDER.—The order of the Secretary assessing a civil penalty shall be treated as a final order reviewable in the United States.

(b) Transfer of Funds.—
(1) In General.—In connection with an emergency under which a pest or disease of livestock threatens any segment of agricultural production in the United States, the Secretary may transfer from other appropriations or fund balances in the agencies or corporations of the Department of Agriculture such funds as the Secretary determines are necessary for the purchase, control, eradication, or prevention of the spread of the pest or disease of livestock and for related expenses.

(2) Settled Expenses.—Any funds transferred under this subsection shall remain available until expended, without fiscal year limitation.

(c) Use of Funds.—In carrying out this Act, the Secretary may use funds made available to carry out this Act—
(i) printing and binding, without regard to section 501 of title 44, United States Code;
(ii) the employment of civilian nationals in foreign countries; and
(iii) the construction and operation of research laboratories, quarantine stations, and other buildings and facilities for special purposes.

SEC. 18. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The following provisions of law are repealed:
(2) Section 101(b) of the Act of September 22, 1944 (7 U.S.C. 429).
(6) Sections 6 through 8 and 10 of the Act of August 30, 1890 (21 U.S.C. 162 through 165).
(8) Sections 2 through 4, 9, 11, and 13 of the Act of May 29, 1884 (21 U.S.C. 112, 113, 114, 114a, 114b, 114c, 114d, 114e–1, 115 through 120, 130).
(9) The first section and sections 2, 3, and 5 of the Act of February 28, 1947 (21 U.S.C. 114b, 114c, 114d, 114e–1).

(b) Amendments.—Section 12(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 114a) is amended by striking the fourth paragraph under the heading “BUREAU OF ANIMAL INDUSTRY” of the Act of May 31, 1920 (21 U.S.C. 116).

(c) Delegation.—In addition to the functions and powers as specified in sections 2, 3, 4, and 6 of the Act of March 3, 1905 (21 U.S.C. 123 through 127).
(18) The first section and sections 2 through 11 of Title 13 of Public Law 76–518 (21 U.S.C. 134 through 134h).
(b) CONFORMING AMENDMENTS.—
(1) Section 414(b) of the Plant Protection Act (7 U.S.C. 7714(b)) is amended—
(A) in paragraph (1), by striking “or the owner’s agent”;
(B) in paragraph (2), by striking “or agent of the owner” each place it appears.
(2) Section 423 of the Plant Protection Act (7 U.S.C. 773s) is amended—
(A) by striking subsection (b) and inserting the following:
“(b) LOCATION OF PRODUCTION.—The attendance of any witness and production of documentary evidence relevant to the inquiry may be required from any place in the United States.”;
(B) in the third sentence of subsection (e), by inserting after “Office of Administrative Law Judges” after “is delegated”;
(C) by striking subsection (f).
(4) Sections 2509(f) of the Federal Meat Inspection Act (21 U.S.C. 618) is amended by striking “of the cattle” and all that follows through “as herein described” and inserting “of the animals and products of cattle, sheep, swine, goats, horses, mules, and other equines”.
(5) Section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended—
(A) in subsection (c), by inserting after paragraph (1) the following:”;
(C) the Animal Health Protection Act; or
(D) any other Act administered by the Secretary relating to plant or animal diseases or pests.”;
(c) EFFECT ON REGULATIONS.—A regulation issued under a provision of law repealed by subsection (a) shall remain in effect until the Secretary issues a regulation under section 16 that supersedes the earlier regulation.
By Mr. WELLSTONE (for himself and Mrs. MURRAY):
S. 1483. A bill to amend Family Violence Prevention and Services Act to reduce the impact of domestic violence, sexual assault, and stalking on the lives of youth and children and provide for the appropriate support of children experiencing abuse and youth experiencing or exposed to domestic violence, sexual assault, or stalking; to the Committee on Health, Education, Labor, and Pensions.
Mr. President, I am introducing legislation today, with Senator MURRAY, that would address one of the most challenging and tragic crimes in our society. This bill is the Children Who Witness Domestic Violence Act. It is a comprehensive first step towards confronting the impact of domestic violence on children. This bill addresses the issue from multiple perspectives by providing funds for several key programs.
The bill would support multi-system interventions for children who witness domestic violence by providing non-profit agencies with funding to bring various service providers together to design and implement intervention programs for children who witness domestic violence. The bill would also provide training to an agency other than the Office of Administrative Law Judges to recognize and deal with the problem as they experience it. The bill would also provide training to child welfare, and where appropriate, to court and law enforcement personnel to assist them in recognizing and treating domestic violence as a serious public health problem, the safety and well being to both children and adults. Training would include teaching and education for children to recognize the overlap between child abuse and domestic violence and to better identify the presence of domestic violence in child welfare cases. Staff would also be taught how to increase the safety and well being of child witnesses of domestic violence as well as the safety of the non-abusing parent so that children can stay with their non-abusing parent when it is safe to do so.
The bill would provide funds to shelters so they can run programs to address the physical, emotional and
logistical needs of children who stay there. The bill also would give funds to States to assist private and public agencies and organizations in expanding crisis nurseries—temporary respite care for children who are at risk of abuse in their homes. Such nurseries help prevent child abuse and in keeping families together in a safe way, when possible.
Finally, the bill would fund comprehensive research to investigate the link between domestic violence and child abuse. The bill recognizes the link between childhood exposure to domestic violence and violent behavior in youth and adults, and other key issues that can provide insight into appropriate remedies for this devastating problem.
Mr. President, I introduce this legislation today, because, as I have said before, nowhere is violence more isolated from view, more difficult to combat and more far reaching in its impact than violence in the home. To turn a blind eye to the victims of domestic violence and their children is to be, however unwittingly, complicitous in the crime because it is out of sight and behind closed doors that domestic violence thrives.
The bill reflects the fact that the effects of domestic violence extend far beyond the moment when violence occurs. One of the most compelling marks that violence against women leaves is on our children. I am reminded of the voice of Quinese Robinson, a teenager from Minneapolis, who just last year, came home to find that her mother’s husband had brutally murdered her mother. Quinese simply said, “My Mom is the most important person in our life. When he killed her, he basically killed all four of us, because we do not have a mother.”
This is one story among millions. It is estimated that as many as 10 million children witness violence in the home each year, and much of this violence is repetitive. As many as 70 percent of children who witness domestic violence are also victims of child abuse. If we are serious about helping children and reducing youth violence, we cannot ignore the impact of domestic violence on children.
Studies indicate that children who witness their fathers beating their mothers suffer emotional problems, including slowed development, sleep disturbances, and feelings of hopelessness, depression, and a sense of isolation. Many of these children exhibit more aggressive, antisocial, and fearful behaviors. They also show lower social competence that other children.
Children in homes where their mothers were abused have also shown less skill in understanding how others feel when compared to children from non-violent households. Even one episode of violence can produce post-traumatic stress disorder in children. Children who witness domestic violence are at higher risk of suicide.
Jeffrey Edleson and others at the Minnesota Center Against Violence and
Abuse at the University of Minnesota collected multiple studies on the devastating results of this trauma. The examples are painful, but they deserve telling. One 4-year-old girl named Julie witnessed her father stab her mother to death. In describing the event, Julie remembered watching her father at the scene of the crime and recounted her father’s efforts to clean up after the crime. She could not describe her father’s actions but when the district attorney saw Julie, she was determined to have a pillow and crying “Daddy pushed Mommy down,” she was sure that the father had committed the crime.

A child who was being treated at San Francisco General Hospital saw his father cut his mother’s throat. For a period of time after the crime, the child could not speak.

Not surprisingly, Edelson found that children growing up in violent families are more likely to engage in youth violence and that the social and economic risk factors add insult to injury. Violence in these children’s lives correspond to the risk factors for domestic violence and child abuse.

The Office of Juvenile Justice and Delinquency Prevention at the U.S. Dept. of Justice identifies family violence as a major risk factor in the lives of serious, violent, and chronic juvenile offenders. It is estimated that as many as 40 percent of violent juvenile offenders come from homes where there is domestic violence.

In addition to increasing violence, witnessing domestic violence directly hinders school achievement. Child witnesses have higher incidences of impaired concentration, poor school attendance, being labeled an underachiever, and difficulties in cognitive and academic functioning.

As this overwhelming research indicates, domestic violence and violence against women permeate our entire society. People who try to keep family violence quiet and hidden behind the walls of their homes ignore the echoes in the hearts and minds of our children, in our schools, on the streets and in our human relationships.

In the face of this devastating situation, I call on my colleagues to say to these child witnesses around the country, that they will not suffer in silence, for that is what their abusers want them to do. Their cries will not be muffled behind closed doors and by the fear inflicted by abusive parents. We need to provide these children with a way out of violence and a way to deal with the pain of violence.

This bill represents a modest step to address this devastating problem. I urge my colleagues, in the names of all of these children, to support this critical legislation.

By Mr. McCONNELL:

S. 1484. A bill to prevent fraud in the solicitation of charitable contributions for major purposes; to the Committee on the Judiciary.

Mr. McCONNELL. Mr. President, the Nation’s armies of compassion have rallied in response to the events of September 11 and thus far have contributed more than $676 million to our Nation’s charities. But this largesse has proven an irresistible target to criminals who prey upon the generous and compassionate Americans in this time of national emergency. We heard reports of false charities exploiting well-intentioned Americans during the Gulf War and after the Oklahoma City bombing and we now hear similar reports that 11 attacks have given these unusually heartless criminals new opportunities to perpetrate fraud.

Almost daily we hear of American citizen receiving solicitations from phony charities. News reports from more than a dozen States, from New York to Florida to California, reveal that Americans are being asked to contribute to what turn out to be bogus relief efforts. The Senate can protect the noble work of our Nation’s charities by passing this bill.

Well-meaning Americans unwittingly contribute an estimated $1.5 billion per year in contributions to fraudulent charities. This $1.5 billion is intended to feed rescue workers, shelter the homeless, and care for those who have lost loved ones. Instead, this money is siphoned into the pockets of cold-hearted criminals. In the wake of the September 11 attacks, the amount of misappropriated contributions will surely increase. The Better Business Bureau reports that inquiries from consumers about dubious fund-raising practices have increased approximately 40 percent since September 11. Unfortunately, these criminals frequently prey upon our Nation’s seniors, whose fervent patriotism and generous hearts can make them easy marks for a grifter’s scam.

These crooks often try to confuse their victims by using names that sound like reputable charities and relief efforts. For example, some scam artists ask for donations to the Red Cross of America or the Armenian Red Cross, not the legitimate relief organization known the world over as the American Red Cross. Other crooks use the name "firefighter fund" or "victim’s survivors fund" in their fraudulent appeals.

While an informed donor is the first line of defense against sham solicitors, there is a second line of defense that should take in addressing this problem. Current Federal law targets fraudulent solicitations and telemarketing scams related to the sale of products and services and sweepstakes and contests, but does not cover the fraudulent solicitation of charitable contributions. That is why I rise today to offer legislation, the Crimes Against Charitable Americans Act, which would authorize law enforcement and regulatory agencies to specifically target these fraudulent solicitations.

My bill, the Crimes Against Charitable Americans Act, strengthens Federal law by first, making it a Federal crime to fraudulent solicitations of charitable contributions or donations. This crime would be punishable by a fine and imprisonment for 5 years, or both, and those convicted would be ordered to provide restitution to their victims. Second, my bill directs the Federal Trade Commission, the major agency with primary enforcement against consumer fraud, to include charitable solicitations within its definition of telemarketing and to promulgate rules designed to end such fraudulent practices. These FTC regulations also give local and state authorities the opportunity to prosecute scammers and to seek the assistance of federal law enforcement.

Third, my bill amends the Safe Banking Act of 1991, which authorizes state law enforcement agencies to take action against charitable solicitors engaged in interstate commerce in connection with the commission of other Federal crimes. This maximum sentence enhancement of 10 years is reserved for those criminals who target our generous seniors with fraudulent appeals for money.

There are more than half-a-million formally recognized charities in America that raised more than $200 billion in contributions last year. Those who seek to profit from tragedy, especially the events of September 11, deserve a special degree of society’s scorn and a special punishment under federal law.

Not only do they steal valuable resources from the most worthy of recipients, but they erode the trust of the American people in legitimate charitable organizations. America is a generous and compassionate Nation and we must preserve the integrity of our charities and their work for the benefit of all.

The Senate can protect the noble work of our Nation’s charities by passing the Crimes Against Charitable Americans Act.

I ask unanimous consent that the text of the bill, a letter of endorsement from the Bluegrass Area Chapter of the American Red Cross, and information sheets from the Federal Trade Commission and the AARP about fraud and charitable donations be printed in the Record.

There being no objection, the bill and the additional material were ordered to be printed in the Record, as follows:

S. 1484

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 “Crimes Against Charitable Americans Act of 2001”.

SECTION 2. FRAUD AND FALSE STATEMENTS.

Chapter 47 of title 18, United States Code, is amended by adding at the end the following:
"§1037. Fraud and related activity in the solicitation of charitable contributions

(a) OFFENSE.—It shall be unlawful for any person to knowingly and fraudulently solicit, cause to be solicited, or receive contributions, donations, or gifts of money or any other thing of value—

(1) for an alleged charitable or beneficial organization, or an alleged charitable or beneficial purpose; or

(2) in connection with a disaster or emergency which has been officially designated a Federal disaster or Federal emergency by the President or any other appropriate Federal official.

(b) PENALTY.—A person who is convicted of an offense against this subsection—

(1) shall be fined under this title or imprisoned for not less than 5 years, or both; and

(2) shall be ordered by the court to pay restitution to any victim, and may be ordered to pay restitution to others, who sustained losses as a result of fraudulent activity of the offender under subsection (a).

SEC. 3. TELEMARKETING AND CONSUMER FRAUD ABUSE.

The Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6161 et seq.) is amended—

(1) in section 3(a)(2), by inserting after “practices” the second place it appears the following: “which include fraudulent charitable solicitations, and”;

(2) in section 3(a)(3)—

(A) in subparagraph (B), by striking “and” at the end; and

(B) in subparagraph (C), by striking the period at the end and inserting “; and”;

and

(C) by adding at the end the following:

“(D) a requirement that any person engaged in telemarketing for the solicitation of charitable contributions, donations, or gifts of money or any other thing of value, shall promptly and clearly disclose to the person receiving the call that the purpose of the call is to solicit charitable contributions, donations, or gifts, and make such other disclosures as the Commission considers appropriate, including the name and mailing address of the charitable organization on behalf of which the solicitation is made, and

(3) in section 7(4), by inserting “; or, a charitable contribution, donation, or gift of money or any other thing of value,” after “services”.

SEC. 4. RED CROSS MEMBERS OR AGENTS.

Section 917 of title 18, United States Code, is amended by striking “one year” and inserting “two years”.

SEC. 5. TELEMARKETING FRAUD.

Section 2325(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting “; or”;

(3) inserting after subparagraph (B) the following:

“(C) a charitable contribution, donation, or gift of money or any other thing of value “; and

(4) in the flush language, by inserting “or charitable contributor, or donor” after “participant”.

AMERICAN RED CROSS,

Hon. Mitch McConnell,
 U.S. Senate, Russell Senate Office Building,
 Washington, DC.

Dear Senator McConnell, I have reviewed your proposed Crime Against Charitable Americans Act of 2001 and on behalf of the Bluegrass Area Chapter of the American Red Cross fully endorse your efforts.

Whether handling donated funds or fees for products and services, upholding the public’s trust is critically important to the Red Cross. The Red Cross is committed to high standards in financial management and those who fraudulently solicit charitable contributions or donations erode the basic foundations of our organization.

I commend you for stepping forward in this effort to stop those who breed on opportunities of national disaster for personal gain. If I can be of assistance in promoting this act, let me know.

Sincerely,

Paul B. Hay
Executive Director.

HELPING VICTIMS OF THE TERRORIST ATTACKS: YOUR GUIDE TO GIVING WISELY

In the days after September 11 terrorist attacks on the World Trade Center and the Pentagon, Americans are opening their hearts and wallets to help recover. If you’re thinking about donating to the cause, here are some tips to help you give wisely:

Donate to recognized charities you have given to before. Also watch out for similar sounding names. Some phony charities use names that sound or look for those of respected, legitimate organizations.

Give directly to the charity, not solicitors for the charity. That’s because solicitors take a portion of the proceeds to cover their costs. That leaves less for the victim.

Do not give personal or financial information—including your Social Security number or credit card and bank account numbers—to anyone who solicits a contribution from you. Scam artists use this information to commit fraud against you.


Don’t give cash. For security and tax record purposes, pay by check. Write the official name of the charity on your check. Or you can contribute safety online through www.libertyunites.org.

Ask for certification if you’re approached in person. Many states require paid fundraisers to identify themselves as such and to name the charity for which they’re soliciting.

To report a fraud, contact the Federal Trade Commission toll-free: 1-877-FTC-Help (1-877-382-4357) and file a complaint form at www.ftc.gov. The FTC works for the consumer to prevent fraudulent, deceptive and unfair business practices in the marketplace. Visit www.ftc.gov to help consumers spot, stop and avoid them. The FTC enters Internet, telemarketing, identify theft and other fraud related complaints into Consumer Sentinel, a national database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

[From AARP Bulletin Online, Oct. 2001]

TRADE CAN BE OPPORTUNITY FOR CON ARTISTS

Be very cautious of anyone soliciting money to help victims and victims of the recent tragic events in New York and Washington, D.C. The U.S. Postal Inspection Service, and other law enforcement agencies, are warning people about phone calls, e-mails or any other attempts to obtain donations.

Shortly after the tragedy, con artists claiming to represent victims, firefighters, law enforcement or charities were asking for money. If you want to donate, contact legitimate charities yourself rather than responding to requests.

Older consumers report that, on average, they get more than six calls or letters seeking charitable donations every week. That’s more than 300 calls or letters every year. More than two-thirds of older consumers are not confident that unknown callers “really represent the organization they say they do.” [For more information, visit the AARP website’s Telemarketing Fraud section.]

TIPS FOR CHARITABLE GIVING

Before you give, get more information:

Ask the charity’s full name, address and telephone number.

Ask how much of your donation goes to the program that the request describes and how much goes to administrative costs.

Call your state Attorney General or Secretary of State’s office to see if the charity is registered.

Depending on your state, charities must file financial and other disclosure statements, and copies, and keep these documents on file.

Don’t provide your credit card number or personal information to telephone or e-mail solicitors.

BE SURE YOU KNOW WHO IS CALLING

If a fundraiser calls, call the charity directly to ask if it is really sponsoring a fundraising drive.

Also beware of phonny charity names that sound similar to legitimate organizations. Don’t assume that you know a group because the name or symbols seem familiar.

PROTECT YOUR CHARITABLE DOLLARS

To ensure that your donations actually benefit those in need, follow these guidelines:

Pay with a check or money order made out to the charity—not the fundraiser itself.

Don’t give money at the door to a courier or messenger—or by leaving a check under the doormat. Send your contribution directly to the charity.

Don’t feel pressured to make a donation on the spot. There will be plenty of opportunities to contribute in the future.

Keep records of your donations and pledges, and check your records if someone says you made a pledge that you don’t recall.

Know the difference between tax deductible and tax exempt. Donations to tax-exempt organizations are not necessarily tax deductible for you. If your donation is tax deductible, get a receipt.

ONLINE GIVING

The AARP Bulletin is providing links to some of the legitimate charities collecting money to help the victims of the September 11 tragedies.

The following Web sites can provide additional information on charitable giving and charity fraud.


Wise Giving Alliance: Want to check out national charities? This site has reports on hundreds of charities, how much of the money raised goes to administrative or fund raising costs, contact information and charitable missions. http://www.give.org.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 165—ESTABLISHING A SELECT COMMITTEE ON HOMELAND SECURITY AND TERRORISM

Mr. Roberts submitted the following resolution; which was referred

October 2, 2001
to the Committee on Rules and Administration.

S. Res. 165

Resolved,

SECTION 1. ESTABLISHMENT OF SELECT COMMITTEE ON HOMELAND SECURITY AND TERRORISM.

(a) ESTABLISHMENT.—There is established a select committee of the Senate, to be known as the Select Committee on Homeland Security and Terrorism (in this resolution referred to as the “Select Committee”).

(b) PURPOSES.—

(1) IN GENERAL.—The purposes of the Select Committee are—

(A) to assist the Senate in coordinating and prioritizing Federal reforms, initiatives, and proposals to detect, deter, and manage the consequences of terrorism and incidents of terrorism in the United States;

(B) to consult with and receive testimony from the President’s Office of Homeland Security and other appropriate Federal agencies;

(C) to make such findings of fact as are warranted and appropriate; and

(D) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative actions, as the Select Committee may determine to be necessary or desirable.

(c) COMPOSITION.—

(1) IN GENERAL.—The Select Committee shall be composed, as follows:

(A) The Majority Leader of the Senate and the Minority Leader of the Senate.

(B) The chairman and ranking minority member of each of the committees designated by the Majority and Minority Leaders of the Senate, acting jointly, as having primary and preeminent jurisdiction over homeland security and terrorism.

(C) Two Members of the Senate who do not serve on any select committee designated under subparagraph (B), appointed by the Majority Leader.

(D) Two Members of the Senate who do not serve on any select committee designated under subparagraph (B), appointed by the Minority Leader.

(E) Two Members with expertise and experience in homeland security and terrorism, appointed by the Majority Leader.

(F) Two Members with expertise and experience in homeland security and terrorism, appointed by the Minority Leader.

(2) COCHAIRMEN.—The Majority and Minority Leaders of the Senate shall serve as cochairmen of the Select Committee.

(3) CO-VICE CHAIRMEN.—The Majority Leader of the Senate shall designate one of the Members of the Senate appointed under paragraph (1)(C) to serve as co-vice chairman. The Minority Leader of the Senate shall designate one of the Members of the Senate appointed under paragraph (1)(D) to serve as co-vice chairman.

(4) AUTHORITY.—For the purpose of paragraph 4 or rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the Select Committee shall not be taken into account.

SEC. 2. POWERS.

(a) IN GENERAL.—For the purposes of this resolution, the Select Committee is authorized—

(1) to make investigations into any matter within its jurisdiction;

(2) to make expenditures from the contingent fund of the Senate;

(3) to employ personnel;

(4) to hold hearings;

(5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(6) to procure the service of individual consultants or experts, in accordance with the provisions of section 202(1) of the Legislative Reorganization Act of 1946; and

(7) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents; and

(b) ADMINISTRATION OF OATHS.—The chairman of the Select Committee or any member thereof may administer oaths to witnesses.

(c) SUBPOENAS.—Subpoenas authorized by the Select Committee may be issued over the signature of the chairman, the vice chairman or any member of the Select Committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 3. REPORTS.

(a) TO THE SENATE.—The Select Committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of terrorism and antiterrorism activities of the various departments and agencies of the United States, and shall promptly call to the attention of the Senate any matters requiring the attention of the Senate or any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or any other appropriate committee or committees.

(b) FROM THE EXECUTIVE BRANCH.—The Select Committee shall obtain an annual report from the President. The report shall contain not only the activities of the agencies or departments concerned, but also any other pertinent information.

(c) EXTRAORDINARY REPORTS.—The Select Committee may be issued over the signature of the chairman, the vice chairman or any member of the Select Committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 4. INFORMATION SHARING.

It is the sense of the Senate that the head of each department of the United States should keep the Select Committee fully and currently informed with respect to homeland security and antiterrorism activities, which are the responsibility of or engaged in by such department or agency, except that such information shall be made available to the public at the discretion of the Select Committee.

SEC. 5. CONSTRUCTION.

Nothing in this resolution shall be construed as empowering any other committee to study and review any homeland security or antiterrorism matter to the extent that such matter is otherwise within the jurisdiction of such committee.

SENATE CONCURRENT RESOLUTION 74—CONDEMNING Bigotry and Violence AGAINST SIKH-AMERICANS IN THE WAKE OF TERRORIST ATTACKS IN NEW YORK AND WASHINGTON, D.C., ON SEPTEMBER 11, 2001

Mr. DURBIN (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DE WINE, Mr. KENNEDY, Mr. BROWNACK, Mr. BIDEN, Mr. FITZGERALD, Mrs. FEINSTEIN, Mr. ALLEN, Mr. FEINGOLD, Mr. BENNETT, Mr. SCHUMER, Mr. JEFFORDS, Ms. CANTWELL, Mr. EDWARDS, Mrs. CLINTON, Mr. BINGAMAN, Mr. KERRY, Mrs. MURRAY, Mr. CORZINE, Mrs. BOXER, Ms. LANDRIEU, Ms. MIKULSKI, Mr. CLELAND, Mr. LIEBERMAN, Mr. CARPER, Mr. TORRICELLI, Mr. SARBANES, Mr. LEVIN, Mr. DURBIN, Mr. JOHNSON, Mr. REID) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. Con. Res. 74

Whereas all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the attacks against the United States on September 11, 2001, and in pursuing all those responsible for those attacks and their sponsors until they are brought to justice;

Whereas Sikhs-American form a vibrant, peaceful, and law-abiding part of America’s people;

Whereas approximately 500,000 Sikhs reside in the United States and are a vital part of the Nation;

Whereas Sikhs-Americans stand resolutely in support of the commitment of our Government to bring the terrorists and those that harbor them to justice;

Whereas the Sikh faith is a distinct religious and cultural identity that has its own places of worship and a distinct holy text and religious tenets;

Whereas many Sikh-Americans, who are easily recognizable by their turbans and beards, which are required articles of their faith, have suffered both verbal and physical assaults as a result of misguided anger toward American Muslims and Sikhs-Americans in the wake of the September 11, 2001 terrorist attack;

Whereas Sikh-Americans, as do all Americans, condemn acts of hate and prejudice against any American; and

Whereas Congress is seriously concerned by the number of hate crimes against Sikhs-Americans and other Americans all across the Nation that have been reported in the wake of the tragic events that unfolded on September 11, 2001; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) declares that, in the quest to identify, locate, and bring to justice the perpetrators of the terrorist attacks on the United States on September 11, 2001, the civil rights and civil liberties of all Americans, including Sikh-Americans, should be protected;

(2) condemns bigotry and any acts of violence or discrimination against any Americans, including Sikh-Americans;

(3) calls upon local and Federal law enforcement authorities to work to prevent hate crimes against all Americans, including Sikh-Americans; and

(4) calls upon local and Federal law enforcement authorities to prosecute to the fullest extent of the law all those who commit hate crimes.

Mr. DURBIN. Mr. President, today I rise with 31 of my Senate colleagues to submit a resolution condemning bigotry and violence toward Sikh-Americans.

Last week, Amrit Kaur Mago, a student at George Washington University, from my home State of Illinois, came to my office and brought the serious issue of hate crimes against Sikh-Americans in the wake of terrorist attacks on September 11, to my attention.
On the morning of September 11, 2001, our world as we knew it changed forever. On September 11, terrorists coordinated an attack on the American people by hijacking four commercial airplanes and flying them as missiles into sensitive office buildings, the World Trade Center and the Pentagon in Virginia. The staggering loss of life of over 6,000 innocent people, more than in any other day in our Nation’s history; firefighters and police officers crushed under the rubble as they rushed to save the victims; shaken sense of security and confidence in our society; and a national anxiety about our future.

While we search for understanding, we must do our duty as Americans. We bury our dead. We comfort the wounded. We honor our heroes. And we work to protect and defend our Nation.

Unfortunately, in the aftermath of September 11, there are those, who in misguided anger and fear turned on their neighbors and fellow Americans. They mistook symbols of religious belief, such as turbans and beards, for distrust, terror, and destruction. In a twisted gesture of revenge, some vigilantes across America have taken it on themselves, haranguing and even killing our fellow Americans simply because some share some outward appearance of these terrorists, turbans, beards, olive skin.

In the past three weeks, the Sikh community has received nearly 300 reported incidents of threats, assaults, violence, and even death. Of course this is wrong and every American must speak out against it. Sikhism, like Islam, Hinduism, Buddhism, Judaism, Christianity, and Catholicism, is a religion based on teachings of peace, love, and equality. Over 22 million Sikhs around the world today follow those values everyday. That is why it was so painful to me to learn that Sikh Americans are suffering from injustice targeted at them from simply for their dress and customs.

We must embrace the diversity that makes America what it is, a diversity that our enemies cannot understand or accept. We are a land of immigrants, and from the beginning of our Nation’s history, we have always welcomed people from other nations.

Of the thousands who perished that tragic day of September 11, citizens of over 80 countries were included among our loved ones from other nations.

Recent terrorist attacks should never cloud our judgment when it comes to our fellow Sikh-Americans. Sikh-Americans share with us the pain and sorrow of September 11 tragedy. Hate crimes and violence, especially vio-

lence stemming from bias and bigotry should never be tolerated.

That is why today I am submitting a resolution condemning bigotry and violence against Sikh-Americans. Representat-
ives HONDA and SHAYS have expressed interest in introducing the same exact resolution in the House. Our country stands united with all Americans, including Sikh-Americans. More than ever before, this is a time for us all to stand together. We are, of course, the United States of America. But today, we are a United America. As we stand together strongly against terrorism, let us also stand together as a country against prejudice and injustice targeted at our fellow Americans.

Our enemies may hate us but we cannot be guided by hate, and we in America cannot hate one another. We are brothers and sisters under God’s eyes. We are fellow American’s under our Nation’s flag and with this battle we must stand together, united by love and understanding.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1821. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1822. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1823. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 1756 proposed by Mr. ALLARD and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1824. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1825. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1826. Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. SMITH, of New Hampshire, Mr. NICKLES, Mr. CRAPO, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1827. Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. SMITH, of New Hampshire, Mr. NICKLES, Mr. CRAPO, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1828. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1798 submitted by Mr. DODD and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1829. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1830. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1748 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1831. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1832. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1833. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1756 proposed by Mr. ALLARD to the bill (S. 1438) supra; which was ordered to lie on the table.

SA 1834. Mr. Levin (for Mr. Thomas) (for himself and Mr. grame) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1835. Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1836. Mr. DOMENICI (for himself, Mr. THURMOND, Mr. MURkowski, Mr. Bingaman, Mr. LUGAR, Mr. Hollings, Ms. LANDRIEU, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1837. Mr. DOMENICI (for himself, and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1838. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1839. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1840. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1841. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1842. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1821. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1602 submitted by Mr. Allard and intended to be proposed to the bill (S. 1438) supra; which was ordered to lie on the table.
(A) each uniformed services voter receives the utmost consideration and cooperation when voting;
(B) each valid ballot cast by such a voter is duly counted and counted; and
(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

(b) UNIFORMED SERVICES VOTER DEFINED.—In this Act the term ‘uniformed services voter’ means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code)
(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–6)); and
(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) In General.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–1) is amended—

(1) by striking ‘‘Each State’’ and inserting ‘‘(a) IN GENERAL.—The Secretary of Defense shall continue to make the site available for public office under paragraph (1), the Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program referred to in this section as the ‘Program’’ or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) submit an annual report to the Inspector General of each of the Armed Forces on the results of the reviews under subparagraphs (A) and (B).

(C) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

SEC. 579. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMMUNITY FACILITIES AS POLLING PLACES.

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended by—

(1) by striking ‘‘Under’’ and inserting ‘‘(a) USE BY RED CROSS.—‘‘Under’’;’’

(b) reviewing and reporting on the effectiveness of this section, and shall include in the report any

recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) In General.—The Secretary of Defense shall implement a program under which each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program referred to in this section as the ‘Program’’ or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) submit an annual report to the Inspector General of each of the Armed Forces on the results of the reviews under subparagraphs (A) and (B).

(C) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) In General.—The Secretary of Defense shall carry out a demonstration project under which the Secretary shall conduct—

(1) a member of a uniformed services voter

(2) to refer to subparagraphs (A) and (B) of section 101(b)(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–6(b)),

(3) to refer to subparagraphs (A) and (B) of section 101(b)(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–6(b)), and

(4) to refer to the standards under section 102(c).''

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—The Secretary shall continue to make the site available for public office under paragraph (1), the Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program referred to in this section as the ‘Program’’ or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(b) submit an annual report to the Inspector General of each of the Armed Forces on the results of the reviews under subparagraphs (A) and (B).

(C) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program;

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) In General.—The Secretary of Defense shall implement a program under which each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program referred to in this section as the ‘Program’’ or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) submit an annual report to the Inspector General of each of the Armed Forces on the results of the reviews under subparagraphs (A) and (B).

(C) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program;

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

SEC. 579. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMMUNITY FACILITIES AS POLLING PLACES.

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended by—

(1) by striking ‘‘Under’’ and inserting ‘‘(a) USE BY RED CROSS.—‘‘Under’’;’’

(b) reviewing and reporting on the effectiveness of this section, and shall include in the report any

recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.
S10070

CONGRESSIONAL RECORD — SENATE
October 2, 2001

(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 2003 of the Revised Statutes (42 U.S.C. 1973ff) is amended by adding at the end of the following: "Making a military installation in a State an absentee voting place under subsection (a) of section 101 or under subsection (c) of section 301 of the Federal Election Campaign Act of 1971 (42 U.S.C. 1973ff) in a Federal, State, or local election for public office in accordance with section 2670(b) of title 10, United States Code, shall be deemed to have been enacted by the State unit with this section.”.

(e) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended by inserting after the heading: “S 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections”.

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

“S 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.”

SEC. 580. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) ABSENTEE VOTING.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) DEFINITIONS.—In this section:

(1) The term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States;

(2) The term “recently separated uniformed services voter” means any individual who was a uniformed services voter (as defined in section 571(b)) and is absent from a State in compliance with military or naval orders and who was a resident of the State in which they live on the date of the election, and who was a uniformed services voter (as defined in section 571(b)), on the date the application is received by the appropriate State election official.

SEC. 580A. GOVERNORS’ REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ACCESS SERVICE PROGRAM RECOMMENDATIONS.

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that requested the recommendation.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term “legislative recommendation” means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including recommendations made under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3).


SEC. 1822. Mr. NELSON of Florida submitted an amendment intended to be proposed by Mr. ALLARD to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

"S 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.”

SA 1822. Mr. NELSON of Florida submitted an amendment intended to be proposed by Mr. ALLARD to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

"S 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.”

(b) DISTRIBUTION OF STANDARDS BY THE PRESIDENTIAL DESIGNEE.—Section 101(b)(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(5)) is amended—

(1) by striking “and” before “(B)”;

(2) by inserting before the period at the end the following: “, and (C) the standards submitted by the State unit with this section.”;

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to elections that occur after the date of enactment of this Act.

SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C. App. 900 et seq.) is amended by adding at the end the following:

“SEC. 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 181)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

(1) be deemed to have acquired a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

(2) be deemed to have acquired a residence or domicile in any other State; or

(3) be deemed to have become a resident in or a resident of any other State.

In this section, the term ‘State’ includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.”

SEC. 574. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 572(a), is further amended by inserting after subsection (a) the following new subsection:

“(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.”

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking “FOR FEDERAL OFFICE”.

SEC. 575. USE OF SINGLE APPLICATION AS A MULTANEOUS ABSENTEE BALLOT APPLICATION.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as redesignated by section 572(a), is further amended—

(1) by striking “and” at the end of paragraph (2); and

(2) by inserting before the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

“(4) accept and process the official post card form (prescribed under section 101) as a single application for absentee ballot application and absentee ballot application; and”.

"S 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.”
SEC. 576. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–1), as amended by section 575, is further amended by inserting after paragraph (4) the following new paragraph (5):

“(5) accept and process, with respect to all general, special, primary, and runoff elections for Federal office occurring during a year, any otherwise valid absentee ballot application from an absent uniformed services voter or overseas voter if a single application for all such elections is received by the appropriate State election official not less than 30 days before the first election for Federal office occurring during the year.”

SEC. 577. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters and overseas voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–1)) shall be permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

SEC. 578. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with the Federal Voting Assistance Program (referred to in this section as the “Program”) or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

SEC. 579. USE OF BUILDINGS ON MILITARY INSTALLATIONS AS POLLING PLACES.

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended—

(1) by striking “Under” and inserting “(a) Use in military installations:”;

(2) by striking “this section” and inserting “this subsection”; and

(3) by adding at the end the following:

“(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department shall make a building located on a military installation under the jurisdiction of the Secretary available for use by individuals who reside on that military installation and who are otherwise eligible to vote in any Federal, State, or local election for public office where such use is consistent with State law.

“(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office (for purposes of paragraph (1), the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice of the manner of the reasons why the site will no longer be made available as a polling place.

“(3) In this section, the term ‘military installation’ means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–3).

(c) DEFINITIONS.—In this section:

(1) The term “legislative recommendation” means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–3).

(2) The term “Presidential designee” means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–3).

SEC. 580. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) ABSENTEE BALLOT VOTING.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any uniformed services voter (as defined in section 571(b)) requesting to vote in the State accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application submitted by such voter.

(b) VOTING BY RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.—Each State shall permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under subsection (a) if that voter—

(1) has registered to vote under such subsection; and

(2) is eligible to vote in that election under State law.

(c) REPORTS.—In this section:

(1) The term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory possessing substantial United States.

(2) The term “recently separated uniformed services voter” means any individual who was a uniformed services voter (as defined in section 571) as of December 31, 2002, who seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status; and

(B) is otherwise qualified to vote.

SEC. 580A. GOVERNORS' REPORTS ON IMPLEMENTATION OF VOTING RIGHTS LAW.

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legislative recommendation, the State shall submit a report to the President on the status of implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of the Voting Rights Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term “legislative recommendation” means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–3).

(2) The term “Presidential designee” means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–3).

SA 1823. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Subtitle F—Uniformed Services Overseas Voting

SEC. 571. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) be aware of the importance of the ability of each uniformed services voter to exercise the right to vote;

(2) perform their duties with the intent to ensure that—
(A) each uniformed services voter receives the utmost consideration and cooperation when voting;
(B) each valid ballot cast by such a voter is duly counted;
(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live should have an equal opportunity to cast a vote and have that vote counted.

(b) Uniformed Services Voter Defined.—In this section, the term "uniformed services voter" means—

(1) a member of a uniformed service (as defined in section 101a(5) of title 10, United States Code, as redesignated by section 572(a)); or
(2) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENTE UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) In General.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f-1) is amended—

(1) by striking "Each State" and inserting "(a) Each State";
(2) by striking "and" at the end of the section;
(3) by adding at the end the following:

"(c) Standards for Invalidation of Certain Ballots.—Each State shall submit to the Presidential designee, at such time and in such manner as the Presidential designee may specify, a clear statement of the standards to be applied by the State in determining whether or not to refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter;"

(b) Distribution of Standards by the Presidential Designee.—Section 101(b)(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f(b)(5)) is amended—

(1) by striking "and" before "(B)";
(2) by adding at the end the following:

"(C) Effective Date.—The amendments made by this section shall apply with respect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)) that are submitted with respect to elections that occur after the date of enactment of this Act.

SEC. 573. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following:

"(c) 704. (a) For purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;
(2) be deemed to have acquired a residence or domicile in any other State; or
(3) be deemed to become a resident in or a resident of any other State.

(b) In this section, the term "State" includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia."
(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 203 of the Revised Statutes (42 U.S.C. 1972) is amended by adding at the end the following: “Making a military installation available as a polling place in a Federal, State, or local election for public office in accordance with section 2670 of title 10, United States Code, shall be deemed to be in accordance with this section.”

(e) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended by striking “as polling places” and inserting “as polling places in Federal, State, and local elections”.

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows: “2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.”

SEC. 580. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) ABSENTEE REGISTRATION.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1974 (2 U.S.C. 411)), each State shall, with respect to any uniformed services voter (as defined in section 571(b)) requesting a Federal write-inabsentee ballot under section 1405 of title 2, United States Code, shall be authorized to waive the prohibitions and requirements of sections 1405 and 1407 of title 2, United States Code, with respect to any uniformed services voter (as defined in section 571(b)) requesting a Federal write-inabsentee ballot under section 1405 of title 2, United States Code, if such a voter—

(i) remains party to, and has continued to abide by, a binding agreement that—

(A) remains party to, and has continued to abide by, a binding agreement that—

(B) it is in the national interest of the United States that the International Criminal Court's or any other provision of law, no United States person, or covered allied persons.

(ii) it is in the national interest of the United States that the International Criminal Court's investigation into the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual under the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States that the International Criminal Court's investigation into the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) United States persons;

(ii) covered allied persons;

(iii) Individuals who were covered United States persons or covered allied persons.

(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (c) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (c).

SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) APPLICATION.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act; and

(2) shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act; and

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to cooperation requests submitted by the International Criminal Court pursuant to the Rome Statute and the Secretary of State.
Criminal Court.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any arrest warrant, summons, or other process or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to which a covered United States person is present in that country; or

(d) Prohibition on Provision of Support to the International Criminal Court.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court for actions undertaken by them in connection with the operation;

(e) Prohibition on Use of Appropriated Funds To Assist the International Criminal Court.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(f) Restriction on Assistance Pursuant to Mutual Legal Assistance Treaties.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance, or in any multilateral conventions with legal assistance provisions, and extradition treaties, to the United States as a party, and in connection with any investigation or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(g) Prohibition on Investigative Activities of Agents.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity, or in cooperation with the United States, undertake any systematic inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.


(a) Policy.—Beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vision of the United States to work with the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VII of the United Nations or peace enforcement operation under chapter VI of the charter of the United Nations permanently exempts, at a minimum, covered United States persons participating in the operation of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(b) Prohibition.—Covered United States persons shall not participate in any peacekeeping operation, or other assertion of jurisdiction by the International Criminal Court, in connection with the operation of any letter rogatory, or in any proceeding at the International Criminal Court to which a covered United States person is present in that country.

(c) Construction.—The provisions of this section shall not be construed to prevent the United States from providing information and other assistance to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(d) Bribes and Other Inducements Not Authorized.—This section does not authorize furnishing of bribes or other such incentives to induce the release of a person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(e) Authorization of Legal Assistance.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or otherwise proceeded against by the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide:

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, the representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(f) Bribery and Other Inducements Not Authorized.—This section does not authorize furnishing of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. 1406. Prohibition on Direct or Indirect Transfer of Classified National Security Information and Law Enforcement Information to the International Criminal Court.

(a) In General.—Not later than the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court.

(b) Indirect Transfer.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country to which the United States is bound pursuant to the Rome Statute to provide the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters investigated, under investigation, or prosecuted by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) Construction.—The provisions of this section shall not be construed to prohibit any action permitted under section 1408.

SEC. 1407. Prohibition on United States Military Assistance to Parties to the International Criminal Court.

(a) Prohibition of Military Assistance.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) National Interest Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to military assistance to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) Article 98 Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(d) Exemption.—The prohibition of subsection (a) shall not apply to the government of:

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, and the Republic of Korea, and New Zealand);

(3) Taiwan.

SEC. 1408. Authority to Free Members of Executed, or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(a) Authority.—The President is authorized to use all means necessary and appropriate to secure the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) Persons Authorized To Be Freed.—The authority of subsection (a) shall extend to the following persons:

(1) covered United States persons.

(2) covered allied persons.

(3) Individuals detained or imprisoned for offenses occurring by virtue of being present in the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) Authorization of Legal Assistance.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or otherwise proceeded against by the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide:

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, the representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) Bribery and Other Inducements Not Authorized.—This section does not authorize furnishing of bribes or other such incentives to induce the release of a person described in subsection (b).

SEC. 1409. Alliance Command Arrangements.

(a) Report on Alliance Command Arrangements.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a certification in writing that the United States military assistance to a country that is a party to the International Criminal Court.

(b) National Interest Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to each country to which the President determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) Article 98 Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(d) Exemption.—The prohibition of subsection (a) shall not apply to the government of:

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, and the Republic of Korea, and New Zealand);

(3) Taiwan.
party to the International Criminal Court; and
(2) evaluating the degree to which members of the Armed Forces of the United States employed by or working on behalf of the United States government or of any State or local government may extrude any covered United States person to the International Criminal Court, or support the transfer of any covered United States person to the International Criminal Court.

SEC. 1413. NONDELEGATION OF AUTHORITY.
The authorities vested in the President by sections 1403 and 1411(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 1405(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

SEC. 1414. SENSE OF CONGRESS.
It is the sense of Congress that the President should take all appropriate steps to remove United States support for the Rome Statute.

SEC. 1415. DEFINITIONS.
As used in this title and in section 706 of the ADMIRAL JAMES W. NANCE AND MEG DONOVAN FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the Senate, and the Committee on Foreign Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term "classified national security information" means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term "covered allied persons" means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Jordan, Argentina, the Republic of Korea, and New Zealand) or any other country a major non-NATO ally (including Australia, Egypt, Israel, Jordan, Argentina, the Republic of Korea, and New Zealand), or any other country, a major non-NATO ally (including Australia, Egypt, Israel, Jordan, Argentina, the Republic of Korea, and New Zealand), or any other country, a major non-NATO ally, so long as that government is not a party to the International Criminal Court and wishes its officials and personnel to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term "covered United States persons" means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, other persons employed by or working on behalf of the United States, elected or appointed officials of the United States Government, other persons employed by or working on behalf of the United States Government, so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms "extradition" and "extradicate" mean the extradition of a person in accordance with the provisions of chapter 239 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 17 of the Vienna Convention.

(6) INTERNATIONAL CRIMINAL COURT.—The term "International Criminal Court" means the court established by the Rome Statute of the International Criminal Court.

(7) UNITED STATES MILITARY ASSISTANCE.—The term "United States military assistance" means assistance that has been authorized by the United States Congress, and is available for peacekeeping or peace enforcement activities.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means to assign members of the Armed Forces of the United States to a United Nations command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the jurisdiction of the International Criminal Court.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term "party to the International Criminal Court" means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations member nations that are made available for peacekeeping or peace enforcement activities.


(12) SUPPORT.—The term "support" means assistance of any kind, including financial support, transfer of property or other material support, services, information sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term "United States military assistance" means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 232(a) of the Arms Export Control Act (22 U.S.C. 2766).

SA 1825. Mr. CORZINE submitted an amendment intended to be placed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for the fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1412. PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.
Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any covered United States person to the International Criminal Court, or support the transfer of any covered United States person to the International Criminal Court.

SEC. 1413. NONDELEGATION OF AUTHORITY.
The authorities vested in the President by sections 1403 and 1411(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 1405(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

SEC. 1414. SENSE OF CONGRESS.
It is the sense of Congress that the President should take all appropriate steps to remove United States support for the Rome Statute.

SEC. 1415. DEFINITIONS.
As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the Senate, and the Committee on Foreign Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term "classified national security information" means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term "covered allied persons" means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Jordan, Argentina, the Republic of Korea, and New Zealand) or any other country, a major non-NATO ally, so long as that government is not a party to the International Criminal Court and wishes its officials and personnel to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term "covered United States persons" means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, other persons employed by or working on behalf of the United States, elected or appointed officials of the United States Government, other persons employed by or working on behalf of the United States Government, so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms "extradition" and "extradicate" mean the extradition of a person in accordance with the provisions of chapter 239 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 17 of the Vienna Convention.

(6) INTERNATIONAL CRIMINAL COURT.—The term "International Criminal Court" means the court established by the Rome Statute of the International Criminal Court.

(7) UNITED STATES MILITARY ASSISTANCE.—The term "United States military assistance" means assistance that has been authorized by the United States Congress, and is available for peacekeeping or peace enforcement activities.

(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means to assign members of the Armed Forces of the United States to a United Nations command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the jurisdiction of the International Criminal Court.

(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term "party to the International Criminal Court" means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term "peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations" means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations member nations that are made available for peacekeeping or peace enforcement activities.


(12) SUPPORT.—The term "support" means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) UNITED STATES MILITARY ASSISTANCE.—The term "United States military assistance" means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 232(a) of the Arms Export Control Act (22 U.S.C. 2766).
Strike all after the first word and insert in lieu thereof the following:

1066. CLOSURE OF VIENES NAVAL TRAINING RANGE. (a) Section 1535 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is amended by adding at the end the following new subsection:

"(e) NATIONAL EMERGENCY.—The President shall notify the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(1) prohibits the International Criminal Court from seeking to exercise jurisdiction over the persons with respect to actions undertaken by them in any capacity:

(i) covered United States persons; and

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) the President had declared a national emergency, and such declaration remains in effect; and

(B) the President determines that, in light of the national emergency, the actions required by subsections (b), (c), and (d) would be inconsistent with the national security interest of the United States.

(2) EFFECT OF EXTENSION.—An extension of the deadline pursuant to paragraph (1) shall suspend the requirements of subsections (b), (c), and (d) for the duration of the extension.

(b) Subsection (a) of Section 1535 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed and subsections (a) are redesignated as subsections (a) through (d) respectively.

(c) Section 1535 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed.

SA 1828. Mr. CRAIG (for himself, Mr. LOTT, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. MURkowski, Mr. CRAPO, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SECTION 1401. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for a single period of one year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect.

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States to cooperate with the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in any capacity:

(i) covered United States persons.

(ii) covered allied persons.

(iii) covered allied persons.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for the duration of the amendment and insert the following:

"(e) NATIONAL EMERGENCY.—The President may extend the May 1, 2003 deadline for the termination of the operations on the island of Vieques established in subsection (b) for a period of one year (and may renew such extension on an annual basis), provided that—

(A) The President had declared a national emergency, and such declaration remains in effect; and

(B) The President determines that, in light of the national emergency, the actions required by subsections (b), (c), and (d) would be inconsistent with the national security interest of the United States.

(2) EFFECT OF EXTENSION.—An extension of the deadline pursuant to paragraph (1) shall suspend the requirements of subsections (b), (c), and (d) for the duration of the extension.

(b) Subsection (a) of Section 1505 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed and subsections (a) are redesignated as subsections (a) through (d) respectively.

(c) Section 1505 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed.

SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) APPLICATION.—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 1408; or

(B) communication by the United States of its policy with respect to a matter.

SEC. 1405. WAIVER OF PROVISIONS PERTAINING TO QUESTIONS FOR COOPERATION.

(a) PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding section 1702 of title 28, United States Code, no funds appropriated under this Act may be expended for the purpose of assisting the International Criminal Court pursuant to the Rome Statute.

(b) PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

SEC. 1406. PROHIBITION ON REQUESTS FOR COOPERATION.

(a) PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of assisting the International Criminal Court.

(b) RESTRICTION ON ASSISTANCE PERSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—No agent of the International Criminal Court is authorized to request or limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, mutual legal assistance treaties, and extradition treaties, to which the United States is a party, and in connection with the execution of a letter rogatory issued by the International Criminal Court to the tribunal, officer, or agency in the United States.

(c) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court is authorized to conduct any preliminary investigative activity relating to a preliminary examination or investigation of a person, including, but not limited to, the use of legal assistance in criminal matters, mutual legal assistance treaties, and extradition treaties, to which the United States is a party, and in connection with the execution of a letter rogatory issued by the International Criminal Court to the tribunal, officer, or agency in the United States.

(d) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court is authorized to conduct any preliminary investigative activity relating to a preliminary examination or investigation of a person, including, but not limited to, the use of legal assistance in criminal matters, mutual legal assistance treaties, and extradition treaties, to which the United States is a party, and in connection with the execution of a letter rogatory issued by the International Criminal Court to the tribunal, officer, or agency in the United States.

SEC. 1407. RESTRICTION ON USE OF APPROPRIATIONS TO SUPPORT THE INTERNATIONAL CRIMINAL COURT.

(a) RESTRICTION ON USE OF APPROPRIATIONS TO SUPPORT THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of assisting the International Criminal Court.

(b) RESTRICTION ON USE OF APPROPRIATIONS TO SUPPORT THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of assisting the International Criminal Court.

(c) RESTRICTION ON USE OF APPROPRIATIONS TO SUPPORT THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of assisting the International Criminal Court.

(d) RESTRICTION ON USE OF APPROPRIATIONS TO SUPPORT THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of assisting the International Criminal Court.

(e) RESTRICTION ON USE OF APPROPRIATIONS TO SUPPORT THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of assisting the International Criminal Court.

(f) RESTRICTION ON USE OF APPROPRIATIONS TO SUPPORT THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of assisting the International Criminal Court.

(g) RESTRICTION ON USE OF APPROPRIATIONS TO SUPPORT THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of assisting the International Criminal Court.

(h) RESTRICTION ON USE OF APPROPRIATIONS TO SUPPORT THE INTERNATIONAL CRIMINAL COURT.—Notwithstanding any other provision of law, no funds appropriated under this Act may be expended for the purpose of assisting the International Criminal Court.

SEC. 1408. AUTHORIZATION OF APPROPRIATIONS TO facilitating certain UNiations PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date on which the Resolution for Peacekeeping operations pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations does not contain an action pursuant to article VII of the charter of the United Nations permanently exempted at a minimum,
covered United States persons participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—Covered United States persons may not participate in any peacekeeping or peace enforcem conference or other assertion of jurisdiction by the International Criminal Court for actions undertaken by or pursuant to that alliance or organization.

SEC. 1407. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 129 of the Rome Statute, the President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to any country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(b) NATIONAL INTEREST WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

1. Covered United States persons
2. Covered allied persons
3. Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or convicted, the President is authorized to direct any agency of the United States Government to provide legal assistance to that person.

1. Legal representation and other legal assistance to that person, including in the case of a person entitled to assistance under Article 40 of the Rome Statute, the United States shall provide such representation and other assistance in the manner provided in that section.
2. Exculpationary evidence on behalf of that person.
3. Defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section shall not be construed to prohibit the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party.

(b) DESCRIPTION OF THE DEGREE TO WHICH MEMBERS OF THE ARMED FORCES OF THE UNITED STATES MAY, IN THE CONTEXT OF MILITARY OPERATIONS UNDERTAKEN BY OR PURSUANT TO THAT ALLIANCE, BE PLACED UNDER THE COMMAND OR OPERATIONAL CONTROL OF FOREIGN MILITARY OFFICERS SUBJECT TO THE JURISDICTION OF THE INTERNATIONAL CRIMINAL COURT.

SEC. 1410. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Secretary of State, as described in paragraphs 18 or 19 of the Rome Statute, or before the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party.

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 1411. APPLICATION OF SECTIONS 1404 AND 1406 TO EXERCISE OF CONSTITUTIONAL AUTHORITY.

(a) IN GENERAL.—Sections 1404 and 1406 shall not apply to any action or actions with respect to a specific matter taken or directed by the President in the exercise of the President’s authority as Commander in Chief of the Armed Forces of the United States under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under Sections 1404 or 1406, the President shall submit a notification of such action to the appropriate congressional
committees. A notification under this para-
graph shall include a description of the ac-
tion, a determination that the action is in
the national interest of the United States,
and a statement of the reason.
(2) EXCEPTION.—If the President deter-
moves that a full notification under para-
graph (1) could jeopardize the national secu-
rity of the United States or compromise a
United States law enforcement activity, not
later than 15 days after the President takes
or directs an action or actions referred to in
paragraph (1), the President shall notify the
appropriate congressional committees that
an action has been taken and a determina-
tion has been made pursuant to this para-
graph. The President shall provide a full no-
tification under paragraph (1) not later than
15 days after the reasons for the determina-
tion under this paragraph no longer apply.
(c) Construction.—Nothing in this section
shall be construed as a grant of statutory au-
thority to the President to take any action.

SEC. 1412. PROHIBITION ON EXTRADITION TO
THE INTERNATIONAL CRIMINAL COURT.

Notwithstanding any other provision of
law, no officer of the United States Govern-
ment or of any State or local govern-
ment may extradite any covered United
States person to the International Criminal
Court unless the President certifies
that the International Criminal Court
has been transferred to the United
States person to the International Criminal
Court.

SEC. 1413. NONDELEGATION.
The authorities vested in the President by
sections 1405 and 1411(b) may not be dele-
gated by the President pursuant to section
301 of title 3, United States Code, or
any other provision of law. The authorities
vested in the President by section 1405(c)(3) may not be
delegated by the President pursuant to section
301 of title 3, United States Code, or
any other provision of law to any official
other than the Secretary of Defense, and if so
delegated may not be subdelegated.

SEC. 1414. SENSE OF CONGRESS.
It is the sense of Congress that the Presi-
dent should rescind the signature made on
behalf of the United States to the Rome
Statute.

SEC. 1415. DEFINITIONS.
As used in this Act and in section 706 of
the Admiral James W. Nance and Meg Dono-
von Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:
(1) APPROPRIATE CONGRESSIONAL COMMI-
TEES.—The term “appropriate congressional committees” means the Committee on Inter-
national Relations of the House of Represen-
tatives and the Committee on Foreign
Relations of the Senate.
(2) CLASSIFIED NATIONAL SECURITY IN-
FORMATION.—The term “classified national
security information” means information that
is classified or classifiable under Executive
Order 12958 or a successor Executive order.
(3) COVERED ALLIED PERSONS.—The term
“covered allied persons” means military
personnel, elected or appointed officials, and
other persons employed by or working on be-
half of the government of a NATO member
country, a major non-NATO ally (including
Australia, Egypt, Israel, Japan, Jordan, Ar-
gentina, the Republic of Korea, and New
Zealand), or Taiwan, for so long as that govern-
ment remains a party to the International
Crime Court and wishes its officials and
other persons working on its behalf to be ex-
empted from the jurisdiction of the Inter-
national Criminal Court.
(4) COVERED UNITED STATES PERSONS.—The
term “covered United States persons” means
members of the Armed Forces of the United
States, United States elected or appointed officials of the
United States Government, other persons employed by or working on behalf of the
United States Government, and other United
States citizens for so long as the United
States is not a party to the International
Criminal Court.
(5) EXTRACTION.—The terms “extradition” and
“extradite” mean the extradition of a
person in accordance with the provisions of
chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and
such terms invidiously related to extradition and
surrender as those terms are defined in Article
102 of the Rome Statute.
(6) INTERNATIONAL CRIMINAL COURT.—The
term “International Criminal Court” means
the court established by the Rome Statute.
(7) MAJOR NON-NATO ALLY.—The term
“major non-NATO ally” means a country that has been so designated in accordance with
section 517 of the Foreign Assistance
(8) PARTICIPATE IN ANY PEACEKEEPING OPER-
ATION that has deposited an instrument of
ratification, acceptance, approval, or acces-
sion to the Rome Statute, and has not with-
drawn from the Rome Statute pursuant to
Article 127 thereof.
(9) PARTY TO THE INTERNATIONAL CRIM-
INAL COURT.—The term “party to the Inter-
national Criminal Court” means a govern-
ment that deposited an instrument of
ratification, acceptance, approval, or acces-
sion to the Rome Statute, and has not with-
drawn from the Rome Statute pursuant to
Article 127 thereof.
(10) PEACEKEEPING OPERATION UNDER CHAP-
TER VI OF THE CHARTR
E OF THE UNITED NATIONS.—The term “part-
icipate in any peacekeeping operation under
chapter VI of the charter of the United Na-
tions or peace enforcement operation under
chapter VII of the charter of the United Na-
tions or peace enforcement operation of the
United Nations military command structure
as part of a peacekeeping operation under
chapter VI of the charter of the United Na-
tions or peace enforcement operation under
chapter VII of the charter of the United Na-
tions in which those members of the Armed
Forces of the United States are subject to
the command or operational control of one
or more foreign military officers not ap-
pointed in conformity with article II, section
2, clause 2 of the Constitution of the United
States.
(11) PARTY TO THE INTERNATIONAL CRIM-
INAL COURT.—The term “party to the Inter-
national Criminal Court” means a govern-
ment that deposited an instrument of
ratification, acceptance, approval, or acces-
sion to the Rome Statute, and has not with-
drawn from the Rome Statute pursuant to
Article 127 thereof.
(12) PEACEKEEPING OPERATION UNDER CHAP-
TER VI OF THE CHARTR
E OF THE UNITED NATIONS OR PEACE ENFORCE-
MENT OPERATION UNDER CHAPTER VI OF THE
UN
ITED NATIONS.—The term “peacekeeping
operation under chapter VI of the charter of
the United Nations or peace enforcement op-
eration under chapter VI of the charter of
the United Nations” means any military
operation to maintain or restore international
peace and security that—
(A) is authorized by the United Nations Se-
curity Council under chapter VI or VII of
the charter of the United Nations; and
(B) is paid for from assessed contributions
of United Nations members that are made
available for peacekeeping or peace enforce-
ment activities.
(13) ROME STATUTE.—The term “Rome
Statute” means the Rome Statute of the
International Criminal Court, adopted by the
United Nations Diplomatic Conference of
Plenipotentiaries on the Establishment of an
International Criminal Court on July 17,
1998.
(14) SUPPORT.—The term “support” means
assistance of any kind, including financial
support, transfer of property or other mate-
rial assistance, intelligence sharing, formal
law enforcement cooperation, the training or
detail of personnel, and the arrest or deten-
ion of individuals.
(15) UNITED STATES MILITARY ASSISTANCE.—
The term “United States military assist-
ance” means—
(A) assistance provided under chapter 2 or
5 of part II of the Foreign Assistance Act of
1961 (22 U.S.C. 2151 et seq.); or
(B) defense articles or defense services
furnished from the financial assistance of
the United States Government, including
through loans and guarantees, under section
23 of the Arms Export Control Act (22 U.S.C.
2761).

SA 1827. Mr. CRAIG (for himself, Mr. LOT
T, Mr. ALLEN, Mr. SMITH of New
Hampshire, Mr. NICKLES, Mr. CRAPO,
and Mr. KYL) submitted an amendment
intended to be proposed by him to the
SB 2187, (S. 1398) to make appropri-
ations for fiscal year 2002 for military
activities of the Department of De-
fense, for military constructions, and
for defense activities of the Depart-
ment of Energy, to prescribe personnel
strengths for such fiscal year for the
Armed Forces, and for other purposes;
which was ordered to lie on the table;

SEC. 1403. WAIVER AND TERMINATION OF
PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SEC-
TIONS 1405 AND 1407.—The President is au-
thorized to waive the prohibitions and re-
quirements of sections 1405 and 1407 for a sin-
gle period of one year. A waiver under this
subsection may be issued only if the Presi-
dent certifies at least 15 days in advance of exercising
such authority—
(1) notifies the appropriate congressional committees of the intention to exercise such
authority; and
(2) determines and reports to the appro-
propriate congressional committees that the
International Criminal Court has entered
into a binding agreement for each year for the
Armed Forces, and for other purposes;

SEC. 1403A. WAIVER AND TERMINATION OF
PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SEC-
TIONS 1405 AND 1407.—The President is au-
thorized to waive the prohibitions and re-
quirements of sections 1405 and 1407 for suc-
cessive periods of one year each upon the ex-
piration of a previous waiver pursuant to
subsection (a) or this subsection. A waiver
under this subsection may be issued only if the
President certifies at least 15 days in advance of exercising
such authority—
(1) notifies the appropriate congressional committees of the intention to exercise such
authority; and
(2) determines and reports to the appro-
propriate congressional committees that the
International Criminal Court has entered
into a binding agreement for each year for the
Armed Forces, and for other purposes;
(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) any other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed, for the purpose of facilitating an investigation, apprehension, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(c) Restriction on Assistance Pursuant to Mutual Legal Assistance Treaties.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(d) Prohibition on Investigative Activities Relating to a Preliminary Investigation Described in subsection (c) with respect to a particular country if he determines that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.


(a) Policies and Procedures.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution or have executed, or imprison any person described in clause (i) of subparagraph (A).

(c) Certification.—The certification referred to in subsection (b) is a certification that—

(1) covered United States persons are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, covered United States persons participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court; and

(2) covered United States persons are able to participate in the peacemaking or peace enforcement operation under Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 12 of the Rome Statute preventing the International Criminal Court from proceeding against covered United States persons present in that country; or

(3) the United States has taken other appropriate steps to guarantee that covered United States persons participating in the operation will not be prosecuted by the International Criminal Court pursuant to Article 12 of the Rome Statute.

(b) Prohibition on Provision of Support of United Nations Security Council Before or After the Date of the Enactment of this Act.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may cooperate with the International Criminal Court with respect to actions undertaken by such court in connection with the operation.

(c) Construction.—The provisions of this section shall not be construed to prohibit any action permitted under section 1405.

SEC. 1406. Prohibition of United States Military Assistance to Parties to the International Criminal Court.

(a) Prohibition of Military Assistance.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to paragraph (3) of section 1782 of title 28, United States Code, or any other provision of law, no United States military assistance may be provided to a party to the International Criminal Court pursuant to Article 126 of the Rome Statute.
to the national interest of the United States to waive such prohibition.
(c) ARTICLE 98 WAIVER.—The President may, without prior notice to Congress, waive the prohibitions of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.
(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of
(1) a NATO member country;
(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand);
(3) Taiwan.
SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.
(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to the release of a person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.
(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:
(1) Covered United States persons.
(2) Covered allied persons.
(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.
(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide:
(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 906(a)(2) of title 10, United States Code, representation and other assistance in the manner provided in that section);
(2) exculpatory evidence on behalf of that person;
(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.
(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the offering or the provision of other such incentives to induce the release of a person described in subsection (b).
SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.
(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—
(1) describing the degree to which members of the Armed Forces of the United States are or have been placed under the command or operational control of the Armed Forces of any country which is a party to the Rome Statute of the International Criminal Court;
(2) describing the degree to which members of the Armed Forces of the United States are or have been placed under the command or operational control of the Armed Forces of any country which is a party to the Rome Statute of the International Criminal Court and is a major non-NATO ally; and
(3) describing the degree to which members of the Armed Forces of the United States are or have been placed under the command or operational control of the Armed Forces of any country which is a party to the Rome Statute of the International Criminal Court and is a major non-NATO ally and has been designated in accordance with section 517 of the Foreign Assistance Act of 1961.
(b) OPPORTUNITY TO PARTICIPATE IN PEACEKEEPING OPERATIONS.—The President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—
(1) describing the degree to which members of the Armed Forces of the United States are or have been placed under the command or operational control of the Armed Forces of any country which is a party to the Rome Statute of the International Criminal Court; and
(2) describing the degree to which members of the Armed Forces of the United States are or have been placed under the command or operational control of the Armed Forces of any country which is a party to the Rome Statute of the International Criminal Court and is a major non-NATO ally that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.
SEC. 1410. WITHHOLDINGS.
Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any covered United States person to the International Criminal Court, nor support the transfer of any covered United States person to the International Criminal Court.
SEC. 1412. NONDELEGATION.
The authorities vested in the President by sections 1403 and 1411(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 1405(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.
SEC. 1414. SENSE OF CONGRESS.
It is the sense of Congress that the President should rescind the signature made on behalf of the United States to the Rome Statute.
SEC. 1415. DEFINITIONS.
As used in this title and in section 706 of the Admiral James W. Nance and Moe Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.
(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term "classified national security information" means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.
(3) COVERED ALLIED PERSONS.—The term "covered allied persons" means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or any other country designated in accordance with section 517 of the Foreign Assistance Act of 1961.
(4) COVERED UNITED STATES PERSONS.—The term "covered United States persons" means members of the Armed Forces of the United States, elected or appointed officials of the United States Government or of any State or local government, other persons employed by or working on behalf of the government of the United States citizens for so long as the United States is not a party to the International Criminal Court.
(5) INTERNATIONAL CRIMINAL COURT.—The term "International Criminal Court" means the court established by the Rome Statute.
(6) MAJOR NON-NATO ALLY.—The term "major non-NATO ally" means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.
OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term “participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means to assign members of the Armed Forces of the United States to a United Nations military command as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more United Nations peacekeeping operations appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term “party to the International Criminal Court” means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

PEACEKEEPING OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term “peacekeeping or peace enforcement operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.


SUPPORT.—The term “support” means assistance of any kind, including financial support, or the provision by United States military personnel of material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of persons.

UNITED STATES MILITARY ASSISTANCE.—The term “United States military assistance” means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2793).

SA 1828. Mr. McCONNELL, submitted an amendment intended to be proposed to amendment SA 1769 submitted by Mr. DODD and intended to be proposed to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In the matter proposed to be inserted, strike all and insert the following:

TITLE—BIPARTISAN FEDERAL ELECTION REFORM ACT OF 2001

Strike all after the enacting clause and insert the following:

SEC. 01. SHORT TITLE

Short Title.—This Title may be cited as the “Bipartisan Federal Election Reform Act of 2001”.

Subtitle A—Blue Ribbon Study Panel

SEC. 11. ESTABLISHMENT OF THE BLUE RIBBON STUDY PANEL.

There is established the Blue Ribbon Study Panel (in this title referred to as the “Panel”).

SEC. 12. MEMBERSHIP OF THE PANEL.

(a) NUMBER AND APPOINTMENT.—The Panel shall be composed of 12 members as follows:

(1) 3 members appointed by the Majority Leader of the Senate.

(2) 3 members appointed by the Minority Leader of the Senate.

(3) 3 members appointed by the Speaker of the House of Representatives.

(4) 3 members appointed by the Majority Leader of the House of Representatives.

(b) QUALIFICATIONS.

(1) In general.—Members appointed under subsection (a) shall be persons who—

(A) have been elected to the Congress;

(B) are knowledgeable in the administration of Federal and State elections;

(C) have had long and distinguished careers in the field of law, government, or politics;

(D) have been public servants with careers in both the public and private sectors;

(E) have had careers in the judicial, financial, or law enforcement field;

(F) have had careers in the public or private sector;

(G) have knowledge of advanced technology as it relates to elections;

(H) are leaders in their respective fields;

(I) are members of a minority party;

(J) have a demonstrated commitment to promoting public confidence in the electoral system of the United States;

(K) have had experience in administration of elections at the State or Federal level;

(L) have had experience in administration of elections at the local level;

(M) have an understanding of the history of elections in the United States;

(N) have an understanding of the role of the Federal Government in elections;

(O) have experience in election administration, including serving as a volunteer or as an election official;

(P) have had experience in the administration of elections at the State or local level;

(Q) have had experience in the administration of elections at the State or local level;

(R) have had experience in the administration of elections at the State or local level;

(S) have had experience in the administration of elections at the State or local level;

(T) have had experience in the administration of elections at the State or local level;

(U) have had experience in the administration of elections at the State or local level;

(V) have had experience in the administration of elections at the State or local level;

(W) have had experience in the administration of elections at the State or local level;

(X) have had experience in the administration of elections at the State or local level;

(Y) have had experience in the administration of elections at the State or local level;

(Z) have had experience in the administration of elections at the State or local level;

(2) PARTY AFFILIATION.—Not more than 6 of the 12 members appointed under subsection (a) may be affiliated with the same political party.

(c) FEDERAL OFFICERS AND EMPLOYEES.—Members appointed under subsection (a) shall be individuals who, at the time appointed, have not been elected or appointed as Members of Congress, or appointed by the President as Members of Congress, or appointed by a Member of Congress as Members of Congress.

(d) DATE OF APPOINTMENT.—The appointments of the members of the Panel shall be made not later than 90 days after the date of enactment of this Act.

(e) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each member of the Panel shall be appointed for the life of the Panel.

(2) VACANCIES.—A vacancy in the Panel shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(f) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Panel shall elect a chairperson or vice chairperson from among its members.

(2) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

SEC. 13. DUTIES OF THE PANEL

(a) STUDY.—The Panel shall complete a thorough study of—

(1) current and alternate methods and mechanisms of conducting elections for Federal office;

(2) current and alternate ballot designs for elections for Federal office;

(3) current and alternate methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, password-protected list linked to relevant agencies and all polling sites); and

(b) REPORTS.—

(1) FINAL REPORT.—Not later than the date that is 6 months after the date on which all the members of the Panel have been appointed, the Panel shall submit a final report to Congress and the Election Administration Commission established under section 21.

(B) CONTENTS.—The final report submitted under subparagraph (A) shall contain a detailed statement of the conclusions of the Panel as to the matters studied under subsection (a), a detailed statement of...
the recommendations developed under subsection (b), and any dissenting or minority opinions of the members of the Panel.

(2) INTERIM REPORTS.—The Panel may determine, in any matter to be studied under subsection (a), and any recommendation under subsection (b), shall be the subject of an interim report submitted as described in paragraph (1) prior to the final report required under paragraph (1), and in time for full or partial implementation before the elections for Federal office held in 2002.

SEC. 14. MEETINGS OF THE PANEL.

(a) IN GENERAL.—The Panel shall meet at the call of the chairperson.

(b) VOTING.—Each action of the Panel shall require the unanimous vote of the members of the Panel.

(c) QUORUM.—A majority of the members of the Panel shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 15. POWERS OF THE PANEL.

(1) IN GENERAL.—The Panel may hold such hearings for the purpose of carrying out this title, sit and act at such times and places, take such evidence as it deems necessary to enable the Panel to carry out this title.

(2) STAFF.—The Panel may establish a website to facilitate public comment and participation. The Panel shall have 1 vote.

SEC. 16. PANEL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Panel shall be compensated at a rate equal to the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) TRAVEL EXPENSES.—The members of the Panel may be reimbursed on a reimbursable basis, the Administrator of General Services shall provide to the Panel, on a reimbursable basis, the administrative support services that are necessary to enable the Panel to carry out its duties under this title.

(c) CONTRACTS.—The Panel may contract with any Federal department or agency for the purpose of providing such services as are necessary to carry out this title.

(d) AWARD OF CONTRACTS.—The Panel may award contracts for the purposes of carrying out this title.

SEC. 17. TERMINATION OF THE PANEL.

The Panel shall terminate 30 days after the date on which the Panel submits its final report under section 13(c)(1).

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

Subtitle B—Election Administration Commission

SEC. 21. ESTABLISHMENT OF THE ELECTION ADMINISTRATION COMMISSION.

There is established the Election Administration Commission (in this title referred to as the “Commission”) as an independent establishment (as defined in section 104 of title 5, United States Code).

SEC. 22. MEMBERSHIP OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—

(1) COMPOSITION.—The Commission shall be composed of 8 members appointed by the President, by and with the advice and consent of the Senate.

(2) APPOINTMENT.—Prior to the initial appointment of the members of the Commission and prior to the appointment of any individual who, after the Commission or the Administrator of General Services takes over the duties of the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Majority Whip of the Senate, and the Majority Whip of the House shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission, which shall be primary responsibility to carry out federal functions under title I of the Federal Officers and Employees Act (42 U.S.C. 1973ee et seq.), and compliance with other Federal laws regarding accessibility of registration facilities and participation of other key personnel with disabilities.

(3) FEDERAL OFFICERS AND EMPLOYEES.—

Members appointed under subsection (a) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees of the Federal Government.

(4) OTHER ACTIVITIES.—No member appointed to the Commission under subsection (a) shall engage in any activity for the purpose of earning a livelihood, or employment while serving as a member of the Commission and shall terminate or liquidate such business, vocation, or employment not later than the date on which the Commission first meets.

(c) DATE OF APPOINTMENT.—The appointment of the members of the Commission shall be made not later than 20 days after the date of enactment of this Act.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a term of 4 years, except that of the members first appointed—

(A) 4 of the members, not more than 2 of whom may be affiliated with the same political party, shall be appointed for a term of 5 years;

(B) 4 of the members, not more than 2 of whom may be affiliated with the same political party, shall be appointed for 4 years.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made, no individual shall be appointed to fill the vacancy shall be subject to any conditions which applied with respect to the original appointment.

(B) UNEXPIRED TERMS.—A member of the Commission may serve on the Commission after the expiration of the member’s term until the successor of such member has taken office as a member of the Commission.

(C) UNEXPIRED TERMS.—An individual chosen to fill a vacancy on the Commission occurring prior to the expiration of the term for which the individual’s predecessor was appointed shall be appointed for the unexpired term of the member replaced.

(d) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Commission shall elect a chairperson and vice chairperson from among its members for a term of 1 year.

(2) NUMBER OF TERMS.—A member of the Commission may serve as the chairperson only once during any term of office to which such member is appointed.

(f) STAFF.—

The chairperson and vice chairperson may not be affiliated with the same political party.
the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) as the Presidential designee;
(5) shall serve as a clearinghouse, gather information, conduct studies, and issue reports concerning issues relating to Federal, State, and local elections;
(6) shall carry out the provisions of section 9 of the Federal Election Reform Act of 1993 (42 U.S.C. 1973gg-7);
(7) shall make available information regarding the Federal election system to the public;
(8) shall assemble and make available bi-partisan panels of election professionals to assist any State election official, upon request, in establishing or modifying voting procedures in Federal, State, and local elections;
(9) shall compile and make available to the public the official certified results of elections for Federal office and statistics regarding national voter registration and turnout; and
(10) shall administer the Federal Election Reform Grant Program established under section 24.

SEC. 24. FEDERAL ELECTION REFORM GRANT PROGRAM.

(a) Establishment of the Federal Election Reform Grant Program.—There is established the Federal Election Reform Grant Program which the Commission is authorized to award grants to States and localities to pay the Federal share of the costs of the activities described in subsection (d).

(b) Application for Federal Election Reform Grants.—

(1) In general.—Each State or locality that desires to receive a grant under this section shall submit an application to the Commission at such time, in such manner, and containing such information as the Commission shall require (consistent with the provisions of this section).

(2) Contents.—Each application submitted under paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought;

(B) contain a request for certification by the Assistant Attorney General for Civil Rights (in this section referred to as the ‘‘Assistant Attorney General’’) described in subsection (c);

(C) provide assurances that the State or locality will pay the non-Federal share of the cost of those activities for which assistance is sought from non-Federal sources; and

(D) provide such additional assurances as the Commission determines to be essential to ensuring compliance with the requirements of this section.

(3) Request for Certification by Assistant Attorney General.—

(A) In general.—Except as provided in subparagraph (B), each request for certification described in subsection (b)(2)(C) shall contain a specific and detailed demonstration that the State or locality—


(ii) is in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and the Rehabilitation Act of 1973 (29 U.S.C. 794b et seq.) at the time of conducting elections for Federal office; and

(iii) provides blind and disabled voters a verifiable opportunity to vote under the same conditions of privacy and independence as nonvisually impaired or nondisabled voters at each polling place;

(ii) permits provision voting or will implement a method of provisional voting (including notice to the voter regarding the disposition of the ballot) consistent with the recommendations modified by the Commission under section 23(1); and

(iii) has implemented safeguards to ensure that—

(A) the State or locality maintains an accurate and secure list of registered voters listing those voters legally registered and eligible to vote;

(B) only voters who are not legally registered or who are not eligible to vote are removed from the list of registered voters;

(C) has implemented procedures to ensure that members of the Armed Forces and voters outside the United States have the opportunity to vote and to have their vote counted; and

(D) provides for voter education programs and poll worker training programs consistent with the recommendations adopted by the Commission.

(B) Applicants Unable to Meet Requirements.—

(A) In general.—Not later than the date that is 6 months after the date on which a grant was awarded, whichever is later.

(B) Transmittal of Request.—Upon receipt of the request for certification submitted under subsection (b)(2)(B), the Commission shall transmit such request to the Assistant Attorney General.

(C) Certification; Noncertification.—

(i) Certification.—If the Assistant Attorney General finds that the request for certification demonstrates that a State or locality meets the requirements of subsection (b)(3)(A), or that a State or locality has provided a specific demonstration of how it will use funds received under this section to meet such requirements, the Assistant Attorney General shall certify that the State or locality is eligible to receive a grant under this section.

(ii) Noncertification.—If the Assistant Attorney General finds that the request for certification does not demonstrate that a State or locality meets the requirements of subsection (A) or (B) of subsection (b)(3), the Assistant Attorney General shall not certify that the State or locality is eligible to receive a grant under this section.

(D) Transmittal of Certification.—

(A) In general.—The Assistant Attorney General shall transmit to the Commission the Government shall transmit to the Commission the Commission upon receipt of subparagraph (C) or, a notice of noncertification under clause (II) of such subparagraph, together with a report identifying the relevant deficiencies in the State’s or locality’s system for voting or administering elections for Federal office or in the request for certification submitted by the State or locality.

(B) Authorization of Activities.—A State or locality that receives a grant under this section may use the grant funds to implement any recommendation adopted modified by the Commission; and

(C) Grant Application.—Not more than 1 candidate (if voting multiple candidates is not permitted) for an office; or

(D) fewer than the number of candidates for which votes may be cast for an office; and

(E) provide such voter with the opportunity to modify the voter’s ballot before it is cast; and

(C) have the audit capacity to produce a record for each ballot cast.

(3) Compliance with Existing Law.—Each recipient of a grant under this section shall ensure that each activity funded (in whole or in part) with a grant awarded under this section is conducted in accordance with each law described in subsection (b)(3)(A).

(e) Grants; Federal Share.—

(1) Payments.—The Commission shall—

(A) pay to each State or locality having an application approved under subsection (c) the Federal share of the costs of the activities described in subsection (d);

(2) Federal Share.—

(A) In general.—Except as provided in subparagraph (B), the Federal share of the costs shall be a percentage determined by the Commission that does not exceed 75 percent.

(B) Exception.—The Commission may provide for a Federal share greater than 75 percent of the costs of a State or locality if the Commission determines that such greater share is necessary due to the lack of resources of the State or locality.

(f) Reports.—

(A) States and Localities.—

(1) In general.—Not later than the date that is 6 months after the date on which a State or locality receives a grant under this section, each State or locality shall submit to the Commission a report describing each activity funded by the grant, including (if applicable) sufficient evidence that the State or locality has used or is using grant funds to meet the requirements of subsection (b)(3)(A).

(B) Transmittal.—Upon receipt of the reports submitted under subparagraph (A), the Federal share of the costs shall be a percentage determined by the Commission.
(A) IN GENERAL.—Not later than the date that is 1 year after the date on which the first payment is made under subsection (e)(1), and annually thereafter, the Commission shall submit a report to Congress on the activities of the Commission and the Assistant Attorney General under this section.

(b) CONTENTS.—The report submitted under subsection (a) shall contain a description of the Federal Election Reform Grant Program established under subsection (a), a description and analysis of each grant awarded under such program, and such recommendations for legislative action as the Commission considers appropriate.

(2) AUDITS OF GRANT RECIPIENTS.—(i) REQUIREMENTS.—Each recipient of a grant under this section shall keep such records as the Commission shall prescribe.

(ii) EVIDENCE.—The Commission may, without regard to the provisions of section 5, United States Code, in the competitive service, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to conduct such audits.

(iii) RECORDKEEPING REQUIREMENT.—Each recipient that the Commission determines was required to conduct an audit shall submit to the Commission a report on the results of such audit.

(iv) AUDITS OF RECIPIENTS.—(A) IN GENERAL.—The Commission may conduct an audit of the administration of elections by any grant recipient for the purpose of conducting such an audit.

(B) OTHER AUDITS.—If the Assistant Attorney General certifies that a State or locality is a recipient of a grant under this section, such recipient shall be subject to the audit requirements under subsection (a)(iv).

(C) FEDERAL OFFICERS AND EMPLOYEES.—Any Federal Government employee may be appointed or detailed to the Commission without regard to the provisions of title 5, United States Code, relating to classifications in the competitive service and the competitive service.

(D) FEES.—The Commission shall, in determining the rate of payment to any employee who is detailed to the Commission under subsection (c)(2)(B), take into account the rates of pay that are paid for similar services by other Federal Government agencies.

(3) ADMINISTRATIVE SUPPORT SERVICES.—The Commission may pay the administrative support services of a grant recipient as necessary to enable the Commission to carry out such duties under this title.

(E) ADMINISTRATIVE SUPPORT SERVICES.—The Commission shall establish a website to facilitate public comment and participation. The Commission shall make all information on its website available in the same form and format as it is made available to the public.

SEC. 27. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) STAFF.—(1) APPOINTMENT AND TERMINATION.—(A) IN GENERAL.—The Commission may, without regard to the provisions of title 5, United States Code, in the competitive service, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Senate.

(2) COMPENSATION.—The Commission may fix the compensation of the executive director and other personnel without regard to subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and the other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5.

SEC. 28. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) POSTAL SERVICES.—The Commission may use United States postal services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(c) ADMINISTRATIVE SUPPORT SERVICES.—The Commission shall establish a website to facilitate public comment and participation. The Commission shall make all information on its website available in the same form and format as it is made available to the public.

Sec. 29. Offset of Authorized Spending.

(a) In General.—Subject to subsection (b), there are authorized to be appropriated to the Commission such sums as may be necessary to carry out this title.

(b) Federal Election Reform Grant Program.—For the purpose of authorizing grants under section 204, there are authorized to be appropriated to the Commission—

(1) for each fiscal years 2002 through 2006, $500,000,000; and

(2) for each subsequent fiscal year, such sums as may be necessary.

Sec. 30. Annual Report.

(a) In General.—The Commission shall submit an annual report to Congress describing the Commission's activities under this title.

(b) Contents.—The report required by subsection (a) shall describe the Commission's activities under this title.
(d) Quorum.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 25. VOTING.

Each action of the Board shall be approved by a majority vote of the members of the Board. Each member of the Board shall have 1 vote.

SEC. 36. BOARD PERSONNEL MATTERS.

(a) Compensation of Members.—Each member of the Board shall serve without compensation, notwithstanding section 212 of title 31, United States Code.

(b) Travel Expenses.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes for the purpose of performing services for the Board.

SEC. 37. TERMINATION OF THE BOARD.

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

SEC. 38. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out this title.

(b) Availability.—Any sums appropriated under this title shall remain available, without fiscal year limitation, until expended.

Subtitle D—Transition Provisions
Transfer to Election Administration Commission of Functions Under Certain Laws

SEC. 41. FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) Transfer of Functions of Office of Election Administration of Federal Election Commission.—There are transferred to the Election Administration Commission established under section 21 all functions which the Office of the Election Administration, established within the Federal Election Commission, exercised before the date of enactment of this Act.

(b) Conforming Amendment.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) in paragraph (8), by inserting “and” at the end;

(2) in paragraph (9), by striking “; and” and inserting a period; and

(3) by striking paragraph (10) and the second subparagraph thereof.

SEC. 42. UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

(a) Transfer of Functions.—There are transferred to the Election Administration Commission established under section 21 all functions which the Presidential designee under title I of the Uniformed and Overseas Citizens Absentee Voting Act (22 U.S.C. 2031f et seq.) exercised before the date of enactment of this Act.

(b) Conforming Amendment.—Section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (22 U.S.C. 2031f) is amended by striking subsection (a) and inserting the following:

“(a) Presidential Designee.—The Election Administration Commission shall have primary responsibility for Federal functions under this title as the Presidential designee.”.

SEC. 43. NATIONAL VOTER REGISTRATION ACT OF 1993.

(a) Transfer of Functions.—There are transferred to the Election Administration Commission established under section 21 all functions which the Federal Election Commission established under the National Voter Registration Act of 1993 before the date of enactment of this Act.

(b) Conforming Amendment.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(a)) is amended by striking “Federal Election Commission” and inserting “Election Administration Commission”.

SEC. 44. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.

(a) Property and Records.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission, which are transferred by this subtitle shall be transferred to the Election Administration Commission for appropriate allocations.

(b) Personnel.—The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subtitle shall be transferred to the Election Administration Commission.

SEC. 45. EFFECTIVE DATE; TRANSITION.

(a) Effective Date.—This title and the amendments made by this title shall take effect upon the appointment of all members of the Election Administration Commission under section 23.

(b) Transition.—With the consent of the entity involved, the Election Administration Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions are transferred to the Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transition.

Coverage of Election Administration Commission Under Certain Laws and Programs

SEC. 46. TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS.

(a) Coverage Under Hatch Act.—Section 7323(b)(2)(B)(1)(I) of title 5, United States Code, is amended by inserting “or the Election Administration Commission” after “Commission”.

(b) Exclusion From Senior Executive Service.—Section 332(a)(1)(C) of title 5, United States Code, is amended by inserting “or the Election Administration Commission” after “Commission”.

SEC. 47. COVERAGE UNDER INSPECTOR GENERAL LAWS.


(b) Effective Date.—The amendment made by subsection (a) shall take effect 180 days after the appointment of all members of the Election Administration Commission under section 23.

Subtitle E—Absent Uniformed Services Voters

SEC. 51. MAXIMIZING ACCESS TO THE POLLS BY ABSENT UNIFORMED SERVICES VOTERS.

(a) In General.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 2031f-3) is amended—

(1) in the matter preceding paragraph (1), by striking “it is recommended that the United States and each State, in each election for Federal office, shall.”; and

(2) by striking the heading and inserting the following:

“SEC. 104. MAXIMIZING ACCESS TO THE POLLS BY ABSENT UNIFORMED SERVICES VOTERS.”

(b) Conforming Amendments.—

(1) in clauses (1) and (2) of section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 2031f(b)), (b) is amended—

(1) in paragraph (2), by striking “as recommended in” and inserting “as required by”;

(2) in paragraph (4), by striking “as recommended in” and inserting “as required by”.

(2) Section 104 of such Act (42 U.S.C. 2031f-3) is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively; and

(3) in paragraph (5) (as so redesignated), by striking “the State or other place where the oath is administered” and inserting “a State”.

Subtitle F—Miscellaneous

SEC. 61. RELATIONSHIP TO OTHER LAWS.

(a) In General.—Any right or remedy established by this Act is in addition to each other right and remedy established by law.

(b) Specific Laws.—Nothing in this Act may be construed to authorize or to require conduct prohibited under the following laws, or to supersede, to restrict, or to limit such laws:


(3) The Rehabilitation Act of 1973 (42 U.S.C. 701 et seq.).


(5) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(c) EFFECT ON PRECLEARANCE REQUIREMENTS.—Any approval or certification by the Election Administration Commission or the Assistant Attorney General for Civil Rights of the application of a State or locality submitted under section 4(b)(1) shall not affect any requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c).

SA 1829. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE I—EQUAL PROTECTION OF VOTING RIGHTS

SEC. 01. SHORT TITLE.

This title may be cited as the “Equal Protection of Voting Rights Act of 2001.”

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) The right to vote is a fundamental and incontestable right under the Constitution.

(2) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(3) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the United States is a democratic Government of the people, by the people, and for the people where every vote counts.

(4) There is a need for Congress to encourage and enable every eligible American to vote by eliminating procedural, physical, and technological obstacles to voting.
(5) There is a need to counter discrimination in voting by removing barriers to the exercise of the constitutionally protected right to vote.

(6) There is a concern that persons with disabilities and impairments face difficulties in voting.

(7) There are practices designed to purge illegal voter or prisoner rolls which result in the elimination of legal voters as well.

(8) State governments have already begun to examine ways to improve the administration of elections and to modernize mechanisms and machinery for voting.

(9) Congress has authority under section 4 of article II of the Constitution of the United States, section 5 of the 14th amendment to the Constitution of the United States, and section 2 of the 15th amendment to the Constitution of the United States to enact legislation to address the equal protection violations that may be caused by outdated voting systems.

(10) Congress has an obligation to ensure that the necessary resources are available to States and localities to improve election technology and election administration and to encourage the use of modern technology and procedures.

There is established the Commission on Voting Rights (in this subsection referred to as the “Commission”).

SEC. 11. ESTABLISHMENT OF THE COMMISSION ON VOTING RIGHTS AND PROCEDURES.

There is established the Commission on Voting Rights and Procedures (in this subsection referred to as the “Commission”).

SEC. 12. MEMBERSHIP OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 12 members of whom:

(1) 6 members shall be appointed by the President;

(2) 3 members shall be appointed by the Minority Leader of the Senate (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the Senate); and

(3) 3 members shall be appointed by the Minority Leader of the House of Representatives (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the House of Representatives).

(b) QUALIFICATIONS.—Each member appointed under subsection (a) shall be chosen on the basis of—

(1) experience with, and knowledge of—

(A) election law;

(B) election technology;

(C) Federal, State, or local election administration;

(D) the Constitution;

(E) the history of the United States; and

(2) integrity, impartiality, and good judgment.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy in the Commission shall not affect its powers.

(B) MANNER OF REPLACEMENT.—Not later than 60 days after the date of the vacancy, a vacancy on the Commission shall be filled in the same manner as the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(d) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Commission shall elect a chairperson and vice chairperson from among its members.

(e) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than the date that is 45 days after the date of enactment of this title.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the chairperson.

(2) PERIODICAL MEETING.—Not later than 20 days after the date on which all the members of the Commission have been appointed, the Commission shall hold its first meeting.

(g) VOTING.—Each action of the Commission shall be approved by a majority vote of the entire Commission. Each member shall have 1 vote.

SEC. 13. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of—

(A) election technology and systems;

(B) designs of ballots and the uniformity of ballots;

(C) access to ballots and polling places, including timely notice of voting locations and matters relating to access for—

(i) voters with disabilities;

(ii) voters with visual impairments;

(iii) voters with limited English language proficiency;

(iv) voters who need assistance in order to understand the voting process or to cast a ballot; and

(v) other voters with special needs;

(D) the effect of the capacity of voting systems on the efficiency of election administration, including how the number of ballots which may be counted by a single machine over a period of time affects the number of machines needed to carry out an election at a particular polling place and the number of polling places and other facilities necessary to serve the voters;

(E) voter registration and maintenance of voter rolls, including the use of provisional voting and standards for reinstatement of voters;

(F) alternative voting methods;

(G) voter intimidation, both real and perceived;

(H) accuracy of voting, election procedures, and election technology;

(I) voter education;

(J) election personnel and volunteer training;

(K)(i) the implementation of title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f et seq.) and the amendments made by title II of that Act by—

(II) the Secretary of Defense, acting as the Presidential designee under section 101 of that Act (42 U.S.C. 1973f);

(III) each other Federal Government official having responsibility under that Act; and

(III) each State; and

(ii) whether any legislative or administrative action is necessary to provide a meaningful opportunity for each absent uniformed services voter (as defined in section 107(1) of that Act (42 U.S.C. 1973f-6(1))) and each overseas voter (as defined in section 107(5) of that Act (42 U.S.C. 1973f-6(5))) to register to vote and vote in elections for Federal office;

(L) the feasibility and advisability of establishing the date on which elections for Federal office are held as a Federal or State holiday;

(M) the feasibility and advisability of establishing modified polling place hours, and the effects of—

(N)(i) the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office;

(ii) how the requirements for voting systems described in section 31 can, on a permanent basis, best be administered; and

(iii) whether an existing or a new Federal agency should provide such assistance.

(b) RECOMMENDATIONS.—

(1) RECOMMENDATIONS OF BEST PRACTICES IN VOTING AND ELECTION ADMINISTRATION.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) that identify those methods of voting and administering elections studied by the Commission that would—

(A) be convenient, accessible, nondiscriminatory, and easy to use for voters in elections for Federal office, including voters with disabilities, voters with visual impairments, absent uniformed services voters, overseas voters, and other voters with special needs, including voters with limited English proficiency or who otherwise need assistance in order to understand the voting process or to cast a ballot;

(B) yield the broadest participation; and

(C) produce accurate results.

(2) RECOMMENDATIONS FOR PROVIDING ASSISTANCE IN FEDERAL ELECTIONS.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a)(1) that on the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office, and identify whether an existing or a new Federal agency should provide such assistance.

(c) REPORTS.—

(1) INTERIM REPORTS.—Not later than the date on which the Commission submits the final report under paragraph (2), the Commission may submit to the President and Congress such interim reports as a majority of the members of the Commission determine appropriate.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Commission shall submit to the President and Congress a final report that has received the approval of a majority of the members of the Commission.

(B) CONTENT.—The final report shall contain—

(1) a detailed statement of the findings and conclusions of the Commission on the matters studied under subsection (a);
daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(2) For the purpose of carrying out this subtitle—

(a) In general.—The Attorney General shall establish criteria with respect to the approval of applications of States and localities for grants under this subtitle, the Attorney General shall act on applications submitted under section 32(b), to implement the requirements under section 13(c)(2)(B)(ii).

(b) Requirements for Election Technology and Administration grant payments received under this subtitle.

(c) In General.—The Attorney General shall establish criteria with respect to the approval of applications of States and localities for grants under this subtitle.

(d) Authorization of Appropriations.—The Attorney General shall establish criteria with respect to the approval of applications of States and localities for grants under this subtitle.

(e) Authorization of Appropriations.—The Attorney General shall establish criteria with respect to the approval of applications of States and localities for grants under this subtitle.

(f) Authorization of Appropriations.—The Attorney General shall establish criteria with respect to the approval of applications of States and localities for grants under this subtitle.
(v) ensure compliance with the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);
(vi) ensure compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973h(f)(4) and 1973aa–1a);
(vii) ensure compliance with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) and
(viii) ensure that overseas voters and absent uniformed service voters (as such terms are defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)) have a meaningful opportunity to exercise their voting rights as citizens of the United States.

(B) Accuracy of the records of eligible voters in the States to ensure that legally registered voters appear in such records and prevent any purging of such records to remove illegal voters that result in the elimination of legal voters as well.

(C) Voter education programs regarding the right to vote and methodology and procedures for participating in elections and training programs for election personnel and volunteers, including procedures to carry out out paragraphs (D) and (E).

(D) An effective method of notifying voters at polling places on the day of election of basic voting procedures to effectuate their vote as provided for in State and Federal law.

(E) A timetable for meeting the elements of the plan.

(3) CONSISTENCY WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—The criteria established by the Attorney General under this subsection and the State plans required to be submitted to the Attorney General shall be consistent with the uniform and nondiscriminatory election technology and administration requirements under section 24.

(c)もらえる under this section, the Attorney General shall consult with the Federal Election Commission.

(d) REQUIREMENTS.—An assurance that the State plan proposed to be included in section 24(a)(1) shall be developed in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

SEC. 25. APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES.

(a) APPROVAL OF STATE APPLICATIONS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Federal Election Commission, shall approve applications in accordance with the general policies and criteria for the approval of applications established under section 24.

(2) PUBLICATION OF STATE PLANS AND SOLICITATION OF COMMENTS.—After receiving an application under subsection (a), the Attorney General shall publish the State plan contained in that application in the Federal Register and solicit comments on the plan from the public. The publication of and the solicitation of comments on such a plan pursuant to this subsection shall not be treated as an exercise of rulemaking authority by the Attorney General for purposes of subchapter II of chapter 5 of title 5, United States Code.

(3) APPROVAL.—At any time after the expiration of the period specified in paragraph (2), the Attorney General, in consultation with the Federal Election Commission, shall approve or disapprove the application that contains the State plan published under paragraph (2) in accordance with the general policies and criteria established under section 24.

(b) APPROVAL OF APPLICATIONS OF LOCALITIES.—If the Attorney General has approved the application of a State, and subsection (a), the Attorney General, in consultation with the Federal Election Commission, may approve an application submitted by a locality of the State in accordance with the general policies and criteria established under section 24.

SEC. 26. FEDERAL MATCHING FUNDS.

(a) PAYMENTS.—The Attorney General shall pay to each State or locality having an application approved under section 25 the Federal share of the costs of the activities described in that application.

(b) FEDERAL SHARE.—In GENERAL.—Subject to paragraphs (2), (3), and (4), for purposes of subsection (a), the Federal share shall be 80 percent.

(2) WAIVER.—The Attorney General may specify a Federal share greater than 80 percent under terms and conditions consistent with this subtitle.

(3) INCENTIVE FOR EARLY ACTION.—For any recipient of a grant whose application was received prior to March 1, 2002, the Federal share shall be 90 percent.

(4) REIMBURSEMENT FOR COSTS OF MORTGAGING REQUIREMENTS.—With respect to the authorized activities described in section 22(b) as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

SEC. 27. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) RECORDS.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(b) AUDIT AND EXAMINATION.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, shall audit any recipient of a grant under this subtitle and shall have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to a grant received under this subtitle for the purpose of conducting an audit or examination.

SEC. 28. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the Committee on Appropriations a report on the program under this subtitle for the preceding year. Each report shall contain the following:

(1) A description and analysis of any activities funded by a grant awarded under this subtitle.

(2) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General, at such time, in such manner, and containing such information as the Attorney General considers appropriate.

SEC. 29. DEFINITIONS OF STATE AND LOCALITY.

In this subtitle:

(1) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(2) LOCALITY.—The term ‘locality’ means a political subdivision of a State.

SEC. 30. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary for each of fiscal years 2002, 2003, 2004, 2005, and 2006.
(a) awarding grants under this title; and
(b) paying for the costs of administering the program to award such grants.

3. FEDERAL ELECTION COMMISSION.—There are authorized to be appropriated to the Federal Election Commission for each of fiscal years 2002, 2003, 2004, 2005, and 2006 such sums as may be necessary for the purpose of carrying out such provisions of this title.

4. LIMITATION.—Not more than 1 percent of any sums appropriated under paragraph (1) of subsection (a) may be used for the administrative costs described in paragraph (2)(B) of such subsection.

Subtitle C—Requirements for Election Technology and Administration

SEC. 31. UNIFORM AND NONDISCRIMINATORY REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.

(a) Voting Systems.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) The voting system shall permit the voter to verify the votes selected by the voter on a ballot before the ballot is cast and tabulated, and shall provide the voter with the opportunity to correct any error before the ballot is cast and tabulated.

(2) If the voter selects votes for more than one candidate for a single office, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of casting multiple votes for the office, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(3) If the voter selects votes for fewer than the number of candidates for which votes may be cast, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of such selection, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(4) The voting system shall produce a record with an audit capacity for each ballot cast.

(b) The voting system shall be accessible for individuals with disabilities and other individuals with special needs, including provisions for individuals who are blind and visually impaired, which provides to the same opportunity for access and participation (including privacy and independence) as for other voters, and shall provide alternative languages for individuals who speak limited proficiency in the English language.

(c) The error rate of a voting system in counting tabulated ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to the act of the voter) shall not exceed the error rate standards as established in the national Voting Systems Standards issued and maintained by the Office of Election Administration of the Federal Election Commission in effect on the date of enactment of this title and shall not be inconsistent with respect to the requirements under this section.

(d) Provisional Voting.—If the name of an individual who declares to be a registrant eligible to vote at a polling place in an election for Federal office does not appear on the official list of registrants eligible to vote at the polling place, or it is otherwise asserted by an election official that the individual is not eligible to vote at the polling place—

(i) the individual at the polling place shall notify the individual that the individual may cast a provisional ballot in the election;

(ii) the individual shall be permitted to cast a vote at that polling place upon written affirmation by the individual before an election official at that polling place that the individual is so eligible;

(iii) an election official at the polling place shall transfer the ballot cast by the individual to the appropriate local election official for prompt verification of the declaration made by the individual in the affirmation required under paragraph (2);

(iv) if the appropriate local election official verifies the declaration made by the individual in the affirmation, the individual’s vote shall be tabulated; and

(v) the appropriate State or local election official shall notify the individual in writing of the final disposition of the individual’s affirmation and the treatment of the individual’s vote.

(e) Sample Ballot.—

(1) Mailings to Voters.—Not later than 10 days prior to the date of an election for Federal office, the appropriate election official shall mail to each individual who is registered to vote in such election a sample version of the ballot which will be used for the election together with—

(A) information regarding the date of the election and the hours during which polling places will be open;

(B) instructions on how to cast a vote on the ballot; and

(C) general information on voting rights under Federal and applicable State laws and how to obtain appropriate officials if these rights are alleged to be violated.

(2) Publication and Posting.—The sample version of the ballot which will be used for an election for Federal office and which is mailed under paragraph (1) shall be published in a newspaper of general circulation in the county in which the election is held not later than 10 days prior to the date of the election, and shall be posted publicly at each polling place on the date of the election.

SEC. 32. FEDERAL AND TECHNICAL SPECIFICATIONS.

(a) Voting Systems Requirement Specifications.—In accordance with the requirements of this subtitle regarding technical specifications, the Office of Election Administration of the Federal Election Commission shall develop and maintain Voting Systems Specifications with respect to voting systems requirement specifications provided under section 31(a).

(b) Provisional Voting Guidelines.—In accordance with the requirements of this subtitle regarding provisional voting, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the provisional voting requirement provided for under section 31(b).

(c) Sample Ballot Guidelines.—In accordance with the requirements of this subtitle regarding sample ballots, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the sample ballot requirement provided for under section 31(c).

SEC. 33. REQUIRING STATES TO MEET REQUIREMENTS.

(a) In General.—Subject to subsection (b), a State or locality shall meet the requirements of this section with respect to the provision of voting systems in accordance with the State plan contained in its approved application under such program, the State shall be deemed to meet the requirements of section 30(b) of title 31.

(b)covered by the Civil Rights Division of the Department of Justice.

SEC. 34. ENFORCEMENT BY ATTORNEY GENERAL.

(a) In General.—The Attorney General may bring a civil action in an appropriate district court for such relief (including declaratory or injunctive relief) as may be necessary to carry out this subtitle.

(b) Action Through Office of Civil Rights.—The Attorney General shall carry out this section through the Office of Civil Rights of the Department of Justice.

Subtitle D—Uniformed Services Overseas Voting

SEC. 41. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) Sense of the Senate.—It is the sense of the Senate that each administrator of a Federal, State, or local election should—

(1) ensure the voter’s ability of each uniformed service voter to exercise their right to vote;

(2) perform their duties with the intent to ensure that—

(A) each uniformed service voter receives the utmost consideration and cooperation when voting; and

(B) each valid ballot cast by such a voter is duly counted.

(b) Uniformed Services Voter Defined.—In this section, the term “uniformed services voter” means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

SEC. 42. UNIFORM NONDISCRIMINATORY VOTING STANDARDS FOR ADMINISTRATION OF ELECTIONS UNDER STATE AND LOCAL ELECTION LAWS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by inserting “(a) ELECTIONS FOR FEDERAL OFFICES.—” before “Each State shall—”;

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

(c) General Principles for Voting by Overseas and Absent Uniformed Service Voters.—(1) A State shall ensure that each voting system used within the State for election for Federal, State, or local office provides overseas voters and absent uniformed service voters with an meaningful opportunity to exercise their voting rights as citizens of the United States;

(2) A State shall count an absentee ballot for an election for Federal, State, or local office that is timely submitted by an overseas voter or absent uniformed service voter to the proper official of the State and is otherwise valid.

SEC. 43. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

Article VII of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C. App. 590 et seq.) is amended by adding at the end the following new section:

“Sec. 704. (a) For purposes of voting for any Federal office (as defined in section 301
of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of such absence—

“(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State or to any other State;

“(2) be deemed to have acquired a residence or domicile in any other State; or

“(3) be deemed to have become a resident in any State.

“(b) In this section, the term ‘State’ includes a territory or possession of the United States, a political subdivision of a State, a territory, possession, and the District of Columbia.’’.

SEC. 44. EXTENSION OF REGISTRATION AND BALLOT APPLICATION DEADLINES FOR ABSENTEE UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 42, is further amended by inserting after subsection (a) the following new subsection (b):

“(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

“(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

“(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the date of the election.’’.

(b) CONFORMING AMENDMENT.—The heading for section 102 of such Act is amended by striking “FOR FEDERAL OFFICE” and inserting “AND LOCAL ELECTIONS”.

SEC. 45. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as redesignated by section 42(1), is further amended—

(1) by striking “and” at the end of paragraph (4); and

(2) by inserting “for all Federal elections.” after “by November 1, 2002, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—”.

(a) effectiveness of the Program or any similar program; and

(b) level of compliance with the Program or any similar program of the branches of the Armed Forces.

Subtitle E—Miscellaneous

SEC. 51. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Nothing in this title may be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit such laws:

(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973g et seq.).


(3) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).


(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Attorney General of a State’s application for a grant under subtitle B, or any other action taken by the Attorney General or a State under such subtitle, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 or any other requirements of such Act.

SA 1830. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In the matter proposed to be inserted, on page 2, between lines 18 and 19, insert the following:

“e) SENSE OF THE SENATE.—It is the sense of the Senate that all eligible American voters, regardless of race, ethnicity, disability, language, geographic or economic status, or the resources of the community in which they live, should have an equal opportunity to cast a vote and an equal opportunity to have that vote counted.’’

SA 1831. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1754 submitted by Mr. ALLARD and intended to be proposed to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE.—EQUAL PROTECTION OF VOTING RIGHTS

SEC. 01. SHORT TITLE.

This title may be cited as the “Equal Protection of Voting Rights Act of 2001.”

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) The right to vote is a fundamental and incontestible right under the Constitution.

(2) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(3) There is a need for Congress to encourage and enable every eligible American to vote by eliminating the barriers to voting that the Voting Rights Act of 1965 was designed to remove, and to reaffirm the fundamental importance of protecting the right to vote.

(4) There is a need for Congress to encourage and enable every eligible American to vote by eliminating procedural, physical, and technological obstacles to voting.

(5) There is a need to counter discrimination in voting by removing barriers to the exercise of the constitutionally protected right to vote.

(6) There is a concern that persons with disabilities and impairments face difficulties in voting.

(7) There are practices designed to purge illegal voters from voter rolls which result in the elimination of legal voters as well.

(8) State governments have already begun to examine ways to improve the administration of elections which was a particularize mechanism and machinery for voting.

(9) Congress has authority under section 4 of article I of the Constitution of the United States to enact legislation to address the equal protection violations that may be caused by outdated voting systems.
(10) Congress has an obligation to ensure that the necessary resources are available to States and localities to improve election technology and election administration and to ensure the integrity of and full participation of all Americans in the democratic elections process.

Submit A—Commission on Voting Rights and Procedures

SEC. 11. ESTABLISHMENT OF THE COMMISSION ON VOTING RIGHTS AND PROCEEDURES.

There is established the Commission on Voting Rights and Procedures (in this subsection referred to as the “Commission”).

SEC. 12. MEMBERSHIP OF THE COMMISSION.

(a) Number and Appointment.—The Commission shall be composed of 12 members of whom:

(1) six members shall be appointed by the President;

(2) three members shall be appointed by the Majority Leader of the Senate (or, if the Majority Leader is a member of the same political party as the President, by the Majority Leader of the Senate); and

(3) three members shall be appointed by the Majority Leader of the House of Representatives (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the House of Representatives).

(b) Qualifications.—Each member appointed under subsection (a) shall be chosen on the basis of—

(1) experience with, and knowledge of—

(A) election law;

(B) election technology;

(C) Federal, State, or local election administration;

(D) the Constitution; or

(E) the history of the United States; and

(2) integrity, impartiality, and good judgment.

(c) Period of Appointment; Vacancies.—

(1) Period of Appointment.—Each member shall be appointed for the life of the Commission.

(2) Vacancies.—

(A) In General.—A vacancy in the Commission shall not affect its powers.

(B) Manner of Replacement.—Not later than the 60th day after the date of the vacancy, a vacancy on the Commission shall be filled in the same manner as the original appointment was made and shall be subject to the same conditions of service as applied with respect to the original appointment.

(d) Chairperson; Vice Chairperson.—

(1) In General.—The Commission shall elect a chairperson and vice chairperson from among its members.

(2) Political Affiliation.—The chairperson and vice chairperson may not be affiliated with the same political party.

(e) Date of Appointment.—The appointment of the members of the Commission shall be made not later than the date of this title.

(f) Meetings.—

(1) In General.—The Commission shall meet at the call of the chairperson.

(2) Initial Meeting.—Not later than 20 days after the date on which all the members of the Commission have been appointed, the Commission shall hold its first meeting.

(3) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) Voting.—Each action of the Commission shall be approved by a majority vote of the entire Commission. Each member shall have 1 vote.

SEC. 13. DUTIES OF THE COMMISSION.

(a) Study.—

(1) In General.—The Commission shall conduct a thorough study of—

(A) election technology and systems;

(B) designs of ballots and the uniformity of ballots; and

(C) access to ballots and polling places, including timely notice of voting locations and matters relating to access for—

(i) voters with disabilities;

(ii) voters with visual impairments; and

(iii) voters with limited English language proficiency;

(D) the effect of the capacity of voting systems on the efficiency of election administration, including how the number of ballots which may be processed by a single machine over a period of time affects the number of machines needed to carry out an election at a particular polling place and the number of polling places and other facilities necessary to serve the voters;

(E) voter registration and maintenance of voter rolls, including the use of provisional voting and standards for reenfranchisement of voters;

(F) alternative voting methods;

(G) voter intimidation, both real and perceived;

(H) accuracy of voting, election procedures, and election technology;

(I) voter education;

(J) election personnel and volunteer training;

(K)(i) the implementation of title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f et seq.) and the amendments made by title II of that Act by—

(I) the Secretary of Defense, acting as the Presidential designee under section 101 of that Act (42 U.S.C. 1973f);

(II) each other Federal Government official having responsibilities under that Act; and

(III) each State; and

(ii) whether any legislative or administrative action is necessary to provide a meaningful opportunity for each absent uniformed services voter (as defined in section 107(1) of that Act (42 U.S.C. 1973ff-6(1))) and each overseas voter (as defined in section 107(5) of that Act (42 U.S.C. 1973ff-6)) to register to vote and vote in elections for Federal office;

(L) the feasibility and advisability of establishing the date on which elections for Federal office are held as a Federal or State holiday;

(M) the feasibility and advisability of establishing modified polling place hours, and the effects thereof; and

(N)(i) how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office, and identify whether an existing or a new Federal agency should provide such assistance.

(2) Recommendations.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a)(1)(N) on how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office, and identify whether an existing or a new Federal agency should provide such assistance.

(3) Recommendations for Voter Participation in Federal Elections.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) on methods—

(A) to increase voter registration;

(B) to increase the accuracy of voter rolls and participation and inclusion of legal voters;

(C) to improve voter education; and

(D) to improve the training of election personnel and volunteers.

(4) Consistency with Election Technology and Administration Requirements.—The Commission shall ensure that the specific recommendations developed under subsection (a) are consistent with the uniform and nondiscriminatory election technology and administration requirements under section 31.

(b) Reports.—

(1) Interim Reports.—Not later than the date on which the Commission submits the final report under paragraph (2), the Commission may submit to the President and Congress such interim reports as the President and Congress think appropriate.

(2) Final Report.—

(A) In General.—Not later than 1 year after the date of enactment of this title, the Commission shall submit to the President and Congress a final report that has received the approval of a majority of the members of the Commission.

(B) Content.—The final report shall contain—

(i) a detailed statement of the findings and conclusions of the Commission on the matters studied under subsection (a); and

(ii) a detailed statement of the recommendations developed under subsection (a) which received a majority vote of the members of the Commission; and

(iii) any dissenting or minority opinions of the members of the Commission.

SEC. 14. POWERS OF THE COMMISSION.

(a) Hearings.—The Commission, or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—

(i) hold such hearings and at such times and places as it may deem proper, and receive such testimony, evidence, and other information as it may deem necessary; and

(ii) determine the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, or other written materials as the Commission or such subcommittee or member considers advisable.

(b) Recommendations.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) that identify those methods of voting and administering elections studied by the Commission that would—

(A) be convenient, accessible, nondiscriminatory, and easy to use for voters in Federal election, including voters with disabilities, voters with visual impairments, absent uniformed services voters, overseas voters, and other voters with special needs, including voters with limited English proficiency or who otherwise need assistance in order to understand the voting process or to cast a ballot;

(B) yield the broadest possible participation; and

(C) produce accurate results.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subtitle such sums as may be necessary.
(b) Issuance and Enforcement of Subpoenas.—

(1) Issuance.—Any subpoena issued under subsection (a) shall be issued by the chairperson or vice chairperson of the Commission acting jointly. Each subpoena shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) Enforcement.—In the case of contumacy or failure to obey a subpoena issued under section (a), the United States district court for the judicial district in which the subpoenaed person resides, or may be found, may issue an order compelling the person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt.

(c) Witness Allowances and Fees.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay prescribed for level IV of the Executive Schedule.

(d) Information From Federal Agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission may need to perform its duties hereunder. Each subpoena shall bear the signature of the chairperson and shall be served by any person or class of persons designated by the chairperson for that purpose.

(e) Procurement of Temporary and Interim Services.—The chairperson and vice chairperson of the Commission, acting jointly, may fix the compensation of the executive director and other personnel without regard to chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for any individual who is not an officer or employee of the United States shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(f) Detail of Government Employees.—Any Federal Government employee may be detailed to the Commission without reimbursement, for such period of time as may be necessary to enable the Commission to carry out its duties hereunder.

(g) Gifts and Donations.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out its duties hereunder.

(h) Application of Federal Advisory Committee Act.—Except as otherwise provided in this subtitle, the Commission shall be subject to, and shall comply with, the Federal Advisory Committee Act (5 U.S.C. App.).


(a) Compensation of Members.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to their regular pay for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—

(1) In General.—The chairperson and vice chairperson of the Commission, acting jointly, may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties hereunder. The employment of an executive director shall be subject to confirmation by the Commission.

(2) Compensation.—The chairperson and vice chairperson of the Commission, acting jointly, may fix the compensation of the executive director and other personnel without regard to chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for any individual who is not an officer or employee of the United States shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.


The Commission shall terminate 45 days after the date on which the Commission submits its final report and recommendations under section 13(c)(2).


(a) In General.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

(b) Availability.—Any sums appropriated under the authorization contained in this section shall be available without fiscal year limitation.

Subtitle B—Election Technology and Administration Improvement Grant Program

SEC. 21. Establishment of Grant Programs.

(a) In General.—The Attorney General, subject to the general policies and criteria established in section 17, may use the United States mails in the same manner and under the same conditions as the Postal Service.

(b) Authority to Establish Grant Programs.—The Attorney General shall establish grant programs with respect to the approval of applications of States and localities submitted under section 24, including the requirements for State plans under paragraph (2).

(c) Requirements of State Plans.—The Attorney General shall not approve an application of a State unless the State plan of the State meets the following requirements:

(1) It ensures that voting systems used in the State meet the minimum security standards established by the Federal Government.

(2) It ensures that the State plan of the State provides for the State to verify and audit the accuracy of vote count results.

(3) It ensures that the State plan of the State includes procedures for ensuring that voters have a reasonable opportunity to verify the accuracy of the vote count results.

(4) It ensures that the State plan of the State provides for the State to protect the privacy and confidentiality of voter records.

(5) It ensures that the State plan of the State includes procedures for ensuring that voters have a reasonable opportunity to verify the accuracy of the vote count results.

(d) Implementation of Plan.—The Attorney General shall be responsible for implementing the State plan of the State in accordance with the requirements established by the Federal Government.

(e) Enforcement.—The Attorney General shall be responsible for enforcing the requirements established by the Federal Government and shall be responsible for the implementation of the State plan of the State.

(f) Program Requirements.—The Attorney General shall be responsible for ensuring that the State plan of the State meets the requirements established by the Federal Government.

(g) Program Evaluation.—The Attorney General shall be responsible for evaluating the effectiveness of the State plan of the State in achieving the goals and objectives established by the Federal Government.

(h) Program Reporting.—The Attorney General shall be responsible for reporting annually to Congress on the implementation and effectiveness of the State plan of the State.

(i) Program Defense.—The Attorney General shall be responsible for defending the State plan of the State in any legal proceedings.

(j) Program Auditing.—The Attorney General shall be responsible for conducting regular audits of the State plan of the State to ensure compliance with the requirements established by the Federal Government.

(k) Program Monitoring.—The Attorney General shall be responsible for monitoring the State plan of the State to ensure compliance with the requirements established by the Federal Government.

(l) Program Oversight.—The Attorney General shall be responsible for overseeing the implementation of the State plan of the State to ensure compliance with the requirements established by the Federal Government.

(m) Program Evaluation.—The Attorney General shall be responsible for conducting regular evaluations of the State plan of the State to ensure compliance with the requirements established by the Federal Government.
SEC. 24. SUBMISSION OF APPLICATIONS OF STATES AND LOCALITIES.
(a) SUBMISSION OF APPLICATIONS BY STATES.—
(1) IN GENERAL.—Subject to paragraph (3), the Attorney General shall consult with the Federal Election Commission, shall approve applications in accordance with the general policies and criteria established by the Attorney General, in consultation with the Federal Election Commission, may reasonably require.
(b) CONTENTS OF APPLICATIONS.—Each application submitted under paragraph (1) shall include the following:

(A) STATE PLAN.—A State plan that—
(1) is developed in consultation with State and local election officials;
(2) describes the activities authorized under section 22 for which assistance under this subtitle is sought; and
(3) contains a detailed explanation of how the State will comply with the requirements described in section 23.

(B) COMPLIANCE WITH FEDERAL MACHTE REQUIREMENTS.—An assurance that the State will pay the non-Federal share of the costs of the activities for which assistance is sought from Federal sources that may be accompanied by a request for a waiver of the matching requirements under section 20.

(c) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

(2) AVAILABILITY OF STATE PLANS FOR REVIEW AND COMMENT.—A State submitting an application under this section shall make the State plan proposed to be included in that application available to the public for review and comment prior to the submission of the application.

(b) SUBMISSION OF APPLICATIONS BY LOCALITIES.—
(1) IN GENERAL.—If a State has submitted an application under subsection (a), a locality of that State may submit an application for assistance to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(c) CONTENTS OF APPLICATIONS.—Each application submitted by a locality under paragraph (1) shall include the following:

(A) STATE PLAN.—Information similar to the information required to be submitted under the State plan under subsection (a)(2)(A) that is not inconsistent with that plan.

(B) NONDUPPLICATION OF EFFORT.—Assurances that any assistance directly provided by the locality under this subsection and any other assistance not available to that locality through the State.

(C) COMPLIANCE WITH FEDERAL MACHTE REQUIREMENTS.—A description of how the local share from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section 26(b)(2).

(D) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

SEC. 25. APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES.
(a) APPROVAL OF STATE APPLICATIONS.—
(1) IN GENERAL.—The Attorney General, in consultation with the Federal Election Commission, shall approve applications in accordance with the general policies and criteria established by the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(b) APPROVAL OF APPLICATIONS OF LOCALITIES.—If the Attorney General has approved the application under subsection (a), the Attorney General, in consultation with the Federal Election Commission, shall approve or disapprove the application that contains the State plan published under paragraph (2) in accordance with the general policies and criteria established under section 23.

(c) NON-FEDERAL SHARE.—The non-Federal share of payments authorized under this paragraph (1) shall be calculated in the same manner as under section 20(b)(2).

SEC. 26. FEDERAL MATCHING FUNDS.
(a) PAYMENTS.—The Attorney General shall pay to each State or locality having an application approved under section 25 the Federal share of the costs of the activities described in that application.

(b) FEDERAL SHARE.—
(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), the Federal share shall be 80 percent.

(2) WAIVER.—The Attorney General may specify a Federal share greater than 80 percent under terms and conditions consistent with this subtitle.

(3) INCENTIVE FOR EARLY ACTION.—For any application for a Federal share received prior to March 1, 2002, the Federal share shall be 90 percent.

(4) REIMBURSEMENT FOR COST OF MACHTE REQUIREMENTS.—In addition to the authorized activities described in section 22(b) as a State or locality incurs expenses to meet the requirements of section 23, the Federal share may be increased to 95 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of payments under this subtitle may be in cash or in kind fairly evaluated, including planned equipment or services.
voter on a ballot before the ballot is cast and tabulated, and shall provide the voter with the opportunity to correct any error before the ballot is cast and tabulated.

(2) If the voter selects votes for more than one candidate for a single office, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of such selection, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(3) If the voter selects votes for fewer than the number of candidates for which votes may be cast, the voting system shall notify the voter before the ballot is cast and tabulated of the error in the number of votes cast, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(4) The voting system shall produce a record with an audit capacity for each ballot cast.

(5) The voting system shall be accessible for individuals with disabilities and other individuals with special needs, including providing nonvisual accessibility for the blind and visually impaired, which provides the same access and participation (including privacy and independence) as for other voters, and shall provide alternative language accessibility for individuals with limited proficiency in the English language.

(6) The error rate of a voting system in counting and tabulating ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to the act of the voter) shall not exceed the error rate standards as established in the national Voting Systems Standards issued and maintained by the Office of Election Administration of the Federal Election Commission in effect on the date of enactment of this title and shall not exceed the error rate standards as established in the national Voting Systems Standards requirement provided under section 31(a).

(c) Sample Ballot Guidelines.—In accordance with the requirements of this subtitle regarding sample ballots, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the provision of sample ballots required under section 31(a).

(c) Sample Ballot Guidelines.—In accordance with the requirements of this subtitle regarding sample ballots, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the sample ballot requirement provided under section 31(a).

(d) Provisional Voting Guidelines.—In accordance with the requirements of this subtitle regarding provisional voting, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the provisional voting requirement provided for under section 31(b).

(e) Treatments of Activities Relating to Voting Systems Under Grant Programs.—To the extent that a State has used funds provided under the Election Technology and Administration Improvement grant program under section 22(a) to purchase or modify voting systems in accordance with the State plan contained in its approved application under such program, the State shall be deemed to meet the requirements of section 31(a).

SEC. 34. ENFORCEMENT BY ATTORNEY GENERAL.

(a) In General.—The Attorney General may bring a civil action in an appropriate district court for such relief (including declaratory or injunctive relief) as may be necessary to carry out this title regarding provisional voting, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the provisional voting requirement provided for under section 31(b).

(b) Action Through Office of Civil Rights.—The Attorney General shall carry out this section through the Office of Civil Rights of the Department of Justice.

(c) Relation to Other Laws.—The remedies and procedures provided by law in addition to all other rights and remedies provided by law.
SEC. 44. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO LOCAL ELECTIONS.

(a) In General.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as amended by section 101 of the Act, is amended by inserting after subsection (a) the following new subsection (b):

``(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—If the State shall—

(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election officer not less than 30 days before the date of the election.
``

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking "FOR FEDERAL OFFICE".

SEC. 45. USE OF SINGLE APPLICATION AS A SIMULTANEOUS ABSENTEE VOTER REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as redesignated by section 42, is further amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by inserting after paragraph (3) the following new paragraph (4):

``(4) accept and process the official post card form prescribed under section 101 as a simultaneous absentee voter registration application and absentee ballot application; and"

SEC. 46. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as amended by section 45, is further amended by inserting after paragraph (4) the following new paragraph (5):

``(5) accept and process, with respect to all general, special, primary, and runoff elections occurring in a State in any year, any other valid absentee ballot application from an absent uniformed services voter or overseas voter, if a single application from such election is received by the appropriate State election officer not less than 30 days before the first election for Federal office occurring during the year."

SEC. 47. ELECTIONS BY VOTING DEMONSTRATION PROJECT.

(a) In General.—The Secretary of Defense shall carry out a demonstration project under which uniformed services voters (as defined in section 101(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4(1))) are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002, through an electronic voting system.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit to Congress a report analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

SEC. 48. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) In General.—The Secretary of Defense shall prescribe regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the "Program") or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—

(A) conduct an annual review of the effectiveness of the Program or any similar program;

(B) conduct an annual review of the compliance with the Program or any similar program of the branch; and

(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—

(A) the effectiveness of the Program or any similar program; and

(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

SEC. 51. RELATIONSHIP TO OTHER LAWS.

(a) In General.—Nothing in this title may be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit such laws:


(3) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).


(b) NO EFFECT ON VOTING OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Attorney General of a State's application for a grant under subtitle A of title I of the Voting Rights Act of 1965 or a State under such subtitle, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 or any other requirements of such Act.

SA 1832. Mr. DODD submitted an amendment intended to be proposed to amendment SA 1755 proposed by Mr. ALLARD to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE —EQUAL PROTECTION OF VOTING RIGHTS

SEC. 01. SHORT TITLE.

This title may be cited as the "Equal Protection of Voting Rights Act of 2001".

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(2) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(3) There is a need for Congress to encourage and enable every eligible American to vote by reaffirming that the right to vote is a fundamental right under the Constitution.

(4) There is a need for Congress to encourage and enable every eligible American to vote by eliminating procedural, physical, and technological obstacles to voting.

(5) There is a need to counter discrimination in voting by removing barriers to the exercise of the constitutionally protected right to vote.

(6) There is a concern that persons with disabilities and impairments face difficulties in voting.

(7) There are practices designed to purge illegal voters from voter rolls which result in the elimination of legal voters as well.

(8) The government of the United States has begun to examine ways to improve the administration of elections and to modernize mechanisms and machinery for voting.

(9) Congress has authority under section 4 of article I of the Constitution of the United States, section 5 of the 15th amendment to the Constitution of the United States, and section 2 of the 15th amendment to the Constitution of the United States to enact legislation to address the equal protection violations that may be caused by outdated voting systems.

(10) Congress has an obligation to ensure that the necessary resources are available to States and localities to improve election systems.

Subtitle A—Commission on Voting Rights and Procedures

SEC. 11. ESTABLISHMENT OF THE COMMISSION ON VOTING RIGHTS AND PROCEDURES.

There is established the Commission on Voting Rights and Procedures in this subtitle referred to as the "Commission".

SEC. 12. MEMBERSHIP OF THE COMMISSION.

(a) Nomination and Appointment.—The Commission shall be composed of 12 members of whom:
(1) 6 members shall be appointed by the President;
(2) 3 members shall be appointed by the Minority Leader of the Senate (or, if the Minority Leader of the Senate is a member of the same political party as the President, by the Majority Leader of the Senate); and
(3) 3 members shall be appointed by the Minority Leader of the House of Representatives (or, if the Minority Leader is a member of the same political party as the President, by the Majority Leader of the House of Representatives) to increase the number of ballots and to provide for the efficiency of election administration.

(b) Qualifications.—Each member appointed under subsection (a) shall be appointed on the basis of—
(1) an election law or knowledge of—
(A) election law;
(B) election technology;
(C) Federal, State, or local election administration;
(D) the Constitution; or
(E) the history of the United States; and
(2) integrity, impartiality, and good judgment.

(c) Period of Appointment; Vacancies.—
(1) Period of Appointment.—Each member shall be appointed for the life of the Commission.
(2) Vacancies.—
(A) In General.—A vacancy on the Commission shall not affect its powers.
(B) Vacancy Filling.—Not later than 60 days after the date of the vacancy, a vacancy on the Commission shall be filled in the same manner as the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(d) Chairperson; Vice Chairperson.—
(1) In General.—The Commission shall elect a chairperson and vice chairperson from among its members.
(2) Political Affiliation.—The chairperson and vice chairperson may not be affiliated with the same political party.

(e) Date of Appointment.—The appointment of the members of the Commission shall be made not later than the date that is 45 days after the date of enactment of this title.

(f) Meetings.—
(1) In General.—The Commission shall meet at the call of the chairperson.
(2) Initial Meeting.—Not later than 20 days after the date on which all the members of the Commission have been appointed, the Commission shall hold its first meeting.

(g) Quorum.—A majority of the members of the Commission shall constitute a quorum, but no fewer number of members may hold hearings.

(h) Voting.—Each action of the Commission shall be approved by a majority vote of the entire Commission. Each member shall have 1 vote.

SEC. 15. DUTIES OF THE COMMISSION.

(a) Study.—
(1) In General.—The Commission shall conduct a thorough study of—
(A) election technology and systems;
(B) designs of ballots and the uniformity of ballots;
(C) access to ballots and polling places, including timely notice of voting locations and matters relating to access for—
(1) voters with disabilities;
(ii) voters with visual impairments;
(iii) voters with limited English language proficiency;
(iv) voters who need assistance in order to understand the voting process or how to cast a ballot; and
(v) other voters with special needs;
(vi) the capacity of voting systems on the efficiency of election administration, including how the number of ballots which may be processed by a single machine over a period of time affects the number of machines needed to carry out an election at a particular polling place and the number of polling places and other facilities necessary to serve the voters;
(B) voter registration and maintenance of voter rolls, including the use of provisional voting and standards for reenfranchisement of voters;
(C) alternative voting methods;
(D) voter intimidation, both real and perceived;
(E) accuracy of voting, election procedures, and election technology;
(F) election personnel and volunteer training;
(G) the implementation of title I of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and the amendments made by title II of that Act by—
(i) the Secretary of Defense, acting as the Presidential designee under section 101 of that Act (42 U.S.C. 1973f);
(ii) the other Federal Government official having responsibility under that Act; and
(iii) each State; and
(2) Political Affiliation.—The Commission shall constitute a quorum, and the approval of a majority of the members of the Commission determined appropriate.

(b) Website.—In addition to any other publication activities the Commission may be required to conduct the study under this subsection the Commission shall develop and maintain a website to facilitate public comment and participation. In conducting the study under this subsection the Commission may submit to the President and Congress final report under paragraph (2), the Commission shall submit to the President and Congress a report that has received the approval of a majority of the members of the Commission.

(c) Final Report.—
(1) In General.—Not later than 1 year after the date on which the Commission submits the final report under paragraph (2), the Commission shall submit to the President and Congress a final report that has received the approval of a majority of the members of the Commission.

(d) Recommendations.—
(1) Recommendations of Best Practices in Voting and Election Administration.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a) that identify those methods of voting and administering elections studied by the Commission that would—
(A) be convenient, accessible, nondiscriminatory, and easy to use for voters in elections for Federal office, including voters with disabilities, voters with visual impairments, absent uniformed services voters, overseas voters, and other voters with special needs, including voters with limited English proficiency or who otherwise need assistance in order to understand the voting process or to cast a ballot;
(B) yield the highest participation; and
(C) produce accurate results.

(2) Recommendations for Providing Assistance in Federal Elections.—The Commission shall develop specific recommendations with respect to the matters studied under subsection (a)(1)(N) on how the Federal Government can, on a permanent basis, best provide ongoing assistance to State and local authorities to improve the administration of elections for Federal office, and identify whether any legislative or administrative action is necessary to provide a meaningful opportunity to ensure that services voter (as defined in section 107(1) of that Act (42 U.S.C. 1973f-6(1))) and each overseas voter (as defined in section 107(3) of that Act (42 U.S.C. 1973f-6(3))) may register to vote and vote in elections for Federal office;
(C) the feasibility and advisability of establishing modified polling place hours, and the effects thereof; and
(D) the history of the United States; and
(II) whether any legislative or administrative action is necessary to provide a meaningful opportunity to ensure that services voter (as defined in section 107(1) of that Act (42 U.S.C. 1973f-6(1))) and each overseas voter (as defined in section 107(3) of that Act (42 U.S.C. 1973f-6(3))) may register to vote and vote in elections for Federal office;

(2) Enforcement.—In the case of contempt, the Commission may submit for the consideration of the courts an order requiring—
(A) the signature of the chairperson of the Commission; and
(B) any other person or class of persons designated by the chairperson for that purpose.

(2) Enforcement.—In the case of contempt, the Commission may submit for the consideration of the courts an order requiring—
(A) the signature of the chairperson of the Commission; and
(B) any other person or class of persons designated by the chairperson for that purpose.

SEC. 16. POWERS OF THE COMMISSION.

(a) Hearings.—The Commission may, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle—
(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths and; and
(2) require, by subpoena or other evidentiary manner, the attendance and testimony of such witnesses and the production of such books, records, correspondence, manuscripts, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) Assistance and Enforcement of Subpoenas.—
(1) Issuance.—Any subpoena issued under subsection (a) shall be signed by the chairperson of the Commission or a member of the Commission acting jointly. Each subpoena shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.
(2) Enforcement.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear in person at the place designated or to produce documentary or other evidence. Any failure to obey the
order of the court may be punished by the court as a contempt of that court.

(c) Witness Allowances and Fees.—Section 1621 of title 28, United States Code, shall apply to any witness retained or appointed or summoned to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay witnesses the Commission.

(d) Information from Federal Agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the chairperson and vice chairperson of the Commission, acting jointly, the head of such agency shall furnish such information to the Commission.

(e) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) Administrative Support Services.—Upon the request of the chairperson and vice chairperson of the Commission, acting jointly, the Administrator of the General Services Administration shall provide to the Commission support services that are necessary to enable the Commission to carry out its duties under this subtitle.

(g) Other Provisions.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this subtitle.

(h) Application of Federal Advisory Committee Act.—Except as otherwise provided in this subtitle, the Commission shall be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.).


(a) Compensation of Members.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. An officer or employee of the Commission who is an officer or employee of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, for official duties anywhere in the United States or its possessions, incurred in connection with official business of the Commission. The Commission shall be reimbursed for services rendered by employees of agencies under subchapter 1 of chapter 37 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—(1) In general.—The chairperson and vice chairperson of the Commission, acting jointly, may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) Compensation.—The chairperson and vice chairperson of the Commission, acting jointly, may fix the compensation of the executive director and other personnel of the Commission, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) Detail of Government Employees.—Any Federal Government employee may be detailed to the Commission, upon the request of the Commission, to perform temporary or intermittent services under section 3146(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of an employee's basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.


The Commission shall terminate 45 days after the date on which the Commission submits its final report and recommendations under section 13(c)(2).


(a) In general.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

(b) Availability.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, for the same period that the Commission performs the duties under section 13(a) and recommends the actions described in section 13(b).
under this subsection and the State plans required under this subsection shall be consistent with the uniform and nondiscriminatory election technology and administration requirements established under section 31.

(c) CONSULTATION.—In establishing the general policies and criteria under this section, the Attorney General shall consult with the Federal Election Commission.

SEC. 24. SUBMISSION OF APPLICATIONS OF STATES AND LOCALITIES.

(a) SUBMISSION OF APPLICATIONS BY STATES.—

(1) IN GENERAL.—Subject to paragraph (3), the chief executive officer of each State desiring to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted under paragraph (1) shall include the following:

(A) STATE PLAN.—A State plan that—

(i) is developed in consultation with State and local election officials;

(ii) describes the activities authorized under subsection (a) for which assistance under this subtitle shall be provided; and

(iii) contains a detailed explanation of how the State will comply with the requirements described in section 23(b).

(B) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—An assurance that the State will pay the non-Federal share of the costs of the activities for which assistance is sought from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section 20(b)(2).

(C) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

(3) AVAILABILITY OF STATE PLANS FOR REVIEW AND COMMENT.—A State submitting an application under this section shall make the State plan proposed to be included in that application available to the public for review and comment prior to the submission of the application.

(b) SUBMISSION OF APPLICATIONS BY LOCALITIES.

(1) IN GENERAL.—If a State has submitted an application under subsection (a), a locality of that State may submit an application for assistance to the Attorney General at such time, in such manner, and accompanied by such additional information as the Attorney General, in consultation with the Federal Election Commission, may reasonably require.

(2) CONTENTS OF APPLICATIONS.—Each application submitted by a locality under paragraph (1) shall include the following:

(A) LOCAL PLAN.—A locality plan that—

(i) is developed in consultation with State and local election officials;

(ii) describes the activities authorized under subsection (a) for which assistance under this subtitle shall be provided; and

(iii) contains a detailed explanation of how the locality will comply with the requirements described in section 23(b).

(B) COMPLIANCE WITH FEDERAL MATCHING REQUIREMENTS.—An assurance that the locality will pay the non-Federal share of the costs of the activities for which assistance is sought from non-Federal sources that may be accompanied by a request for a waiver of the matching requirements under section 20(b)(2).

(C) ADDITIONAL ASSURANCES.—Such additional assurances as the Attorney General, in consultation with the Federal Election Commission, determines to be essential to ensure compliance with the requirements of this subtitle.

SEC. 25. APPROVAL OF APPLICATIONS OF STATES AND LOCALITIES.

(a) APPROVAL OF STATE APPLICATIONS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Federal Election Commission, shall approve any application in accordance with the general policies and criteria for the approval of applications established under section 23.

(2) PUBLICATION OF STATE PLANS AND SOLICITATION OF COMMENTS.—After receiving an application of a State submitted under section 24(a)(1), the Attorney General shall publish the State plan in the Federal Register and solicit comments on the plan from the public. The publication of and the solicitation of comments on such a plan pursuant to this subsection shall not be treated as an exercise of rule-making authority by the Attorney General for purposes of subsection (1) of chapter 5 of title 5, United States Code.

(3) APPROVAL.—At any time after the expiration of the 30-day period which begins on the date the State plan is published in the Federal Register under subsection (a), and taking into consideration any comments received under such subsection, the Attorney General, in consultation with the Federal Election Commission, may approve or disapprove the application that contains the State plan published under paragraph (2) in accordance with the general policies and criteria established under section 23.

(b) APPROVAL OF APPLICATIONS OF LOCALITIES.—If the Attorney General has approved the application of a State under subsection (a), the Attorney General, in consultation with the Federal Election Commission, may approve an application submitted by a locality of that State under section 24(b) in accordance with the policies and criteria established under section 23.

SEC. 26. FEDERAL MATCHING FUNDS.

(a) PAYMENTS.—The Attorney General shall pay to each State or locality having an application approved under section 25 the Federal share of the cost of the activities described in that application.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), for purposes of subsection (a), the Federal share shall be 80 percent.

(2) WAIVER.—The Attorney General may specify a Federal share greater than 80 percent under terms and conditions consistent with this subtitle.

(3) INCONSISTENCY IN EARLY ACTION.—For any recipient of a grant whose application was received prior to March 1, 2002, the Federal share shall be 90 percent.

(4) REMEDIATION FOR COST OF MEETING REQUIREMENTS.—With respect to the authorized activities described in section 22(b) insofar as a State or locality incurs expenses to meet the requirements of section 31, the Federal share shall be 100 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of payments under this subtitle may be in cash or in kind fairly evaluated, including planned equipment or services.

SEC. 27. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, considers appropriate.

(b) AUDIT AND EXAMINATION.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General and the Comptroller General, shall have the right to audit any recipient of a grant under this subtitle and shall have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to a grant received under this subtitle for the purpose of conducting an audit or examination.

SEC. 28. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the program under this subtitle for the preceding year. Each report shall contain the following:

(1) A description and analysis of any activities funded by a grant awarded under this subtitle.

(2) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General, at such time, in such manner, and containing such information as the Attorney General considers appropriate.

SEC. 29. DEFINITIONS OF STATE AND LOCALITY.

In this subtitle:

(1) STATE.—The term "State" means each of the Federal States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(2) LOCALITY.—The term "locality" means a political subdivision of a State.

SEC. 30. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary for each of fiscal years 2002, 2003, and 2004.

(2) USE OF AMOUNTS.—Amounts appropriated under paragraph (1) shall be for the purpose of—

(A) awarding grants under this title; and

(B) paying for the costs of administering the program to award such grants.

(b) FEDERAL ELECTION COMMISSION.—There are authorized to be appropriated to the Federal Election Commission for each of fiscal years 2002, 2003, 2004, 2005, and 2006 such sums as may be necessary for the purpose of carrying out the provisions of this title.

(c) LIMITATION.—Not more than 1 percent of any amounts appropriated under paragraph (1) of subsection (a) may be used to pay for the administrative costs described in paragraph (2) of such subsection.

Subtitle C—Requirements for Election Technology and Administration

SEC. 31. UNIFORM AND NONDISCRIMINATORY REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.

(a) VOTING SYSTEMS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) The voting system shall permit the voter to verify the votes selected by the voter on a ballot before the ballot is cast and tabulated, and shall provide the voter with the opportunity to correct any error before the ballot is cast and tabulated.

(2) If the voter selects votes for more than one candidate for a single office, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of casting multiple votes for the office, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(3) If the voter selects votes for fewer than the number of candidates for which votes are authorized to be cast, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of casting fewer votes than the number of votes for which votes are authorized to be cast, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(4) The voting system shall provide the voter with the opportunity to examine a record of the votes the voter intended to cast before the ballot is cast and tabulated.

(b) VOTING SYSTEMS NOT TO BE USED.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) The voting system shall provide the voter with the opportunity to verify the votes selected by the voter on a ballot before the ballot is cast and tabulated, and shall provide the voter with the opportunity to correct any error before the ballot is cast and tabulated.

(2) The voting system shall provide the voter with the opportunity to verify the votes selected by the voter on a ballot before the ballot is cast and tabulated, and shall provide the voter with the opportunity to correct any error before the ballot is cast and tabulated.
may be cast, the voting system shall notify the voter before the ballot is cast and tabulated of the effect of such selection, and shall provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(4) The voting system shall produce a record with an audit capacity for each ballot cast.

(5) The voting system shall be accessible for individuals with disabilities and other individuals with special needs, including providing accessibility for blind and visually impaired, which provides the same opportunity for access and participation (including privacy and independence) as for other voters, and shall provide alternative language accessibility for individuals with limited proficiency in the English language.

(6) The error rate of a voting system in counting and tabulating ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to the act of the voter) shall not exceed the error rate standards established in the national Voting Systems Standards and Guidelines and maintained by the Office of Election Administration of the Federal Election Commission in effect on the date of enactment of this title and shall not be inconsistent with respect to the requirements under this section.

(b) Provisional Voting.—If the name of an individual is determined to be a registrant eligible to vote at a polling place, or is otherwise asserted by an election official that the individual is not eligible to vote at the polling place—

(1) an election official at the polling place shall provide written confirmation to the individual that the individual may cast a provisional ballot in the election;

(2) the individual shall be permitted to cast a vote at that polling place upon written affirmation by the individual before an election official at that polling place that the individual is eligible;

(3) an election official at the polling place shall transfer the ballot cast by the individual to an appropriate State or local election official for prompt verification of the declaration made by the individual in the affirmation required under paragraph (2);

(4) if the appropriate State or local election official verifies the declaration made by the individual in the affirmation, the individual's vote shall be tabulated; and

(5) the appropriate State or local election official shall notify the individual in writing of the final disposition of the individual's affirmation and the treatment of the individual's vote.

(c) Provisional Ballot.—

(1) Mailings to Voters.—Not later than 10 days prior to the date of an election for Federal office, the appropriate election official shall mail to each voter in the State of such election a sample version of the ballot which will be used for the election together with—

(A) information regarding the date of the election and the hours during which polling places will be open;

(B) instructions on how to cast a vote on the ballot; and

(C) general information on voting rights under Federal and applicable State laws and instructions on how to contact the appropriate officials if these rights are alleged to be violated.

(2) Publication and Posting.—The sample version of the ballot which will be used for an election for Federal office shall be mailed under paragraph (1) shall be published in a newspaper of general circulation in the applicable geographic area not later than 10 days prior to the date of the election, and shall be posted publicly at each polling place on the date of the election.

SEC. 32. VOTING SYSTEMS REQUIREMENT SPECIFICATIONS.

(a) Voting Systems Requirement Specifications.—In accordance with the requirements regarding technical specifications, the Office of Election Administration of the Federal Election Commission shall develop national Voting Systems Specifications with respect to the voting systems requirement provided under section 31(a).

(b) Provisional Voting Guidelines.—In accordance with the requirements of this subtitle regarding provisional voting, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the provisional voting requirement provided for under section 31(b).

(c) Sample Ballot Guidelines.—In accordance with the requirements of this subtitle regarding sample ballots, the Civil Rights Division of the Department of Justice shall develop initial guidelines with respect to the sample ballot requirement provided for under section 31(c).

SEC. 33. STATES TO MEET REQUIREMENTS.

(a) In General.—Subject to subsection (b), a State or locality shall meet the requirements of subsections (a) and (b) with respect to the regularly scheduled election for Federal office held in the State in 2004 and each subsequent election for Federal office held in the State, except that a State is not required to meet the guidelines and technical specifications under section 32 prior to the publication of such guidelines and specifications.

(b) Treatment of Activities Relating to Voting Systems Under Grant Program.—To the extent that a State has used funds provided under the Election Technology and Administration Grant Program for the purchase or development of voting systems in accordance with the State plan contained in its approved application under such program, the State shall be deemed to meet the requirements of section 31(a).

SEC. 34. ENFORCEMENT BY ATTORNEY GENERAL.

(a) In General.—The Attorney General may bring a civil action in an appropriate district court (including declaratory or injunctive relief) as may be necessary to carry out this subtitle.

(b) Action for Civil Rights.—The Attorney General shall carry out this section through the Office of Civil Rights of the Department of Justice.

(c) Relation to Other Laws.—The remedies established by this section are in addition to all other rights and remedies provided by law.

Subtitle D—Uniformed Services Overseas Voting

SEC. 41. SENSE OF THE SENATE REGARDING THE IMPORTANCE OF VOTING BY MILITARY PERSONNEL.

(a) Sense of the Senate.—It is the sense of the Senate that each administrator of a Federal, State, or local election shall—

(1) be aware of the importance of the ability of each uniformed services voter to exercise their voting rights;

(2) perform their duties with the intent to ensure that—

(A) each uniformed services voter receives the utmost consideration and cooperation when voting; and

(B) each valid ballot cast by such a voter is duly counted.

(b) Uniformed Services Voter Defined.—In this section, the term "uniformed services voter" means—

(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6)); and

(3) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.

SEC. 42. UNIFORM NONDISCRIMINATORY VOTING STANDARDS FOR ADMINISTRATION OF ELECTIONS UNDER STATE AND LOCAL ELECTION SYSTEMS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) is amended—

(1) by inserting “(a) ELECTIONS FOR FEDERAL OFFICES.—” before “Each State shall—” after subsection (a), and

(2) by adding at the end the following new subsection (c):

“(c) General Principles for Voting by Overseas and Absent Uniformed Service Voters.—(1) A State shall ensure that each voting system used within the State for elections for Federal, State, and local offices provides overseas voters and absent uniformed service voters an equal opportunity to exercise their voting rights as citizens of the United States.

“(2) A State shall count an absentee ballot for an election for Federal, State, or local office that is timely submitted by an overseas voter or absent uniformed service voter to the proper official of the State and is otherwise valid.

“Sec. 704. (a) For purposes of voting for an election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of such absence—

“(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not such person intends to return to that State;

“(2) be deemed to have acquired a residence or domicile in any other State; or

“(3) be deemed to be a resident in or a resident of any other State.

“(b) In this section, the term ‘State’ includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.”

SEC. 43. GUARANTEE OF RESIDENCE FOR MILITARY PERSONNEL.

Article VII of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (42 U.S.C. 450 et seq.) is amended by adding at the end the following:

“Sec. 704. (a) For purposes of voting for an election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of such absence—

“(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not such person intends to return to that State;

“(2) be deemed to have acquired a residence or domicile in any other State; or

“(3) be deemed to be a resident in or a resident of any other State.

“(b) In this section, the term ‘State’ includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.”

SEC. 44. EXTENSION OF REGISTRATION AND BALLOTING RIGHTS FOR ABSENT UNIFORMED SERVICES VOTERS TO STATE AND LOCAL ELECTIONS.

(a) In General.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 42, is further amended by inserting after subsection (a) the following new subsection (b):

“(b) Elections for State and Local Offices.—Each State shall—

“(1) permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

“(2) extend, and, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter to be used for the appropriate State election official not less than 30 days before the date of the election.”.
(b) CONFIRMING AMENDMENT.—The heading for title I of such Act is amended by striking “FOR FEDERAL OFFICE”.

SEC. 45. USE OF SINGLE APPLICATION AS A SIMPLIFIED PROCESS FOR NONPROLIFERATION VOTING RIGHTS ACT REGISTRATION APPLICATION AND ABSENTEE BALLOT APPLICATION.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as redesignated by section 421, is further amended—
(1) by striking “and” at the end of paragraph (2);
(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and
(3) by inserting in paragraph (3) the following new paragraph (4):

“(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and”.

SEC. 46. USE OF SINGLE APPLICATION FOR ABSENTEE BALLOTS FOR ALL FEDERAL ELECTIONS.

Subsection (a) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 45, is further amended by inserting after paragraph (4) the following new paragraph (5):

“(5) accept and process, with respect to all general, special, primary, and runoff elections occurring after paragraph (4) the following new paragraph (5):

“(4) accept and process the official post card form (prescribed under section 101) as a simultaneous absentee voter registration application and absentee ballot application; and”.

SEC. 47. ELECTRONIC VOTING DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of Defense shall carry out a demonstration project under this section within the Armed Forces (as defined in section 101(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973 ff-1(1))) permitting for fiscal year 2002, through an electronic voting system, to conduct an election for the armed forces absentee ballot and absentee ballot application.

(b) COORDINATION WITH STATE ELECTION OFFICIALS.—To the greatest extent practicable, the Secretary of Defense shall carry out the demonstration project under this section through cooperative agreements with State election officials.

(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary of Defense shall submit a report to Congress analyzing the demonstration project conducted under this section, and shall include in the report any recommendations the Secretary of Defense considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

SEC. 48. FEDERAL VOTING ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall promulgate regulations to require each of the Armed Forces to ensure their compliance with any directives issued by the Secretary of Defense in implementing the Federal Voting Assistance Program (referred to in this section as the “Program”) or any similar program.

(b) REVIEW AND REPORT.—(1) The Inspector General of each of the Armed Forces shall—
(A) conduct an annual review of the effectiveness of the Program or any similar program;
(B) conduct an annual review of the compliance with the Program or any similar program; and
(C) submit an annual report to the Inspector General of the Department of Defense on the results of the reviews under subparagraphs (A) and (B).

(2) Not later than March 31, 2003, and annually thereafter, the Inspector General of the Department of Defense shall submit a report to Congress on—
(A) the effectiveness of the Program or any similar program;
(B) the level of compliance with the Program or any similar program of the branches of the Armed Forces.

Subtitle E—Miscellaneous

SEC. 51. REPORT TO CONGRESS.

(a) IN GENERAL.—Nothing in this title may be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit such laws:


(3) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).


(b) NO EFFECT ON PRECLEARCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Attorney General of a State’s application for a grant under subtitle B, or any action taken by that Attorney General or a State under such subtitle, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 or any other requirements of such Act.

SA 1834. Mr. LEVIN (for Mr. Thomas (for himself and Mr. Gramm)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike the material beginning with page 264, line 21 and ending with page 266, line 8.

SA 1835. Mr. DOMENICI (for himself, Mr. Hagel, Mr. Lugar, and Mr. Bingaman) submitted an amendment in the nature of a substitute for the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle C—Nonproliferation Programs and Assistance

SEC. 1231. SHORT TITLE.

This title may be cited as the “Nonproliferation Programs and Assistance Coordination Act of 2001”.

SEC. 1232. FINDINGS.

Congress makes the following findings:

(1) United States nonproliferation efforts in the independent states of the former Soviet Union have achieved important results in ensuring that weapons of mass destruction, weaponsusable material and technology, and weapons-related knowledge remain beyond the reach of terrorists and weapons-proliferating states.

(2) Although these efforts are in the United States national security interest, the effectiveness of these efforts suffers from a lack of coordination within and among United States Government agencies.

(3) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union are making an important contribution in ensuring that knowledge related to weapons of mass destruction remains beyond the reach of terrorists and weapons-proliferating states.

(4) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union require the establishment of a coordinating body to ensure that United States public and private efforts are not in conflict, and to ensure that public spending on nonproliferation efforts by the independent states of the former Soviet Union is maximized to ensure efficiency and to further United States national security interests.

SEC. 1233. ESTABLISHMENT OF COMMITTEE ON NONPROLIFERATION ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) ESTABLISHMENT.—There is established within the executive branch of the Government an interagency committee known as the “Committee on Nonproliferation Assistance to the Independent States of the Former Soviet Union” (in this title referred to as the “Committee”).

(b) MEMBERSHIP.—(1) The Committee shall be composed of 6 members, as follows:

(A) A representative of the Department of State designated by the President.

(B) A representative of the Department of Energy designated by the Secretary of Energy.

(C) A representative of the Department of Defense designated by the Secretary of Defense.

(D) A representative of the Department of Commerce designated by the Secretary of Commerce.

(E) A representative of the Assistant to the President for National Security Affairs designated by the Assistant to the President.

(F) A representative of the Director of Central Intelligence.

(c) REPRESENTATIVE.—The Secretary of a department named in subparagraph (A), (B), (C), or (D) of paragraph (1) shall designate as the department’s representative an official of that department who is not below the level of an Assistant Secretary of the department.

(d) CHAIR.—The representative of the Assistant to the President for National Security Affairs shall serve as Chair of the Committee. The Chair may invite the head of any other department or agency of the United States to designate a representative or agency to participate from time to time in the activities of the Committee.

SEC. 1234. DUTIES OF COMMITTEE.

(a) IN GENERAL.—The Committee shall have the authority, in addition to any authority existing with the Committee, to—

(1) monitor United States nonproliferation efforts in the independent states of the former Soviet Union;

(2) coordinating the implementation of United States policy with respect to such efforts; and

(3) recommending to the President, through the National Security Council—
controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.

(7) Plans for reducing United States and Russian stockpiles of excess plutonium, which plans shall take into account an assessment of the options for United States cooperation with Russia in the disposition of Russian plutonium.

(8) Plans for studying the merits and costs of establishing a global network of means for detecting and preventing the acquisition or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

(9) Reports on the time the President submits to Congress the budget for fiscal year 2003 pursuant to section 105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under this section.

(10) The report shall include the following:

(1) The specific plans and proposals for the program under subsection (b).

(2) Estimates of the funds necessary, by agency or department, for carrying out such plans and proposals in fiscal year 2003 and five succeeding fiscal years.

(3) The report shall be in an unclassified form, but may contain a classified annex.

SEC. 1236. ADMINISTRATIVE SUPPORT.

All departments and agencies of the Federal Government shall provide, to the extent permitted by law, any information and assistance as may be requested by the Committee in carrying out their functions and activities under this title.

SEC. 1237. CONFIDENTIALITY OF INFORMATION.

Information which has been submitted to the Committee or received by the Committee in confidence shall not be disclosed, except to the extent required by law, and such information shall be used by the Committee only for the purpose of carrying out the functions and activities set forth in this title.

SEC. 1238. STATUTORY CONSTRUCTION.

Nothing in this title—

(a) applies to the data-gathering, regulatory, or enforcement authority of any existing department or agency of the Federal Government over nonproliferation efforts in the independent states of the former Soviet Union or with other countries with respect to nonproliferation efforts in the independent states of the former Soviet Union.

(b) applies to any activity that is reportable pursuant to title V of the National Security Act of 1947 (30 U.S.C. 431 et seq.).

SEC. 1239. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.

In this title the term ‘‘independent states of the former Soviet Union’’ has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

SA 1836. Mr. DOMENICI (for himself, Mr. THURMOND, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. LUGAR, Mr. HOLLINGS, Ms. LANDRIEU, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which amendment is ordered to lie on the table; as follows:

At the end of subtitle C of title XXXII, add the following:

SEC. 3135. UNITED STATES PARTICIPATION IN UNITED STATES AND RUSSIA PLUTONIUM DISPOSITION PROGRAMS.

(a) LIMITATION ON MODIFICATION OF UNITED STATES PARTICIPATION IN PROGRAMS.—No modification may be made in United States participation in the current United States and Russia plutonium disposition programs until the date on which the Secretary of Energy notifies the congressional defense committees of the modification.

(b) PLUTONIUM DISPOSITION PROGRAMS.—

For purposes of this section, the current United States and Russia plutonium disposition programs are the following:

(1) The United States Plutonium Disposition Program identified in the January 1997 Record of Decision setting forth the intention of the Department of Energy to pursue a hybrid plutonium disposition strategy that includes irradiation of mixed oxide fuel (MOX) and immobilization, and the January 2000 Record of Decision of the Plutonium Disposition Final Environmental Impact Statement identifying the Savannah River Site, South Carolina, for plutonium disposition activities.

(2) The United States-Russian Agreement on the Management and Disposition of Plutonium Disposition designated as required for Defense Purposes and Related Cooperation, signed in September 2000 by the Government of the United States and the Government of Russia.

(c) SCOPE OF MODIFICATIONS.—(1) Nothing in this title—

(A) applies to any activity that is reportable pursuant to title V of the National Security Act of 1947 (30 U.S.C. 431 et seq.); and

(B) applies to any activity that is reportable pursuant to title V of the National Security Act of 1947 (30 U.S.C. 431 et seq.).

(2) Elements of Notification of Modification.—In notifying the congressional defense committees of any proposed modification to United States participation in a current United States or Russia plutonium disposition program under subsection (a), the Secretary shall provide the committees with—

(A) an assessment of any impact of such modification on other elements of the environmental management strategy of the Department of Energy for the cleanup of current and former sites in the United States nuclear weapons complex; and

(B) a specification of the costs of such modification, including all costs incurred in long-term storage of weapons-grade plutonium or for research and development for proposed alternative disposition strategies; and

(C) a description of the extent of interaction in development of such modification with, and concurrence in such modification from—

(A) States directly impacted by the plutonium disposition program; and

(B) nations participating in current programs proposing to develop future programs, for the disposition of Russian weapons-grade plutonium, including the willingness of such nations to offset the costs specified under paragraph (2) and

(C) the Russian Federation.

(d) ANNUAL REPORT ON FUNDING FOR FISSILE MATERIALS DISPOSITION ACTIVITIES.—The Secretary of Energy shall include with the budget justification materials submitted to Congress in support of the budget of the Department of Energy for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report setting forth the estimated amount of funds that shall be available for the Department of Energy for each fiscal year for fissile material disposition activities.
Department to meet commitments for such activities in such fiscal year.

(1) LIMITATION ON ALTERNATIVE USE OF CERTAIN FUNDS FOR DISPOSITION OF PLUTONIUM.—The available funds provided by section 1041 of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277, 112 Stat. 2681–560) for expenditures in the Russian Federation to implement a United States-Russian accord for disposition of excess weapons plutonium shall be available only until the date when the Secretary of Energy submits a notification of a modification to the congressional defense committees under subsection (a).

SA 1837. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1066. CRITICAL INFRASTRUCTURES PROTECTION.

(a) FINDINGS.—Congress makes the following findings:

(1) The information revolution has transformed the conduct of business and the operations of government as well as the infrastructure relied upon for the defense and national security of the United States.

(2) The infrastructure upon which the government, and the national security apparatus increasingly depend on an interdependent network of critical physical and information infrastructures, including telecommunications, energy, financial services, water, and transportation sectors.

(3) A continuous national effort is required to ensure the reliable provision of cyber and physical infrastructure services critical to the functioning of government as well as the infrastructures, including telecommunications, energy, financial services, water, and transportation sectors.

(b) POLICY OF UNITED STATES.—It is the policy of the United States—

(1) that any physical or virtual disruption of the operation of the critical infrastructures of the United States be rare, brief, geographically limited in effect, manageable, and minimally detrimental to the economy, essential human and government services, and national security of the United States;

(2) that actions necessary to achieve the policy stated in paragraph (1) be carried out in a public-private partnership involving corporate and non-governmental organizations; and

(c) to have in place a comprehensive and effective program to ensure the continuity of essential Federal Government functions under all circumstances.

SEC. 908. EVALUATION OF STRUCTURE AND LOCATION OF ARMY ENVIRONMENTAL POLICY INSTITUTE.

(a) EVALUATION REQUIRED.—The Secretary of the Army, acting through the Assistant Secretary of the Army for Installations and Environment, shall carry out a thorough evaluation of the current structure and location of the Army Environmental Policy Institute for purposes of determining whether the structure and location of the Institute provide for the most efficient and effective fulfillment of the charter of the Institute.

(b) MATTERS TO BE EVALUATED.—In carrying out the evaluation, the Secretary shall evaluate—

(1) the performance of the Army Environmental Policy Institute in light of its charter;

(2) the current structure and location of the Institute in light of its charter;

(3) various alternative structures (including funding mechanisms) and locations for the Institute as a means of enhancing the efficiency and effectiveness of the Institute.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the evaluation carried out under this section. The report shall include the results of the evaluation and such recommendations as the Secretary considers appropriate.

SA 1839. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 718. ELIGIBILITY OF RESERVE OFFICERS TO ACTIVE DUTY FOLLOWING COMMISSIONING.

Section 1074(a) of title 10, United States Code, is amended—

(1) by inserting ‘‘(11) after ‘‘(a)’’;

(2) by striking ‘‘who is on active duty’’ and inserting ‘‘described in paragraph (2)’’; and

(3) by adding at the end the following new paragraph:

‘‘(2) Members of the uniformed services referred to in paragraph (1) are as follows:

(A) A member of a reserve component of the armed forces who has been commissioned as an officer;

(i) the member has requested orders to active duty for the member’s initial period of active duty following the commissioning of the member as an officer;

(ii) the request for orders has been approved;

(iii) the orders are to be issued but have not been issued; and

(iv) does not have health care insurance and is not covered by any other health benefits plan.’’.

SA 1840. Mr. DOMENICI submitted an amendment intended to be proposed by
him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. ADDITIONAL FUNDING FOR UPDATES TO THEATER AEROSPACE COMMAND AND CONTROL SIMULATION FACILITY

(a) ADDITIONAL FUNDS.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for the Theater Aerospace Command and Control Simulation Facility (TACCSF) (PE207065F) is hereby increased by $7,250,000.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for Joint Expeditionary Force for Joint Expeditionary Force (PE207028) is hereby decreased by $7,250,000.

NOTICE OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources will schedule a hearing to receive testimony on S. 1480, a bill to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation; and other proposals related to energy infrastructure security.

The hearing will take place on October 9 at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

Those wishing to submit written statements should address them to the Committee on Energy and Natural Resources, Attn. Jonathan Black, United States Senate, Washington, D.C. 20510.

For further information, please call Patty Beneke at 202/224-5451 or Deborah Estes at 202/224-5360.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 2, 2001. At 10:30 a.m. the Committee will receive testimony on the interaction of old-growth forest protection initiatives and national forest policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine of the Committee on Commerce, Science, and Transportation be authorized to meet on October 2, 2001, at 10 a.m. on surface transportation security.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session; that the Finance Committee be discharged from further consideration of the nomination of Thomas B. Wells to be a Judge of the United States Tax Court; that the HELP Committee be discharged from further consideration of the nomination of Eugene Scalia, to be Solicitor for the Department of Labor during the session of the Senate on Tuesday, October 2, 2001, at 2:30 p.m. to conduct a hearing. The Subcommittee will receive testimony on the interaction of old-growth forest protection initiatives and national forest policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, October 2, 2001, at 10:30 a.m. on the status of proposals for the transportation of natural gas from Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.
term expiring fifteen years after he takes office.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
Leslie Lenkowsky, of Indiana, to be Chief Executive Officer of the Corporation for National and Community Service.

LEGISLATIVE SESSION
The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, OCTOBER 3, 2001
Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Wednesday, October 3; further, on Wednesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.J. Res. 51, the Vietnam Trade Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM
Mr. REID. Therefore, Mr. President, the Senate will convene on Wednesday at 10 a.m. and resume consideration of the Vietnam Trade Act. We hope to complete action on the Vietnam Trade Act early tomorrow morning, or certainly before noon, and begin consideration of the Foreign Operations Appropriations Act.

ADJOURNMENT UNTIL 10 A.M. TOMORROW
Mr. REID. 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 5:26 p.m., adjourned until Wednesday, October 3, 2001, at 10 a.m.

NOMINATIONS
Executive nominations received by the Senate October 2, 2001:

DEPARTMENT OF ENERGY
MICHAEL SMITH, OF OKLAHOMA, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE ROBERT WAYNE GER.

DEPARTMENT OF STATE
LYONS BROWN, JR., OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary of the United States of America to the Republic of Austria.
CLIFFORD M. SOHIL, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary of the United States of America to the Kingdom of the Netherlands.
CAMERON R. HUME, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNCILOR, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary of the United States of America to the Republic of South Africa.
ERIC M. JAVITS, OF NEW YORK, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT.

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE ALTERNATE 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 FOR U.N. MANAGEMENT AND REFORM.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
CHARLES CURIE, OF PENNSYLVANIA, TO BE ADMINISTRATOR OF THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE NELBA R. CHAVEZ, RESIGNED.

DEPARTMENT OF JUSTICE
DAVID R. O'MERRILL, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE STEPHEN CHARLES LEWIS, RESIGNED.
JEFFREY R. DUNO, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE LEEKIN JOSEPH HYMEL, JR., RESIGNED.

IN THE AIR FORCE
THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, AIR NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 1550 AND 611:

To be lieutenant general
MAJ. GEN. DANIEL JAMES III, 0000

IN THE ARMY
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel
GREGORY A. ANTOINE, 0000 MC

IN THE NAVY
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander
RICHARD A. GUERRA, 0000
JEFF B. FORGER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 621:

To be lieutenant commander
MARTIN B. HARRISON, 0000

CONFIRMATIONS
Executive nominations confirmed by the Senate October 2, 2001:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
LESLEY LENKOWSKY, OF INDIANA, TO BE CHIEF EXECUTIVE OFFICER OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

THE JUDICIARY
THOMAS B. WELLS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT.
PAYING TRIBUTE TO SARA DARNELL

HON. MIKE ROGERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Sara Darnell on earning the prestigious Fulbright Award, which will allow her to teach and study in the United Kingdom during the upcoming academic year. Established by Congress in 1946, the Fulbright Award program is the oldest U.S. Government sponsored academic exchange program. Recipients of Fulbright Awards are selected on the basis of academic and professional achievement as well as leadership potential in one’s respective field. In receiving this award, Ms. Darnell was one of only 200 teachers out of 750 applicants to earn the Fulbright Award. Therefore Mr. Speaker, I ask that my colleagues join me in thanking Sara Darnell for her continued devotion to excellence in education and congratulate her for receiving the Fulbright Award.

PROCLAMATION FOR ROBERT GREGORY EISNER

HON. STEVE ISRAEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York’s outstanding young men, Robert Eisner. The Boy Scouts of his troop will honor him as the New York Region’s outstanding young man, Robert Eisner. The Eagle Scouts of his troop will honor him as the Eagle Scout honor on Friday, October 12.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

This year’s recipient presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous activities are indeed worthy of praise. Their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Mr. Eisner, and bring the attention of Congress to this successful young man on his day of recognition. Congratulations to Robert and his family.

TRIBUTE TO WALESKA MARTINEZ

HON. DAN MILLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mr. MILLER of Florida. Mr. Speaker, I ask that my following statement be entered into the RECORD. It is with great sadness that I inform my colleagues of the loss of a committed public servant, Waleska Martinez. Waleska was a passenger on the United Airlines Flight 93 that was hijacked on September 11, 2001, and crashed outside Pittsburgh, PA.

Waleska Martinez’s career with the Census Bureau spanned 13 years during which she worked with automation and computer technology. Her innovative contributions to excellence in automation and innovation on all major Regional Office automation operations in support of the Current Survey programs, the Decennial Census, and Census Tests.

She began her career in 1988 as a clerk in the New York Regional Census Center. Within a matter of months she was promoted to an Assistant Manager for Administration position and then to an Administrative Specialist position. During the 1990 Census, Ms. Martinez provided exemplary payroll/personnel support and other administrative support and guidance to all areas of the Regional Census Center and the District Offices. In addition, she developed specialized automation reports and spreadsheets that provided managers with valuable, easy-to-use information on the status of critical administrative activities.

In 1991, upon the successful completion of her 1990 Census Administrative Specialist duties and responsibilities, Ms. Martinez was transferred to the New York Regional Office as a Special Survey Technician. On the basis of her continued academic and technical background and experience in the areas of computer science and management information systems, Ms. Martinez was called upon to serve as the Regional Office Computer Specialist in early 1993. During the following years of major expansion in Regional Office automation and the introduction of Computer-Assisted Personal Interviewing for the major Current Survey programs, Ms. Martinez kept the New York Regional Office in the forefront of automation support, training, and performance.

In 1998, Ms. Martinez was selected to serve as the Census 2000 Automation Supervisor for the New York Region and was given full technical, operational and managerial responsibility for the entire range of automation hardware, software, and support including a complex telecommunications network for the Regional Census Center and the 39 Census 2000 Local Census Offices.

During her career with the Census Bureau, Ms. Martinez was the frequent recipient of performance awards and special act awards in recognition of her outstanding technical and managerial skills and innovative contributions in all areas of automation. She received the Bronze Medal Award, the highest honorary award granted by the Census Bureau in 1998.

THE 41ST ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. JOSEPH CROWLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mr. CROWLEY. Mr. Speaker, October 1, 2001, marks the 41st anniversary of the Independence of Republic of Cyprus. It was on this date in 1960 that Cyprus became an independent republic after decades of British colonial rule. Cyprus and the United States have much in common. Both countries achieved their independence from Britain, and commemorate the anniversary of that independence as their national holiday. Moreover, both the United States and Cyprus maintain close relations with Britain today.

Cyprus and the United States also share a deep and abiding commitment to democracy, human rights, free markets, and the ideal and practice of equal justice under law. This year, the people of Cyprus and the Cypriot-American community mark Cyprus Independence Day with a heavy heart, as the shock and grief over the September 11 terrorist attacks continues to be felt. The leaders and the people of Cyprus have expressed strong condemnation for the terrorists and those who support them, while voicing their solidarity with the American people. The Cyprus government has pledged to cooperate with the U.S. Government and all the other governments engaged in the battle against terrorism. Messages from Cypriot officials and religious leaders, including Cyprus President Glafcos Clerides, the Ministry of Foreign Affairs of Cyprus, the Ambassador of Cyprus to the United States Erato Kozakou Marcoullis, and the Primate of the Cyprus Church, Archbishop Chrysostomos, expressed shock and horror at these devastating attacks and a commitment of support and friendship in a time of need.

Within hours of the terrorist attacks, Cyprus President Glafcos Clerides—who was on his way to New York at the time for meetings at the U.N.—strongly denounced the terrorist attacks. In a message to President Bush the day after the attacks, the Cyprus President strongly condemned, "in the most unequivocal manner, these cowardly, horrific acts against the American people and extend to the families of the victims my heartfelt condolences on behalf of the government and the people of Cyprus." In its September 12 statement, the Ministry of Foreign Affairs of Cyprus noted that, "The terrorist attacks were attacks not
against the United States and its people but against the international legal order, democracy, freedom and the most fundamental of all human rights, that of the right to life. Yesterday, terrorists attacked humanity and human dignity.” The statement continued, “Yesterday’s event demonstrates that the members of the international community, both individually and collectively, must redouble their efforts in a more systematic and coordinated manner to fight terrorism and its sponsorship.”

The Israeli Government, adopting a decision by the European Union, declared September 14 a Day of Mourning for the victims. Flags were flown at half-mast, while high-ranking officials and ordinary people signed a book of condolences at the U.S. Embassy in the capital, Jerusalem. Many Cypriots laid flowers at the Embassy.

Overseas Cypriots have also denounced the terrorist attacks against the United States, describing them as “barbaric acts against humanity.” The International Coordinating Committee Justice for Cyprus (PSEKA), the World Federation of Overseas Cypriots (POMAK) and all their member organizations worldwide, said they were devastated by the terrorist attacks against thousands of people in the U.S. and that “acts against humanity prove nothing but the apathy and sickness of those committing them. Our prayers are for the families and with those missing and unaccounted for, and we praise those individuals who have given themselves selflessly, helping to the best of their abilities.”

Sadly, at least one American of Cypriot descent was killed in the attacks. Michael Tarrou, 38, an air steward, and his fiancée Amy King, were aboard United Airlines flight 175, which crashed into one of the World Trade Centers. Nearly 200,000 Greek Cypriots, who have given themselves selflessly, helping to the best of their abilities, received from the Cyprus government and people and expressed their condolences “to Cypriots who have lost members of their family and friends in this tragic and senseless attack.”

Unfortunately, the commemoration of Cyprus’ Independence Day is also clouded by the fact that 37 percent of the Mediterranean island nation’s territory continues to be occupied by a foreign power, as it has been for more than a quarter of a century. On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 35,000 heavily armed troops. Nearly 200,000 Greek Cypriots, who fell victim to a policy of ethnic cleansing, were forcibly evicted from their homes and became refugees in their own country. 1,493 Greek Cypriots, including four Americans of Cypriot descent, have been missing since 1974; the remains of another Cypriot American were found and identified in 1997, following an investigation mandated by the United States Congress.

In 1983, in flagrant violation of international law and the treaties establishing the Republic of Cyprus and guaranteeing its independence and territorial integrity, Ankara promoted a “unilateral declaration of independence” in the area under its military occupation. The U.S. Government and the U.N. Security Council condemned the declaration and attempted to reverse. To date, no other country in the world has ever accepted the so-called “Turkish Republic of Northern Cyprus.”

In a landmark May 10, 2001 decision, the European Court of Human Rights found Turkey responsible for continuing violations of human rights, emphasizing that the Republic of Cyprus is the sole legitimate Government of Cyprus and pointing out that Turkey is engaged in the policies and actions of the illegal occupation regime.

Since 1999, the U.N. has adopted numerous resolutions on Cyprus that call for the withdrawal of all foreign forces from the island, the return of the refugees to their homes in safety and respect for the sovereignty, independence, territorial integrity and unity of the Republic of Cyprus. The Security Council stated in 1999 that, “a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded and comprising two political equal communities as described in the relevant Security Council resolutions, in a bicomunal and bi-zonal federation and that such a settlement must exclude union in whole or in part with any other country or any form of partition of secession.” These parameters were reiterated by the Security Council on June 11, 2001.

The Government of the Republic of Cyprus accepts these parameters as the basis for negotiations leading to the reunification of the island. However, Rauf Denktash, the leader of the Turkish-Cypriot side, backed by Ankara, withdrew from the peace talks last November and earlier this month rejected U.N. Secretary General Kofi Annan’s invitation to resume the talks on September 12, claiming the ground had not been prepared for talks and insisting on his demand for recognition of his self-styled Turkish Republic. On September 26, 2001, the U.N. Security Council expressed disappointment over the “unjustified decision” of the Turkish side to decline an invitation by the U.N. Secretary General to resume the search for a comprehensive settlement in Cyprus in New York in September. The Council stressed that “progress can only be made at the negotiating table” and urged all those concerned to cooperate with Kofi Annan and his Special Adviser Alvaro de Soto to help move the peace process forward. Council members encouraged the Secretary General and his Special Adviser to “continue their efforts using the guidelines in Security Council resolutions 1250, namely that there should be no preconditions, that all issues are on the table, that both sides should make a commitment in good faith to negotiate until a settlement is reached and that there should be a full consideration of relevant U.N. resolutions and treaties.” They also gave their “full support to the Secretary General’s efforts to achieve a comprehensive settlement to the Cyprus problem.”

Despite the hardships and trauma caused by the ongoing Turkish occupation, Cyprus has registered remarkable economic growth, and the people living in the Government-controlled areas enjoy one of the world’s highest standards of living. Sadly, the people living in the occupied area continue to be mired in poverty. Today, Cyprus is one of the leading candidate nations to join the European Union in the next round of expansion, in 3 to 4 years. On June 19, 2001, a concurrent resolution (H. Con. Res. 16) was introduced, “expressing the sense of the Congress that security, reconciliation, and prosperity for all Cypriots can only be made at the negotiating table,” and should contribute towards a Cyprus settlement.

The relationship between Cyprus and the United States is strong and enduring. The people of Cyprus stand with the American people at this time of tragedy in the United States, and share in the firm resolve to uphold the ideals of freedom, justice and democracy threatened by the evil hand of terrorism. For our part, on this important day, we continue to stand with the people of Cyprus in the continuing wish for a bizonal, bicommunal and federal Cyprus, created on the basis of the United Nations Security Council resolutions.

Tribute to Mrs. Anna Vayda

HON. JAMES R. LANGEVIN
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. LANGEVIN. Mr. Speaker, I rise today to pay my respects to a great woman who passed away last month. Mrs. Anna Vayda was 91 years old and a vibrant woman all her life. She was instrumental in the chartering of the American Veterans and American Veterans Auxiliary. In 1946, she came to Washington, D.C. to lobby Congress on providing a national charter for the organization. Through her many trips and tireless efforts, she met the likes of former Speakers John McCormack, Frances Roberts and Tip O’Neill. In addition to lobbying for the national charter, she played a central role in gaining women veterans full membership in the American Veterans and not just the Auxiliary.

Mrs. Vayda is survived by a son, Joseph Vayda; her brother, Walter Zupkofska; nine grandchildren, including my good friend Eva Geoppo; twenty great-grandchildren; and five great-great-grandchildren. Rest in peace, Mrs. Vayda’s long and successful life. She will be greatly missed and our thoughts and prayers go out to all those who mourn her loss.
Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this past summer, in particular one 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 am asking that these statements be printed in the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

On Behalf of Ethan Casavant and Jamie Santerre—Regarding Education in Vermont Prisons, May 7, 2001

Jamie Santerre. Ethan and I visited the Chittenden Regional Correctional facility.

Ethan Casavant. We spoke with Mary Tripp, a teacher at the facility, one of three. There is her and John Long, who are both full-time teachers, and there is one who is based on independent study and special ed. I don’t remember her name, though.

Jamie Santerre. The facility was built in the late 1970s. In the 1980s, the facility had an open policy so people could come and there would, if they, if they wanted they could, get their GEDs. And the classes that they have now, which are like math, social studies, art, English and science, they started in 1986, where anyone under 22 without a high school diploma had to attend in an attempt to get their high school diploma.

Ethan Casavant. Just to touch up on that a little bit, even if you are 16 years old and you drop out of high school and end up going to the prison system, you have to go back to the schools to graduate or get your diploma. If you just got out of it or get out of it. But, anyway, the classes are Monday through Friday, like any other school. There is independent study and regular classes, like three, four people to a class. There is three classrooms, an art room, and one with science and social studies, that you can’t do labs or like chemistry or physics or anything like that, because they can’t trust the inmates with any of those materials. The materials are also supplied to them for free so that they can, you know, use them all and learn from them. Also, they have a library that they can use. For resources, they have some computers, but they don’t have Internet access for safety reasons, or any of that. And if you are 16 years old if you just get off the Net, the teachers do before the classes and go over it. The Vermont Correctional Facilities school system is the only schools in the state that require literacy competency before you graduate. Any other high school, you don’t have to be fully literate to graduate. And Mary Tripp, the teacher we talked to, said that about 20 percent of the population attend class regularly. And if you get the diploma from their high school, you have just as good a chance of getting a job as someone coming from any other school. You know, you might just not like it for personal satisfaction.

On Behalf of Derrick Wong, Drew Arnold, Tericia Savaglio, and Alex Whitnellsei—Regarding Broadcasting Executions to the Public, May 7, 2001

Alex Whitnellsei. We are from Rice High School, obviously, the main topic was the issue of the morality and ethical viewpoint of broadcasting executions to the public, because we felt it was important, because the upcoming execution of Timothy McVeigh is actually going to be televised and shown on a closed-circuit in the Oklahoma City area. And we feel that that is not going to make us a better justice, it is just going to make—how do I say this?—just make it worse, because of the fact that it’s going to almost glorify what Timothy McVeigh did, and how he is going to die. And we feel that it shouldn’t be shown on TV, and that it is just wrong to do that.

Theresa Savaglio. To begin with, a little bit of background on the execution. He is dying by lethal injection, which is a series of three shots. First he is given a sedative. They are using sodium pentetate. And then they are going to inject pancuronium bromide to stop his respiration, and then finally potassium chloride to stop the beating of his heart. That is actually one of the most cruel reasons because it is the least painful. According to Amnesty International, they believe that any form of execution is inhumane, which are stated in the Universal Declaration of Human Rights, and which the United Nations adopted this declaration in 1948. And so they believe that, since we are a member of the United Nations, we should also use this and ban executions. They think that any person sent to death should be able to appeal to a higher court, which we do allow. And Timothy McVeigh’s execution is going to be the first capital punishment case for the federal government in, I believe, maybe 38 years. So it is a huge issue. Amnesty also believes that, no matter what reason the government uses to execute their prisoners in its custody, and no matter the form of execution, the death penalty can’t be separated from human rights, because you are taking this person’s life from them. And another interesting aspect of this is that they believe that the process to lead up to that is more expensive than life imprisonment, because of all the appeals and court costs.

Congressman Sanders. Okay.

Alex Whitnellsei. From a pool of randomly picked 2,621,1,494 people said that they would not view the execution—which is 57 percent—perceived as some form of entertainment for our society, which then becomes a pity. People against televised executions are concerned for the condemned’s feelings, and of his or her family’s feelings as well. They say that it is bad enough that a person has to die for their actions, and that televising it would not have a positive effect. Some say that it is bad enough that the person is executed because it is his sad attempt to be on primetime television, and those opposed are concerned with the issue of ethics and the morals of executing criminals. They do not care whether the televised execution of Timothy McVeigh, which is coming up on May 16th, and there is a lot of arguments that are being talked about, even among those who oppose capital punishment. Even Timothy McVeigh wants his execution to be televised, because he hopes that he will become a martyr for the people with the same intentions as him, getting revenge against the government. Ashcroft approved a closed-circuit television decision for the 250 to 300 survivors and families of the deceased, but there be no public viewing to the general population or community activist, Sister Helen Prejean, said that the execution could happen, but she is against it. However, she does not feel it should be televised. When she is talking about the Man Walking, and believes that criminals being put to death would just grow if you have it televised. She is aware of assertions that the media is good at getting the killer’s victims, but says that she does not believe that, and that she has watched the victim’s families going through this, watching the person die, waiting for them to die, and being promised it was going to give them closure, and coming out with an empty chair at their dining table, but it hasn’t done anything to bring back the life of their loved ones. Execution have been behind closed doors since the 1930s, and in a quote by Richard Tietzer, he supports televising executions because it used to be very public and not done behind prison walls, meaning the more people that know about the death penalty better they are able to judge it, and the whole process is carried out in the people’s name and they should know if this person is acting in their name correctly, fully and humanly. Some view the media as vultures descending on the execution in Oklahoma City to feed on McVeigh’s infamy. A survey of journalists have registered for credentials with the Bureau of Prisons to cover the May 16 execution, at Terre Haute, Indiana, with more reporters in Oklahoma City. The media wants to feed off the fact that there hasn’t been a federal execution since 1963.

Walter Genic, a journalist professor from southern Illinois, said that McVeigh’s execution is going to be another media orgasm. It is sensationalist lust. And the general feeling from a mother of a daughter who was murdered said that she doesn’t feel that it is appropriate to execute someone, especially being televised, because it doesn’t do anything except show that this person is dying, and you know that they’re dying from witnesses there.

Derrick Wong. There were 23 electrocution executions recorded between 1983 and 1999 in Jackson, Georgia. They were aired on a New York radio program on WNYC, and they said that this was their prime ability to air the executions. VPR decided not to air them, because, just because it exists doesn’t mean it has to be made public. And people don’t need to see their taxes at work killing prisoners.

Paying Tribute to Jill Solomon

Hon. Mike Rogers

Of Michigan

In the House of Representatives

Tuesday, October 2, 2001

Mr. ROGERS. Of Michigan. Mr. Speaker, I rise today to congratulate Jill Solomon on her recognition this year as one of the 250 Young Women of the Year, which will allow her to teach and study in the United Kingdom during the upcoming academic year.

Established by Congress in 1946, the Fulbright Award program is the oldest U.S. Gov- ernment sponsored academic exchange program. Recipients of Fulbright Awards are selected on the basis of academic and professional achievement as well as leadership potential in one’s respective field. In receiving
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this award, Ms. Solomon was one of only 200 teachers out of seven hundred and fifty applicants to earn the Fulbright Award.

Therefore Mr. Speaker, I ask that my colleagues join me in thanking Jill Solomon for her continued devotion to excellence in education and congratulating her for receiving the Fulbright Award.

PROCLAMATION FOR EVAN CHRISTIAN BROWNELL

HON. STEVE ISRAEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young men, Evan Brownell. The Boy Scouts of his troop will honor him as they recognize his achievements by giving him the Eagle Scout honor on Sunday, October 7th.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

This award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary achievement. It is the highest rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget those unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Mr. Brownell, and bring the attention of Congress to this successful young man on his day of recognition. Congratulations to Evan and his family.

TRIBUTE TO MARION BRITTON

HON. DAN MILLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. MILLER of Florida. Mr. Speaker, it is with great sadness that I inform my colleagues of the loss of a committed public servant Marion Britton. Marion was a passenger on the United Airlines Flight 93 that was hijacked on September 11, 2001, and crashed outside Pittsburgh, Pennsylvania.

Marion Britton’s career with the Census Bureau spanned 21 years during which she worked with dedication and distinction on all major Regional Office field data collection operations including the Current Survey programs, the Decennial Census, and Census Tests.

She began her career in 1980 in New York City as a Field Operations Assistant during the 1980 Census. In 1981, Ms. Britton accepted a position as a Survey Clerk in the New York Regional Office. Desiring a supervisory position, she applied for and was selected in 1983 to participate in the Census Bureau sponsored Upward Mobility Program. In 1989, upon her successful completion of this program, she advanced to a Supervisory Survey Statistician position in the New York Regional Office. In recognition of her considerable abilities to manage technically and operationally complex field data collection operations, Ms. Britton was selected to work on the 1995 Census Test in Paterson, New Jersey, managing the critical coverage measurement operations. The 1995 Census Test was an essential part of the development of the overall design of Census 2000. Ms. Britton had also participated in the initial test of the Computer-Assisted Personal Interviewing coverage measurement instrument and training and contributed input that proved beneficial on a nationwide basis.

After her considerable contributions to the successful completion of the 1995 Census Test, she was promoted in rapid succession to the position of Coordinator in the New York Regional Office in 1996, where she managed and directed several Supervisory Survey Statisticians assigned to Current Survey programs and then to Assistant Regional Census Manager, in 1997. In this position, she was instrumental in leading the crucial preparations and early operations for Census 2000. In 1998, Ms. Britton was called upon to serve as the Assistant Regional Director and given full operational and managerial responsibility for the New York Regional Office during the period of time while Census 2000 was being conducted. This was also a period of major expansion of the Current Survey programs. Shortly after this, she was selected to serve in an expanded managerial role as the Deputy Regional Director which included providing direct guidance and leadership for the Census 2000 Accuracy and Coverage Evaluation. After the completion of Census 2000, Ms. Britton returned to her position as the Assistant Regional Director for the New York Regional Office.

During her career with the Census Bureau, Ms. Britton earned several major honors and awards for her outstanding managerial and technical skills and innovative contributions. She received the Census Award of Excellence in 1988, the Bronze Medal Award, the highest honor awarded at the Census Bureau, in 1993, and the National Partnership for Reinvigorating Government’s “Hammer Award” in 1999 for her work on the American Community Survey.

DR. EDWARD AYENSU ON THE BENEFITS OF MASS HIV/AIDS TESTING AND COUNSELING FOR VULNERABLE POPULATIONS

HON. JIM McDERMOTT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. McDERMOTT. Mr. Speaker, I would like to include the following statement in the official RECORD. I have the highest regard for Dr. Ayensu, and would like to commend this body's attention to his work. As Dr. Ayensu has rightly stated, the lack of surveillance is a significant problem in the struggle against HIV/AIDS in Africa. If we are to truly overcome this disease, we must heed people like Dr. Ayensu. I hope that my colleagues find his work as beneficial as I have.

THE BENEFITS OF MASS HIV/AIDS TESTING AND COUNSELING FOR VULNERABLE POPULATIONS

My name is Edward S. Ayensu. I am President of the Pan African Union for Science and Technology, Chairman of the Council for Scientific and Industrial Research of Ghana, Member of the Independent Inspection Panel of the World Bank and formerly a Director and Senior Scientist at the Smithsonian Institution in Washington D.C.

The fearsome prospect that HIV/AIDS can inadvertently be transmitted to any one of us—regardless of our social and economic standing—requires that decision makers the world over should make a political commitment to help halt this, the most formidable plague of all time.

As an African whose continent is experiencing untold levels of suffering because of AIDS, I would like to offer an observation which is based on extensive field experience. Many people are dying needlessly in Africa and in other developing countries because a large percentage of people in these societies have no means of knowing their HIV-status. Knowledge of one’s HIV status provides a powerful stimulus towards self-protection. For those who test HIV-negative, the realization that they are yet to be attacked by the virus results in a strong determination to remain free of the disease through the accepted means of self-protection. For individuals who test positive, there is generated a powerful restraint on infecting others. The net outcome is a dramatic check in HIV-spread.

Based on our current knowledge of the disease, it is evident that early diagnosis of the infection has enormous benefits for both HIV-negative and HIV-positive individuals. A key line of defense against the rapid spread of the disease accordingly is to ensure that everybody in a vulnerable community is tested as soon as possible—certainly long before the disease begins to break down the immune system and the external manifestation of its dreadful effects set in.

It is therefore absolutely essential that we employ the best and the most efficient and ultra rapid tests available today to undertake a mass Shielded Testing and Counseling Program. Most of the currently available tests for HIV are laboratory based and unsuitable for mass testing in the field where the required infrastructure may not be available. However, most of the available rapid tests are not suitable partly because of an unacceptable percentage of false positives and negatives, and also because of the need for unwieldy logistical support services such as refrigeration.

First and foremost, the assay must be for blood, serum or plasma and must be stable at temperatures ranging from -20°C to +45°C. This is particularly important because the high HIV prone areas are in parts of tropical regions of the world and in countries where the rural communities do not have refrigeration facilities for tests that require it. The test has to be fool proof in that it employs built-in controls to avoid misinterpretations. It must be designed not to produce false-positive and false-negative results. The sensitivity and specificity must be 98 per cent. It must be suitable for mass testing (e.g. up to 1000 people per day with a team of
During his dedicated time with the insurance industry, Tom has been honored with several state and local awards. They include the 1982 New Jersey Young Agent of the Year, the 1986 and 1987 New Jersey Executive Committee Chairman of the Year Award, the 1993 New Jersey Insurance Person of the Year Award, and the 1994 IIA of Hunterdon/Warren County Agent of the Year Award.

Tom also has distinguished himself as an active and dedicated member of his community. He has served as a member of his local school board, a trustee at his church, and a little league coach for 25 years, involved with boy’s wrestling, boy’s baseball, girl’s basketball and girl’s softball.

During these productive and active years, Tom has accomplished much. I bid him a successful year as president of the Independent Insurance Agents of America. As his past accomplishments show, Tom will serve his fellow agents with distinction and strong leadership. I wish him all the best as IIAA President.

RECOGNIZING THE FIRST SUCCESSFUL TRANSPLANT OF A TOTALLY IMPLANTABLE ARTIFICIAL HEART

HON. ANNE M. NORTHPUR
OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mrs. NORTHUP. Mr. Speaker, I would like to take this opportunity to praise a pioneering medical event that took place in my district, Louisville, KY, on July 2, 2001. The horizons of medical possibilities were expanded when, at Jewish Hospital, a team of doctors led by Drs. Laman A. Gray, Jr., M.D. and Robert D. Dowling, M.D. successfully performed the world’s first totally implantable artificial heart surgery. The doctors were supported by a team of fourteen nurses and staff, completed the procedure in seven hours. I am pleased to report that the recipient of the first ABIOMED heart, Robert Tools, is resting comfortably and improving steadily in his daily physical rehabilitation. Mr. Tools fit a precise profile that was required for the first recipient, and the opportunity to receive the heart was virtually his only chance of survival after years of struggling with heart disease. Three months after the surgery, we are joined by his doctors in being encouraged by his improving strength and mobility.

Not only has this surgery changed the life of one man who was facing near certain death, but it has stretched the boundaries of medical possibilities for people around the world. This outstanding achievement would not have been possible without the teamwork and unyielding efforts of the doctors, researchers and medical professionals who have worked for over twenty years toward the goal of creating a totally implantable heart. In an alliance of the public and private sectors: Jewish Hospital, The University of Louisville and ABIOMED, Inc., came together to ensure that their goal was met. In doing so, they have created an opportunity for over 100,000 people in the United States alone to have access to a life-saving procedure that did not exist prior to this breakthrough.

With the current shortage in the supply of organ donors, the creation of a totally implantable artificial heart is unmatched in its medical significance. I am so impressed with the bravery shown by everyone involved in this event—from the medical professionals to the patient and the patient’s family. I would like to commend the team of doctors and researchers at Jewish Hospital, The University of Louisville, and ABIOMED, Inc, who worked tirelessly for so many years toward this goal. Furthermore, it is overwhelming to imagine the courage it must have taken for Mr. Tools and his family to become part of the team, and I thank them for their irreplaceable contribution.

I am proud to report that just two weeks ago at Jewish Hospital, the second totally transplantable heart surgery was performed by Drs. Gray and Dowling. The doctors report that the patient, Tom Christerson, is tackling his recovery head-on. I am hopeful that success stories such as these will begin to be told at hospitals around the country. Through continued teamwork and support for medical research, I am confident that they will.

As we move ever forward in the field of heart medicine, I will always be grateful to the wonderful team in Louisville on whose shoulders the initial responsibility of stepping forward rested. Their efforts have created an unprecedented opportunity for hundreds of thousands of patients facing fatal heart disorders. For that, I am truly thankful.

Therefore, I commend his contributions as a leader working at the grassroots can spark regional and local positive change for all Appalachian communities.

A PROCLAMATION HONORING DANIEL LEE NEFF

HON. ROBERT W. NEY
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mr. NEY. Mr. Speaker, Whereas, Daniel Lee Neff served as director of Ohio’s Office of Appalachia under former Governor George Voinovich from ‘94–‘98, and assistant director from ‘91–‘94; and

Whereas, Mr. Neff has proven how local leaders working at the grassroots can spark regional and local positive change for all Appalachian communities.

Therefore, I commend his contributions as a citizen and leader and support and wholly affirm his appointment that gives honor to Ohio as he continues to achieve great things for his Appalachian neighbors.
HONORING ROD SINCLAIR

HON. GEORGE RADANOVICH OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor a friend, Rod Sinclair of Mariposa County, CA in my district. Rod passed away early Tuesday morning at the John C. Fremont Hospital in Mariposa.

Rod spent 27 years serving the people of Mariposa County as a Deputy Sheriff, Sergeant and Captain in the Mariposa County Sheriffs Department. As a very visible figure in the community, Rod was known to all as a practical, friendly ‘old style’ officer, who was able to enforce the law by knowing the who, what, when and where about everything that was happening in the community. Later in his career, he was responsible for modernizing the Sheriffs information systems, and took great delight in learning the newest technology.

After work and on weekends, Rod spent innumerable hours working in support of youth sports, particularly football. He maintained the football field at the fairgrounds, and made sure that the ‘Mustangs’ stayed organized, active and funded through community support.

Following his retirement, Rod was a visible fixture at the Mariposa Fairgrounds where he volunteered doing maintenance and special projects as needed by his wife, Linda, who is the Fair Manager.

Rod will be missed by his wife Linda Sinclair, and his sons Ed and Jeffrey. Ed has followed Rod into law enforcement in Mariposa, and Jeffrey serves his country as a Lieutenant Commander on board the USS Enterprise.

Mr. Speaker, I am saddened by this loss. Mariposa County has lost one of its true characters and community supporters with the passing of Rod Sinclair.

REMOVING THE HANDCUFFS FROM THE INTELLIGENCE COMMUNITY

HON. DOUG BEREUTER OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mr. BEREUTER. Mr. Speaker, in 1995, the Central Intelligence Agency established guidelines that limited the ability of its field personnel to recruit individuals with checkered backgrounds. Henceforth, the human rights history of potential assets would have to be thoroughly vetted. This limitation has been criticized by the National Commission on Terrorism, by former CIA Directors Woolsey and Gates, by the Vice-President, and others.

They correctly note that it is precisely those individuals with shady backgrounds who are able to infiltrate terrorist organizations. If we are to penetrate and destroy highly secretive networks such as al Qaida, then we must deal with some very unsavory characters. We must remove the handcuffs from our intelligence service.

Mr. Speaker, this Member places into the RECORD a prescient op-ed from the September 14, 2001, edition of the Norfolk Daily News. Entitled “Spies Needed to Stop Terrorism,” the editorial correctly notes that this nation must overcome its aversion to old-fashioned spying and aggressively seek to infiltrate and destroy terrorist networks. Therefore, this Member strongly urges his colleagues to carefully read this editorial as this is one area that we must reform successfully to win the war against terrorism.

SECRETARY DON EVANS REGARDING KAMCO

HON. STEVE C. LATOURRETE OF OHO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mr. LATOURRETE. Mr. Speaker, I was honored by the response I received from the Honorable Donald Evans, Secretary of the U.S. Department of Commerce, regarding the Korean Asset Management Corporation (KAMCO) and its relationship with Dongkuk Steel Mills of South Korea. Secretary Evans’ statement of a genuine commitment on the part of the Administration to ensure that a fair and equitable environment is prevalent for American steelworkers, I look forward to working with Secretary Evans in the near future to help safeguard and protect our domestic steel industry.

The Secretary of Commerce,


His Excellency Chang, Che Shik,
Minister of Commerce, Industry, and Energy of the Republic of Korea,

DEAR MR. MINISTER: I enjoyed meeting President Kim and Minister Hwang at the

CVD Ministerial earlier this year. I felt we had good meetings and very productive discussions, and I look forward to continuing those discussions with you.

One of the first issues I would like to discuss regards the upcoming September auction of Hanbo Iron and Steel by the Korean Asset Management Corporation (KAMCO). As you know, the United States has long term concerns about financial support for Hanbo from the Government of Korea. To that end, in its public statement in a 1998 exchange of letters with our government, the Korean Government stated that the sale of Hanbo would take place under a transparent process following international customs and practices. There were also assurances that Hanbo’s creditors were committed to selling through international bidding that would “provide equal opportunities for all potential purchasers and that the market will dictate the terms of the assets sales and disposition.” In addition, the Korean Government has assured the United States that POSCO would not bid on Hanbo and that the Korean Government would not provide financial support for the purchase of Hanbo.

I am encouraged by KAMCO’s commitment to auction the company in its entirety, as well as its refusal to enter into private, non-transparent negotiations with companies before the open bidding process has been completed. As KAMCO proceeds with the sale of Hanbo, I would like to emphasize that it is important that the auction be conducted in the most open and transparent manner possible.

I appreciate your concern and continued cooperation in ensuring that the sale of Hanbo is completed as efficiently and expeditiously as possible. I look forward to working with you in the future.

Warm regards,

Donald L. Evans.


HON. DONALD EVANS,
Secretary, U.S. Department of Commerce, Washington, DC.

DEAR SECRETARY EVANS: Both domestic and foreign steelmakers generally acknowledge the worldwide excess production capacity has seriously harmed U.S. steelmakers. There may be differences in various studies about how much excess capacity exists, but all involved seem to agree that much of the excess has been caused by market distortions such as and the global excess capacities. There are also benefits in various studies about how much excess capacity exists, but all involved seem to agree that much of the excess has been caused by market distortions such as and the global excess capacities.

Dongkuk Steel Mills of South Korea is an excellent example of a financially weak company that has used political muscle to get government loans at subsidized interest rates to survive and expand. During the last three years Dongkuk earnings have failed to cover its interest expenses, this should be measured against a benchmark articulated by McKinsey & Co., a highly respected international consulting company, which provides that a company with 3.5 times interest coverage is likely to fail. Generally, even “junk” quality coverage ratio, Dongkuk has apparently just been granted a $80 million credit facility by Korea Development Bank (KDB), an agency of the Korean government which is funded indirectly
by the IMF. The loan is at an interest rate well below what the company could get in the normal course of business. We have been critical in the past of Korean government loans which have been made without taking into account the need to build additional steel capacity and have indirectly come from IMF funds.

By all measures, Dongkuk is the weakest of the (non-bankrupt) steel mills in Korea and should not have been eligible for the KDB loan due to its size (larger than allowed) and poor credit standing. It has arranged for stories in the Korean press claiming that it has been profitable in 2001. However, its financial filings with the Korean government Financial Supervisory Service shows a large loss. Dongkuk has also been found guilty of dumping both steel plate and rebars in the U.S. market. It appears that the company has dumped its products in the U.S. to generate high gross sales numbers to support its campaign for a government subsidy to help bail out an unprofitable company, even though these sales were unprofitable.

Dongkuk’s public campaign has been extended to the U.S., where a recent delegation of Korean steel industry leaders came to the U.S. to lobby various trade officials. This campaign was composed of nearly all officials of Dongkuk and its subsidiary, Union Steel.

I am writing to request that your office initiate an investigation into Dongkuk’s financial arrangements, including its use of IMF funds, through the Korean Development Bank to provide subsidies to the Korean steel industry. Please also advise us whether these arrangements violate any of the U.S. trade laws and please also take such actions as may be appropriate to ensure that Dongkuk is barred from acquiring any additional steel assets, either directly or indirectly, in Korea as long as it continues to obtain subsidized funds from the Korean Development Bank.

I want to thank you in advance for your kind consideration of my request and I look forward to hearing from you in the near future. I remain,

Very Truly Yours,

STEVEN C. LATOURETTE, Member of Congress.

IDAHO’S RESOLUTION FOR ENERGY POLICY

HON. C.L. “BUTCH” OTTER OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mr. OTTER. Mr. Speaker, I respectfully offer the following as an extension of Remarks.

WHEREAS, the citizens of Idaho have historically been the beneficiaries of some of the lowest energy costs in the United States largely because of the clean, renewable hydro-power resources, and emerging non-hydro-power renewable resources;

WHEREAS, the citizens of Idaho have historically been the beneficiaries of some of the lowest energy costs in the United States largely because of the clean, renewable hydro-power resources, and emerging non-hydro-power renewable resources;

WHEREAS, the historic role of the Idaho Republican Party urges policy makers at all levels of government, to support and enact energy policies that continue to allow Idaho citizens to have access to clean, affordable, and reliable energy. These policies should also specifically include support for hydro-power reclassification reform, improving energy efficiency and conservation, development and deployment of new technologies for traditional and emerging generation systems and short-term measures to support low-income families with energy payments.

TRIBUTE TO PORT AUTHORITY EMPLOYEES LOST ON SEPTEMBER 11, 2001

HON. STEVEN R. ROTHMAN OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to all those who perished in the attacks on America on September 11, 2001. To their family members and friends, words cannot adequately express the feelings that I and all Americans have for the pain and loss they have and will continue to endure.

Among the brave firefighters and police officers and thousands of other innocent people who perished in the collapse of the World Trade Center, were seventy-four employees of the Port Authority (PA) of New York and New Jersey. These men and women, who were dedicated to making our transportation system in the New York and New Jersey the best in the world, are sorely missed by their families, friends and a grief stricken nation. The energy, the dedication, and the courage of public service of these PA employees will long be remembered by me and a grateful nation.

The work and sacrifice of these PA officials must not only be remembered by America and all Americans, but it also must be honored. I will honor these brave men and women by building on the proud legacy they have left to the PA.

Clearly, the American people’s united commitment to continuing our love of freedom, democracy, rule of law, tolerance and justice, will prevail during the ensuing days and months as our national purpose is those responsible for the September 11, 2001 attack on America.

In that struggle, let us neither waive nor bend in our global campaign against those who cut short the lives of thousands of Americans. 

Mr. Speaker, I ask that the attached list of Port Authority of New York and New Jersey employees who were lost in the September 11, 2001 attack on the World Trade Center be included in the CONGRESSIONAL RECORD.
Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 717, the Duchenne Muscular Dystrophy Childhood Assistance, Research and Education Amendments of 2001. I would also like to thank my colleague Mr. ROGER WICKER and Chairman BILIRANIS for their leadership on this issue.

Mr. Speaker, Duchenne Muscular Dystrophy (DMD) is the most lethal childhood genetic disorder worldwide, affecting approximately one in every 3,500 boys. DMD is hereditary and is characterized by rapidly progressive muscle weakness that almost always results in death by 20 years of age. Unfortunately, there has been little emphasis placed on researching to find a cure for this horrible disease. I was pleased to see Mr. WICKER take the lead by introducing H.R. 717, and I was proud to sign on as a cosponsor. This bill will create research centers within the National Institutes of Health (NIH) and the Centers for Disease Control (CDC) to increase data collection, epigenetic studies, and surveillance activities. I am hopeful that the added emphasis and resources this bill provides will speed additional attention.

Mr. Speaker, this international financial assistance helped NGOs to smooth the transition from communism to more vibrant societies. However, the need for nonprofit community support continued to grow throughout the 1990’s. The planned doctrines of yesteryear were supplanted by new sets of uncertain rules and unanswered questions: How can social guarantees—albeit unpopular ones—be replaced without dramatically increasing poverty levels? How can entrepreneurship be nurtured in lands that had previously regarded this trait as criminal? What role should enterprise play in encouraging growth, upholding worker rights, and protecting natural resources? NGOs throughout this region often bear the responsibility of answering these questions and helping to fill the gaps passed over by social change.

To this day, available financial resources fail to satisfy these mounting needs. The discretionary income of populations in most emerging democracies is generally not high enough to support philanthropy, especially given the lack of a recent local tradition of private charity. Consequently, many NGOs still depend principally on foreign aid sources, reflecting a lack of financial diversity that foreshadows an array of real and potential difficulties:

As the demand for capital grows, some governments and private funding institutions have reduced their commitment to foreign aid. Given their financial dependence, NGOs are subject to the consequences of these choices. Available funds are often earmarked for specific projects, leaving NGOs with limited resources to build organizational capacity. Given the short-term commitment that such grants usually entail, nonprofits may feel the need to “go where the money is,” even at the expense of their missions and operating goals.

Mr. Speaker, the call to expand the nonprofit sector over social change in emerging democracies is one that must be heard throughout the international community. The IVPF—by exploring the potential of venture philanthropy models and their practical application to developing economies—will address this ever-growing mandate.

What is venture philanthropy? Quite simply, it involves applying the tools of the for-profit sector to expand the reach of the community organizations. Practitioners stretch the nonprofit capital market by asking beneficiaries to act like business people. Venture philanthropists often offer loans and equity equivalents rather than traditional donations; engage nonprofit managers with an array of technical and strategic advisory services; build organizational capacity through the development of skills and networks; and, most important of all, set clear performance goals and expect “portfolio members” to achieve concrete social and/or financial returns on investment.

Mr. Speaker, I am proud to say that the Roberts Enterprise Development Fund (REDF), recognized worldwide as an innovative force in this field, operates in and around my Bay Area congressional district. Principals from REDF and a wide array of venture philanthropy fundraisers will be featured at the IVPF, and their contributions will be melded with those of George Soros, Karl Schwab, and dozens of leading corporate and humanitarian voices from across the international community. The tragic events of September 11th will make it impossible for me to join them; nevertheless, I am excited by the Forum’s role as a catalyst for the expansion of the nonprofit capital market in emerging democracies around the world.

Above all, I would like to pay tribute to the principal sponsor of the IVPF, the Nonprofit Enterprise and Self-Sustainability Team. From its offices in Budapest and Santiago, this organization has emerged as an international leader in the effort to foster social entrepreneur- ship and venture philanthropy in developing nations. NESsT’s co-directors, böhm, Roberts Enterprise Development Fund (REDF), and Lee Davis, direct initiatives that clearly address the challenges and needs of NGOs in Central Europe and Latin America.

Last year, NESsT launched the NESsT Venture Fund (NVF) in Central Europe, which seeks to assist a portfolio of NGOs as they diversify their financing sources through entrepreneurship. The NVF invests both financial and capacity-building assistance to expand these social enterprises and generate new, sustainable income for NGOs to supplement philanthropic support. I am pleased to note that the United States Agency for International Development (USAID) is in the process of making a $300,000 award to support this work. Given the innovative nature of this project as well as the outstanding track record of NESsT’s leaders, I can think of few better uses for USAID resources.

During the Forum, NESsT will also introduce “Not Only For Profit: Innovative Mechanisms for Philanthropic Investment,” a book analyzing the unique contributions of eleven pioneers to the development of the nonprofit capital market. These organizations—all of which will be represented at the Forum by founders and senior staff—include: The Calvert Foundation, The EcoEnterprises Fund (The Nature Conservation), Endeavor, the Environmental Loan Fund (Environmental Support Center), FOLADE, Integra Ventures, Investors in Society (Charities Aid Foundation), the Local Investment Fund, New Profit Inc., REDF, and the South-North Development Initiative. I look forward to reading—and learning from—this book.

Mr. Speaker, for all these reasons and many more, I urge my colleagues to join me in recognizing the important mission of the International Venture Philanthropy Forum and the outstanding contributions of its principal sponsor, the Nonprofit Enterprise and Self-Sustainability Team.
HONORING FRANK HARRIETTE CALDWELL

HON. SCOTT MCI NNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the loss of a very generous, caring member of our community. Frank Harriette Caldwell died on Sunday, September 16, 2001 after enduring a prolonged illness. A woman devoted to helping others, "Frankie" passed away at the age of 83.

Mrs. Caldwell was born on June 2, 1918 in Galveston, Texas. She received her teaching degree at the University of Denver and began her life of service. She started teaching in Colorado at the Mitchell Elementary School in 1956 and remained there for twenty-seven years. She retired from teaching in 1983. Although her career in teaching contributed significantly to other local organizations including the Denver Junior Police Band. In addition to these contributions, she was a loving wife of sixty years and mother to four. Mrs. Caldwell was also the proud grandmother to eleven and great-grandmother to seven.

Mr. Speaker, Mrs. Caldwell was a valued member of her community and will be missed by many. Her charity has affected so many lives in so many ways. She will be remembered and loved for all that she has done. I would like to express my deep sympathy to her family in this time of mourning and thank her for the contributions to our community.

RECOGNIZING THE HARLEY DAVIDSON FINAL ASSEMBLY PLANT OF KANSAS CITY

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Harley Davidson Final Assembly Plant of Kansas City for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11, 2001, their families, and their friends.

These terrorist attacks mark a solemn moment in America's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and incomprehensible. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been faced with a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of businesses and workers like Harley Davidson, the commitment and concern of Americans everywhere. Our nation's strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11 terrorist attacks, the Harley Davidson Final Assembly Plant of Kansas City has raised more than $5,000 from its employees and an additional $1,800 in T-Shirt and flag sales. Nationwide, Harley Davidson has contributed more than $1,000,000 to assist in the rescue efforts and to provide for the grieving families. Additionally, 32 police motorcycles have been donated to the New York Police Department. The tradition and persistence of Harley Davidson and its employees is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation's war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people be vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America's virtues, determination, and faith continue to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great Nation and may God bless America.

THANK YOU TO THE BOARD OF DIRECTORS OF THE RATTERMAN/ SHELL MEMORIAL SCHOLARSHIP FUND FOR MAKING A DIFFERENCE IN BRADLEY COUNTY, TN

HON. ZACH WAMP
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. WAMP. Mr. Speaker, I invite my colleagues to join me in commending the work of a very special group of people from Cleveland, TN. The Board of Directors for the Scott C. Ratterman/C. Edward Shell Memorial Scholarship Fund has provided college funds to many high school students in Cleveland and Bradley County area for 15 years.

On June 21, 1986, Scott Ratterman passed away. To honor his memory, his friends and colleagues created a college scholarship fund that would award one deserving Cleveland High School senior $1,000 for his or her college graduation. When Ed Shell—a very active board member of the Ratterman/C. Edward Shell Scholarship Fund—passed away in July 1990, the Board of Directors renamed the fund the Scott C. Ratterman/C. Edward Shell Memorial Scholarship Fund. With Mr. Shell's passing, an additional scholarship was added to include Bradley County students.

In 1995, the Board of Directors expanded and created 4-year scholarships. To mark the 11th anniversary of Mr. Ratterman's death and the 7th anniversary of Mr. Shell's death, an additional scholarship to a Bradley County High School student was added to the fund. The Board of Directors has since expanded again to include Cleveland State Community College and Middle Tennessee State University.

Over the past 15 years, the Ratterman/Shell Memorial Scholarship Fund has raised and contributed over $101,000 to deserving local students. A majority of the contributions come from a golf tournament that is held every second Friday in October. Again this year, many citizens in Bradley County will come together as a community to help raise money to defray the cost of a college education for hard-working students.

When a noble idea is coupled with a dedicated group of people—great things can happen. I want to thank all those involved in the Scott C. Ratterman/C. Edward Shell Memorial Scholarship Fund for their vision and hard work.

ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mrs. MALONEY of New York. Mr. Speaker, it is with great pleasure that I speak today in honor of the 41st anniversary of the Republic of Cyprus. It was on October 1 in 1960, that Cyprus became an independent republic after decades of British colonial rule.

I am very fortunate and privileged to represent Astoria, Queens—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country.

It is truly one of my greatest pleasures as a Member of Congress to be able to participate in the life of this community, and the wonderful and vital Cypriot friends that I have come to know are one of its greatest rewards.

Cyprus and the United States have a great deal in common. We share a deep and abiding commitment to democracy, human rights, free markets, and the ideal and practice of equal justice under the law.

While we are pleased to celebrate this joyful day in Cyprus history, it is with a heavy heart in light of the September 11 terrorist attacks. I am deeply appreciative to the people of Cyprus and the Greek-American community who have extended their voices of support and have expressed strong condemnation for the terrorist attacks. In fact, within hours of the attacks, Cyprus President, Glafcos Clerides, strongly denounced the terrorist acts.

Unfortunately, Cyprus is not without its own difficult history; 37 percent of this nation is still occupied by a hostile foreign power, and it has been for more than 25 years.

On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 35,000 heavily armed troops. Nearly 200,000 Greek Cypriots, who fell victim to a policy of ethnic cleansing, were forcibly evicted from their homes and became refugees in their own country.

Every year, on or around July 20, 1 along with my dear friend Representative BILIRAKIS, sponsor a Special Order to remember the anniversary of the Turkish invasion in a tradition that has become one of our proudest traditions.

Despite the hardships and trauma caused by the ongoing Turkish occupation, Cyprus has registered remarkable economic growth, and the people living in the Government-controlled areas enjoy one of the world's highest

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standards of living. Sadly, the people living in the occupied area continue to be mired in poverty.

Today, Cyprus is one of the leading candidates to join the European Union in the next round of expansion, in 3 to 4 years. While we are hopeful that a unified Cyprus will join the EU, fortunately, it is not a pre-condition to accession as the leader of the Turkish Cypriot side, Rauf Denktaş has continued to balk at resuming peace talks. He rejected U.N. Secretary General Kofi Annan’s invitation to resume talks for a unified Cyprus.

In the times we are facing, it is clear that divisions among people create harmful, destructive environments. The United States has expressed its unwavering support for a peaceful solution to the Cyprus problem and I wholeheartedly agree. The relationship between Cyprus and the United States is strong and enduring. We stand together in this bittersweet time, celebrating democracy and freedom while mourning a horrific tragedy.

Thank you.

AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT

HON. HENRY A. WAXMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mr. WAXMAN. Mr. Speaker, on September 21, the House passed H.R. 2926, legislation providing billions of dollars of financial relief to the airline industry from the September 11 terrorist attack. Unfortunately, H.R. 2926 was rushed through the legislative process without any independent assessment of the actual losses incurred by air carriers or consideration by the relevant committees. And it was considered on the House floor under a rule that prohibited any amendments and limited debate to one hour.

Although I support the well-meaning intentions that motivated H.R. 2926 and the paramount need to provide aid to the victims of the September 11 tragedies, I oppose this fundamentally flawed legislation and want to take a few minutes to explain my reservations.

H.R. 2926 fails to address essential measures, such as airline security and assistance to displaced workers, but includes numerous provisions with cost ramifications that have not been considered carefully. While the bill provides specifically for $15 billion in relief to the airlines, the final cost of the bill could easily be far higher. Further, the bill establishes a compensation scheme for victims that could commit federal taxpayers to pay more to the families of deceased Wall Street executives than to the families of the firefighters who lost their lives trying to rescue others. This may well be a policy choice that Congress would have ultimately made, but it is not a policy choice or precedent that Congress carefully considered or even debated.

NO PROVISIONS TO IMPROVE AIRLINE SECURITY

The most important element of an airline relief bill is improving airline security. Unless airline security is improved, any airline bailout may fail. No matter how many billions of taxpayer dollars are given to the airlines, no airline can stay afloat if Americans refrain from flying.

Unfortunately, the bill contains no funding for airline security measures. It also contains no provisions to enhance security, such as making airline security a federal responsibility. The legislation thus does little to assure Americans that flying will be safe again.

The rationale for failing to address airline security is that airline security should remain an airline responsibility and should not be “federalized.” But this is exactly the same reasoning that is responsible for our current, deeply flawed system of airline security. In past years, the airline industry has resisted implementing stringent security measures on the grounds that they were prohibitive. As recently as the week following the September 11 attacks, an Alaska Airlines executive testified that he believed Americans would be unwilling to pay a three-dollar surcharge on their airline tickets to fund security measures.

PROBLEMATIC VICTIM COMPENSATION SCHEME

In the aftermath of the September 11 attacks, airlines reportedly have already laid off over 100,000 workers, and some airlines are refusing to honor the standard severance provisions of their labor contracts. H.R. 2926, however, provides no relief whatsoever for these workers whose livelihoods are at risk. It contains no funds for laid-off workers who now lack health insurance. It contains no assistance for job-training that would help these workers find new employment. And it contains no funds to help support laid-off workers and their families during the search for new employment. And it contains no funds to help support laid-off workers and their families during the search for new employment. And it contains no funds to help support laid-off workers and their families during the search for new employment. And it contains no funds to help support laid-off workers and their families during the search for new employment.

At the same time that the legislation ignores the needs of laid-off workers, the bill protects airline executives who earn millions of dollars in compensation. The legislation provides that to qualify for loans, airlines must freeze current executive compensation at 2000 levels for two years and limit executive pay to twice that amount. This means that airline CEOs can continue to earn astronomical salaries and receive multi-million dollar severance packages.

Airlines do not have to limit executive salaries at all to qualify for the other benefits provided in the legislation, such as the $5 billion in grants awarded by the bill, the limits on liability, and the potential federal payment of increased airline insurance premiums.

EXCESSIVE RELIEF FOR THE AIRLINE INDUSTRY

The airline industry is receiving federal support after the September 11 attacks. But I am concerned that the level of relief in the bill may go beyond what is reasonable.

After the September 11 attacks, the Federal Aviation Administration grounded all airplanes for two days and gradually resumed service thereafter. This order caused a cash crunch for the airlines. They could take in no revenue during the shutdown, but remained responsible for many fixed costs. Airlines estimated that these losses amounted to $330 million per day. The airlines’ strongest case for federal relief to compensate them for this loss (it should be noted, however, that even without a federal order, the airlines—which had the primary responsibility for safety—would have likely halted flights until new safety procedures were in place.)

But the legislation provides many other forms of relief. The rationale for this additional relief is tenuous at best. There was no independent review of the need for these transfers of billions of dollars from federal taxpayers to the airlines.

$5 Billion in Grants. Under the legislation, $5 billion in grants are available to the airlines that can be used to offset any future losses between now and the end of the year that are attributable to the attack. Many other types of businesses will have downturns in revenues resulting from the attacks, but only the airline industry is likely to receive this special relief.

Moreover, the bill provides minimal guidance to the airlines on how to calculate the losses. For example, the bill includes the possibility that an airline could choose to reduce its flights between now and the end of the year, lay off thousands of workers, but still obtain a substantial amount of the profit it would have received if it had flown a full schedule.

$10 Billion in Loan Guarantees. The bill also provides $10 billion in federal loan guarantees. This measure was rushed through the legislative process without a reasoned examination of the need for this component in light of other relief provided by the package. Even the Administration initially opposed inclusion of this measure. In a September 20 hearing before the Senate Banking Committee—just one day before enactment of the bill—Treasury Secretary Paul H. O’Neill testified that if Congress approved the Administration’s $5 billion loan guarantee proposal, “the idea of loan guarantees makes no sense.”

Federal Payment of Insurance Premiums. The bill allows the government to pay increases on insurance premiums for the airline industry, as well as for any vendors, agents, and subcontractors of airlines, from an existing federal airline insurance fund. The rationale for this provision is difficult to understand, particularly since other provisions in the bill limit airline liability for the September 11 attack and future terrorist attacks. But the costs are potentially enormous, as the provision covers not only airlines, but a broad range of related entities. The existing insurance fund contains only $83 million, but it is likely that the costs of increased premiums would substantially exceed that amount. Thus, to cover this cost, the federal government would have to appropriate additional money for the insurance fund.

Further, making the federal government responsible for any premium increases provides a disincentive for the insurance industry and the airlines to negotiate low premium costs.

Federal Payment of Victim Compensation

The legislation contains provisions to provide federal compensation to the victims of the September 11 attacks. I strongly support this humanitarian gesture, but I have questions about the details of the victim compensation scheme, and whether Congress has adequately considered the implications of this provision.

The bill provides that a Special Master should use a tort model to determine the extent of compensation to individuals, basing awards on the percentage of personal economic losses suffered, which includes the “loss of earnings or other benefits related to employment” of the victim. This model makes sense when a defendant has been held responsible for a wrongful death. But when the compensation is being provided by the federal taxpayer, it must be held in equitable.”

As a government, we should not value the life of a Wall Street executive more than the life of a firefighter, secretary, or janitor. But under a strict application of the tort model, Wall Street executives with large incomes would have greater “economic damages” and hence would be entitled to larger federal payments than firefighters, secretaries, or janitors who also lost their lives.
The language in this area of the bill provides the Special Master with some discretion, and I hope the Special Master will use this discretion to ensure that the victim compensation is administered fairly. But I regret that the haste in which this legislation was put together made refining the victims compensation provisions impossible.

There is a second important question that Congress didn't address: Should the compensation system in this bill be the model for future victims of terrorist acts or natural disasters? Past victims of terrorist attacks have not received the generous compensation amounts H.R. 2926 envisions. Apart from the obvious fairness question of how best to give victims and their families similar compensation, there are cost considerations that Congress did not evaluate if the model in H.R. 2926 is to be used in future cases.

In short, compensation to the victims of the September 11 tragedies is appropriate and important. H.R. 2926, however, fails to thoughtfully address:

- How to allocate compensation among victims killed or injured on September 11;
- Whether past victims of terrorist attacks should be similarly compensated;
- Whether the compensation system will be a model for future victims;
- Limits on the aggregate cost of this compensation system;
- How federal compensation will be coordinated with other compensation that the victims and their families will receive from charitable funds and other sources.

**UNKNOWN AND POTENTIALLY SIGNIFICANT COST RAMIFICATIONS**

In addition to the problems described above, the legislation also has another provision that could end up costing the federal taxpayer billions of dollars. The bill allows the Secretary of Transportation to determine that an air carrier is not liable for claims regarding losses suffered by third parties above $100 million in the aggregate arising from any terrorist acts that occur in the 180-day period following the enactment of the bill. Where the Secretary makes this certification, the government is responsible for liability above that amount. In the event of another airline-related tragedy or tragedies resulting from terrorist acts, this provision potentially could result in the expenditure of many billions of additional government funds.

**LACK OF INDEPENDENT REVIEW**

The many substantive problems with the airline relief bill are the result of a defective process. Although the bill commits federal taxpayers to providing tens of billions of dollars in relief, there was no meaningful opportunity for review of the merits of the legislation by independent experts without a stake in the outcome.

In particular, Congress erred by not adequately involving the General Accounting Office in review of this legislation. Nonpartisan and independent GAO specializes in evaluating expenditures of federal programs. Yet Congress made no request for a formal GAO analysis before enacting the bill.

**CONCLUSION**

H.R. 2926 reflects a commendable and understandable response to a heart-breaking national terrorist attack. Unfortunately, the process used to draft the legislation prevented the careful review that is needed to ensure the bill is an effective and fair response to terrorist acts.

By omitting any provision dealing with airline security or compensation for displaced workers, this legislation unwisely focuses just on responding to the immediate needs of the major airlines. That need is unquestionably urgent, but addressing it without resolving other urgent problems should not be an option. H.R. 2926 received so little scrutiny that it’s impossible to assess how much the bill will cost federal taxpayers. At a minimum, this legislation will obligate the federal government to provide $15 billion in financial assistance, but the actual costs could be much higher. And if this bill becomes a model for other affected industries or future victims of terrorist attacks, the total costs could multiply rapidly.

In the aftermath of the September 11 attacks, our nation has learned to put a premium on the value of shared sacrifice. Shared sacrifice was embodied by the firefighters who charged into the World Trade Center to rescue people they never met and who died in the effort. Shared sacrifice, we’re told, is over 100,000 workers losing their jobs in the airline industry, and many being denied promised severance benefits. And shared sacrifice will be exemplified in the commitment of the men and women in our armed services who are being sent into battle.

But under H.R. 2926, we have found there are limits to this generosity. This bill asks for no sacrifices from those who earn millions in the airline industry. To the contrary, it allows airline executives to continue to earn millions of dollars in salary and compensation, while at the same time imposing no new security responsibilities on the airlines and providing no relief to laid-off workers.

That is inexcusable. Congress and the Bush Administration are going to have to respond to unexpected demands and urgent needs in the coming months. It is essential that our legislative responses be thoughtful, carefully responsive to actual problems, and effective.

Given the haste in which it was considered, H.R. 2926 likely fails these tests. We can do better in future challenges, and we owe it to our nation to do better.

**PAYING TRIBUTE TO THE MONTROSE COUNTY SHERIFF’S POSSE**

**HON. SCOTT MCKINNIS**

**OF COLORADO**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, October 2, 2001**

Mr. McINNIS. Mr. Speaker, I would like to take a moment to acknowledge the selfless dedication of the Montrose County Sheriff’s Posse. This organization in Montrose County consists of over forty members that volunteer their time and services to their community.

The Posse helps the residents of Montrose County in times of need by providing assistance with search and rescue efforts and forest fire control as well as many other relief activities. In the year 2000, they provided over 2,300 hours of not only their time and effort but also their own equipment. They have managed to remain an effective organization because of the dedication of their volunteer members. The Montrose County Sheriff’s Posse provides important public service to a community that makes an effort to financially fund the volunteer organization.

Mr. Speaker, the Montrose County Sheriff’s Posse provides an essential service to their community. Their commitment to such an important cause is admirable. I would like to thank the Posse for their valuable assistance and wish them continued success and community support in their future efforts.

**NATURE MAY PROVIDE COMFORT FOR VICTIMS OF TERRORIST ATTACKS**

**HON. NICK J. RAHALL II**

**OF WEST VIRGINIA**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, October 2, 2001**

Mr. RAHALL. Mr. Speaker, over the last weeks Members of Congress have stepped outside of party boundaries, joining together and unanimously supporting millions of dollars to aid victims, families, and rescue workers affected by the September 11th attacks. Now, in addition to financial assistance, it is important for us to provide outlets for these victims and their families through the grieving and recovery process.

The legislation I introduce today continues the bipartisan spirit of the Congress, as it is cosponsored by Resources Committee Chair JAMES HANSEN, the Posse, and I would direct the Secretary of the Interior to create a program under which the survivors and families of the victims of the attacks on the World Trade Center and the Pentagon, as well as the emergency personnel who responded to that crisis, may visit our national parks, forests, and public lands free of charge.

Ralph Waldo Emerson said Nature is the symbol of the spirit and that Nature turns all
malfeasance to good. While this proposal cannot adequately respond to the loss of those who grieve, perhaps the experience of our Nation’s greatest treasures—our parks and forests, our mountains and rivers—will help strengthen America’s well-being—physically, mentally, and spiritually. That is why I have named this bill the Healing Opportunities in National Parks and the Environment Act, the HOPE Act. It is important that we keep hope alive in the wake of the recent tragic events as we recover and rebuild.

There may come a time when a firefighter, or a nurse, or a survivor, who has seen far too much pain and suffering, may decide that a day at the lake with his or her family would provide welcome relief. Let us continue to aid these victims and family members as we already have financially. Let us provide the victims and family members the symbol of the spirit—to aid in their spiritual and mental healing. We can facilitate this by providing lifetime free access to all of our natural wonders.

This legislation will make that possible. This legislation is just a small gesture that might encourage someone who is suffering to seek comfort in the beauty of this great land. Like most Americans we continue to struggle with a response to these events. This is just one step Congress can take to support America’s greatest natural resources, our citizens.

Tribute to Frevert True Value Hardware

Hon. Sam Graves
Of Missouri
In the House of Representatives
Tuesday, October 2, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize Frevert True Value Hardware for their work and donations in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America’s history. American men and women, civilians, military personnel, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of businesses like the Frevert True Value Hardware signify the commitment and concern of Americans everywhere. Our nation’s strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11 terrorist attacks, Frevert True Value Hardware has volunteered to paint an American Flag in the yards of local patriots who make a financial contribution to provide for the grieving families and rescue workers. The patriotism and persistence of Frevert True Value Hardware is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation’s war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people continue their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America’s virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

PROBLEM FACING LAWMAKERS, LAW ENFORCEMENT, SOCIAL, CIVIL AND RELIGIOUS LEADERS

HON. ZACH WAMP
Of Tennessee
In the House of Representatives
Tuesday, October 2, 2001

Mr. WAMP. Mr. Speaker, I rise today to call attention to the critical problems facing lawmakers, law enforcers, and social, civil, and religious leaders in our nation. These problems are being addressed by the International Bible Reading Association, as well as by Senators, Representatives, and civic, religious, and national statesmen who are confident that the Bible contains the answers to our nation’s dilemma.

The great American scholar Noah Webster wrote: “All the miseries and evils which men suffer from vice, crime, ambition, injustice, oppression, slavery, and war proceed from their despising or neglecting the precepts contained in the Bible.” Noah Webster stated the facts over 150 years ago; but, because of the increased pace of our society over just the past 50 years, reading the Bible has declined and violence and moral decay have accelerated.

The Bible has had a monumental impact upon the development of our Western civilization, whose literature, art, and music are filled with images and inspiration that can be traced to its pages. More importantly, our laws, our sense of justice, our charity, and our moral standards all find their origin in the Bible. Bible reading impresses upon the minds of readers the principles of morality, truth, justice, and respect for the sacredness of human life.

The Bible, which is a fundamental part of our national heritage, has had a more profound effect on the moral fabric of American society than any other document. It was the basis for our Founding Fathers’ belief in the inalienable rights of the individual—rights which they found explicit in the Bible. This same sense of individual freedom and justice permeates the ideals set forth in the Declaration of Independence and the Constitution. The influence of both the Old and New Testaments has formed the basis of our laws, our national character, and our system of values.

It was the biblical view of man—affirming the worth of every human being made in the image of our Creator—which inspired the principles upon which the United States is founded. Many historians credit George Wash-ington with identifying the United States as “One Nation Under God” therefore, today we inscribe In God We Trust on our coins.

Responding to a Joint Resolution of the House and Senate, in a 1990 Proclamation, President George Bush wrote: “I invite all Americans to discover the great inspiration and knowledge that can be obtained through thoughtful reading of the Bible.”

The Bible has not only influenced the development of our nation’s values and institutions, but has also enriched the daily lives of millions of men and women who have looked to it for comfort, hope, and guidance.

Mr. Speaker, because of the overwhelming acceptance of the Bible in the history of our nation, I invite my colleagues in the House of Representatives to join me in commending the International Bible Reading Association for its request to George W. Bush, President of the United States, to proclaim 2002 as the Year for all America to read through the Bible.

Recognizing the Chairman of the National Endowment for the Arts, William J. Ivey, on his Retirement

Hon. Carolyn B. Maloney
Of New York
In the House of Representatives
Tuesday, October 2, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise today to honor Chairman William J. Ivey, on his retirement from the National Endowment for the Arts.

Since 1989, Chairman Ivey has dedicated himself and the NEA to preserving the great tradition of this nation and to broadening the public’s awareness of the tremendous benefits that the arts have to offer.

Under Chairman Ivey’s leadership, the NEA and its many programs have exposed countless Americans to the rich rewards of the arts, while benefiting our communities, our children, and our economy.

In 1997, he was honored by Tennessee Governor Don Sundquist for his diligent work as Director of the Country Music Foundation, and was praised by the Tennessee Arts Commission for his efforts in reaching out to the community.

Chairman Ivey’s passion for preserving historic recordings of popular and classical music ensure that generations to come will have the opportunity to learn and appreciate the musical treasures of our past.

While I am saddened to see Chairman Ivey’s tenure at the NEA come to an end, I am confident that he will continue to be a strong advocate for the arts community.

Mr. Speaker, I again urge my colleagues to join me in recognizing Chairman Ivey for his commitment to the arts and for his leadership to this nation.

Violence Against Sikhs Exposed—Attacks Must Stop

Hon. Dan Burton
Of Indiana
In the House of Representatives
Tuesday, October 2, 2001

Mr. BURTON of Indiana. Mr. Speaker, I spoke previously about the violence against
Sikh Americans in the wake of the attacks on the World Trade Center and the Pentagon. I have said previously that these attacks must stop. Now efforts are underway to expose them through the media and to collect information to catalogue these incidents. I applaud those efforts.

Last weekend, a Sikh gasoline station owner in Mesa, Arizona, Balbir Singh Sodhi was shot to death at his gas station by someone, who apparently thought the gas station owner was a supporter of Osama bin Laden because of his turban and beard. It should be noted that 17 of the people who wear turbans and beards in this country are Sikhs.

Mr. Speaker, this kind of crime must be condemned. The Sodhi killing was just one of over one hundred incidents of harassment or violence against Sikhs. All of these crimes are catalogued on the internet at http://www.sikh.org/hatecrime for the information of the public.

This past Tuesday, September 18, the Council of Khalistan held a press conference to explain why it plotted the demise of freedom and democracy. The Council of Khalistan has put out a press release about the press conference, which was attended by reporters from NewsChannel 8, NBC, the Japanese newspaper Sankei Shimbun, and a Chicago television station, WMAQ. News Channel 8 broadcast it in the evening of the 18th and IBN Radio broadcast it on the 19th. The Council of Khalistan has put out a press release about the press conference, which was attended by reporters from NewsChannel 8, NBC, the Japanese newspaper Sankei Shimbun, and a Chicago television station, WMAQ. News Channel 8 broadcast it in the evening of the 18th and IBN Radio broadcast it on the 19th. The Council of Khalistan has put out a press release about the press conference.

Mr. Speaker, I would like to place this in the RECORD at this time for the information of my colleagues.

DR. AULAKH, SIKH LEADERS CONDEMN MURDERS OF SIKHS AND OTHERS

WASHINGTON, D.C., Sept. 18, 2001.—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today condemned the murders of Sikhs and other Americans in the wake of the World Trade Center attack. Dr. Aulakh and other Sikh leaders spoke at the National Press Club. The press conference was attended by reporters from NewsChannel 8, NBC, the Japanese newspaper Sankei Shimbun, and other media. I call on Attorney General John Ashcroft to look into this nationwide pattern of violence and I urge the victims these attacks to expose the violence against Sikh Americans.

Dr. Aulakh said. He noted that Sikhism has its own symbols. They are a turban and a beard. That does not make us supporters or associates of Osama bin Laden, yet we are being targeted for violence in the wake of the atrocities last Tuesday. I said.

Two young Sikh activists announced the creation of a website for information about hate crimes against Sikhs. It can be found at http://www.sikh.org/hatecrime. They noted that “99.9 percent” of the people who wear turbans in America, are Sikhs.

Let’s not let America descend to the level of those who attacked it.”

DR. AULAKH, SIKH LEADERS CONDEMN MURDERS OF SIKHS AND OTHERS

HONORING NICK GRAY

HON. SCOTT MCINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the bravery of a great American, Nick Gray, who fought for the United States in World War II and survived the attack at Pearl Harbor and the battle at Guadalcanal. Mr. Gray now resides in Montrose, Colorado.

Mr. Gray and the rest of the 25th Infantry Division were stationed in Hawaii at the time of the attack at Pearl Harbor on December 7, 1941. He awoke to the sounds of 351 Japanese attack planes destroying the base around him. Nick and his captain narrowly escaped the destruction by finding refuge in a river that swept them off the island of Guadalcanal and threw them into the depths of the Pacific Ocean. Nick fought the currents of the ocean throughout the day before making a collapsed near the shore where he was pulled ashore by a comrade. Thousands of Americans were lost that day, but Nick Gray survived and continued to fight for our nation in the Pacific. He took part in the historic Guadalcanal campaign and the march to Tokyo. Many more Americans lost their lives during the war, but Nick fought valiantly and survived. However, Nick’s good friend, Marion Burch, lost his life in the Pacific shortly after the two had the opportunity to spend some time together. Now at the age of eighty-two years old, Nick enjoys a more peaceful life in Colorado.

Mr. Speaker, Nick Gray courageously fought for our country. From the surprise attack at Pearl Harbor through the end of WWII, Mr. Gray remained steadfast in serving the United States. We are indebted to him for his bravery and perseverance during a time of mayhem and struggle. It is my honor to thank and pay tribute to Mr. Gray for defending our nation and preserving American freedoms.

TRIBUTE TO DOUGLAS D. KETCHAM

HON. ERIC CANTOR
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. CANTOR. Mr. Speaker, I would like to take the opportunity today to pay tribute to Douglas D. Ketcham.

Douglas Ketcham was 27 years of age. He was a graduate of University of Virginia and was beginning his career as a bond trader for Cantor Fitzgerald Securities in the World Trade Center.

Douglas Ketcham’s life brutally ended when he was a target of terrorist aggression, by a radical extremist group that declared a religious crusade against America and her people. The terrorists sought to end the very things that Douglass’ life embodied: liberty, individualism, and opportunity.

Mediothioi and the Richmond area, and even our entire nation, has experienced the loss of a friend and patriot. Douglas Ketcham’s parents and his loved ones do not mourn alone for him; a whole country joins their sorrow.

On Tuesday, September 11, 2001, a precious life was ripped from our midst. Douglas Ketcham set himself in the heart of America’s business center. He represented the American dream: Hard work and dedication in pursuit of success for himself, his family and community.

On September 11th, Douglas Ketcham reported for work on the 104th floor of the World Trade Center. This day of infamy will remain in American hearts forever—while Douglas Ketcham and many others were conducting the nation’s business, terrorists ruthlessly took their lives. Because Mr. Ketcham lived as a symbol of America, he was targeted by those who plot the demise of freedom and democracy.

We owe Douglas Ketcham for paying the price with his life for our freedom, and we will always remember his sacrifice. Let us honor his memory.

TRIBUTE TO THE GREATER KANSAS CITY CHAPTER OF THE AMERICAN RED CROSS

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Greater Kansas City Chapter of the American Red Cross for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America’s history. American men and
women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible events, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Greater Kansas City Chapter of the American Red Cross signify the commitment and concern of Americans everywhere. Our nation’s strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Greater Kansas City Chapter of the American Red Cross has assisted in local telephone, blood drives, and volunteer efforts to support the nationwide relief effort to provide for the grieving families and rescue workers. The patriotism and persistence of the Greater Kansas City Chapter of the American Red Cross is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation’s war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. The nation has witnessed unspeakable horror. America’s virtues, determination, and faith continue to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

A TRIBUTE TO THE COMMISSION FOR THE PREVENTION OF VIOLENCE AGAINST WOMEN

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. FARR. Mr. Speaker, I rise today to congratulate the Commission for the Prevention of Violence Against Women on the recent celebration of its twentieth anniversary. The Commission has been working to end domestic violence and sexual assault through education and prevention programs throughout the city of Santa Cruz in my district. I am pleased to be able to honor its work here in the U.S. Congress.

The Commission contributes an abundance of life-enhancing, and often life-saving, resources to the city of Santa Cruz. Its violence prevention initiatives include self-defense classes for sexual assault victims and domestic violence victims, violence prevention programs for lesbians, and workshops for men who want to overcome violence tendencies toward women. It directs educational programs to teach leadership to teens, and age-appropriate awareness training in schools. The Commission also offers legal advocacy including paralegal services and temporary restraining order assistance, and police officer training. The Commission engages in public awareness outreach to those who may have access to the often-overlooked populations, offering assistance in English and in Spanish.

It is clear that the Commission does much to improve the well-being of women and of all the community members of Santa Cruz.

Mr. Speaker, I am proud to honor the commitment and diligence of all those who work for the Commission for the Prevention of Violence Against Women. Its twentieth anniversary is a tribute to the critical role they play in our area, and I wish them continued success during the next twenty years.

PERSONAL EXPLANATION

HON. JENNIFER DUNN
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Ms. DUNN. Mr. Speaker, I was not recorded on Rollcall number 355. I was unavoidably detained and therefore, could not vote. Had I been present, I would have voted aye.

I ask unanimous consent that this statement be printed in the appropriate part of the CONGRESSIONAL RECORD.

HONORING THE SERVICE AND RETIREMENT OF DR. JAMES VOSS

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. McINNIS. Mr. Speaker, to aid and direct an educational institution is a noble task and is worthy of recognition from this prestigious body. On October 8, 2001, Dr. James Voss will announce his retirement from the Colorado State University Veterinary Teaching Hospital. As Dr. Voss steps down, I would like to recognize the contributions that he has made to so many individuals and to Colorado State University.

Stemming from a childhood on a farm and exposure to plowing fields with draft horses, James used his knowledge in 1977 to break ground for the Veterinary Teaching Hospital with a team of horses. He has been an integral member of University community for 43 years dedicated countless hours of service during this time. He has served as the Dean of the College of Veterinary Medicine and Biomedical Sciences and offered numerous innovations and new ideas to the field of veterinary medicine. Due to his lasting impression on the University, it will name the celebration hospital the James L. Voss Veterinary Teaching Hospital. While James remains humble in his tribute, his efforts have raised the national reputation of the Colorado State University veterinary college, which is now recognized as the number two school to attend in the nation for animal medical research according to US News and World Report.

Dr. Voss received his degree from the same institution in veterinary medicine and then returned to his alma mater to occupy the academic positions of Department Chair, Director of the Veterinary Hospital and Assistant Dean prior to becoming the Dean in 1986. Under his leadership, the research budget has increased, a number of academic programs were established and the academic curriculum bolstered.

Mr. Speaker, Dr. James Voss has left a lasting mark on Colorado State University and all of its students. Dr. Voss has made significant advancements in the field of veterinary medicine applicable all over the world. As James celebrates his retirement, I would like to congratulate Dr. James Voss on all of his accomplishments and extend my warmest wishes and best wishes to him throughout the many years to come. He is an outstanding administrator and educator and he should be very proud of everything that he has achieved.
TRIBUTE TO CHAIRMAN IVEY

HON. BOB CLEMENT
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. CLEMENT. Mr. Speaker, I rise today to honor Chairman Bill Ivey before he begins his new position as the Harvie Branscomb Distinguished University Visiting Scholar at Vanderbilt University.

I believe it is important to ensure that adequate funding for these programs continues. Chairman Ivey’s stewardship of the NEA has earned much respect and support from artists and arts organizations across the country.
successful program has opened the world of the arts to thousands of Americans.

However, the need is so much larger than the funds available. For every worthwhile request that receives funding, many other equally worthwhile proposals are rejected simply for lack of available funds. These programs preserve and provide access to cultural and educational resources to our citizens. They provide opportunities for lifelong learning in arts and humanities. And they strengthen teaching and learning in history, literature, language, and arts in schools, colleges and their surrounding communities.

Just as we need to continue to fund scientific research, we must continue to fund the arts and humanities. A world without the arts and humanities would be devoid of cultural meaning. Research shows that the arts and humanities benefit our nation’s young people by improving reading, writing, speaking and listening skills and by helping to develop problem-solving and decision-making abilities essential in today’s global marketplace.

The NEA is losing a respected and successful chairman, and although I am sorry to see him step down from the NEA, I am pleased to welcome him home to Nashville and look forward to continue to work with him to advance and promote the arts in Tennessee and across the country. I have every confidence that he will continue to be a strong national advocate for the arts and a leader in his field. Mr. Ivey has done a great job of promoting arts and humanities across this country and I appreciate his efforts.

TRIBUTE TO THE CENTRAL JACKSON COUNTY FIRE PROTECTION DISTRICT

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Central Jackson County Fire Protection District for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11, 2001, their families and their friends.

The terrorist attacks mark a solemn moment in America’s history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Central Jackson County Fire Protection District signify the commitment and concern of Americans everywhere. Our nation’s strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Central Jackson County Fire Protection District has participated in the “Pass the Boot” activities at Arrowhead Stadium raising thousands of dollars to assist in the rescue efforts including the 9-11 Relief Fund, the Red Cross, and to provide for the grieving families. The patriotism and persistence of the Central Jackson County Fire Protection District is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation’s war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed un-speakable horror, America’s virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

HONORING OFFICER BOB HOLDER

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor and applaud Officer Bob Holder who resides in Trinidad, Colorado. Officer Holder has recently been named the North American Wildlife Enforcement Officers Association’s Officer of the Year. I believe that the State of Colorado has been so solidly represented by an individual committed both to his work and the community where he has established his life and career.

Bob Holder has spent over twenty-six years with the Division of Wildlife and Management in Trinidad, Colorado. During this time, Bob has gone above and beyond his call of duty working not only as a wildlife officer, but also as an educator and mentor to the local community. Additionally, Officer Holder's communication skills and commitment to the people of Colorado helped to maintain a working relationship between landowners, land users and the Division of Wildlife and Management.

These accomplishments, along with a distinguished resume of service to the State of Colorado, made Officer Holder's name stand out when being considered for recognition by the North American Wildlife Enforcement Officers Association. This association designated Bob out of nearly 8,000 wildlife officers from across both the United States and Canada.

Mr. Speaker, Officer Holder has been a dedicated public servant to the State of Colorado. It is with great pleasure that I publicly recognize his achievements and offer my congratulations and warmest regards to Officer Bob Holder.

A TRIBUTE TO BILL IVEY

HON. NITA M. LOWEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mrs. LOWEY. Mr. Speaker, I rise today in tribute to Bill Ivey upon the occasion of his departure from the National Endowment for the Arts. Chairman Ivey is an extraordinary leader, who transformed an agency battling for its very survival to one which has received increases in funding and has gained respect and acceptance. As a recent member of the National Council on the Arts, I had the distinct honor of working alongside Chairman Ivey, and I have seen first-hand the vision, dedication, and warm personal touch he has contributed to the arts community for more than thirty years.

The NEA is not the first institution to have benefitted from Chairman Ivey’s talents. Mr. Ivey was the first Endowment chairman to have developed and run a nonprofit cultural organization, serving as a member of the Country Music Foundation in Nashville, Tennessee, for seventeen years. There, he forged valuable public-private partnerships, and created numerous outstanding programs. Chairman Ivey has chaired or served on fifteen different Endowment grant panels, and he served as an appointee to the President’s Committee on the Arts and the Humanities. The NEA will sorely miss Bill Ivey. Yet the under-served communities touched by his Challenge America Program, the thousands of artists, students, and teachers who will benefit from increased NEA funding, and those of us in Congress who have had the pleasure of working and fighting by his side will remain grateful for the service that Chairman Ivey has performed.

TRIBUTE TO BILL IVEY

HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. NADLER. Mr. Speaker, I rise to salute Bill Ivey for his service as Chairman of the National Endowment for the Arts. Under his leadership, this important agency has thrived despite stagnant budgets and political roadblocks. In fact, his greatest achievement may be the period of relative calm in which the NEA now finds itself.

When Chairman Ivey took over this embattled agency, he faced a Congressional majority that was not only unsupportive of the NEA, but downright hostile to the entire notion of federal funding for the arts. He inherited an agency marked for elimination since 1995, over which legendary battles had been waged. Chairman Ivey disarmed many of his enemies, however, with his thoughtful approach and personal charm.

An important legacy of Chairman Ivey’s tenure is the Challenge America Initiative, which specifically expands the reach of the NEA into under-served communities. By clearly demonstrating the NEA’s historic commitment to ensuring the broad distribution of the arts throughout the nation, Chairman Ivey greatly enhanced the impact of the NEA.
His tireless lobbying efforts on Capitol Hill were finally rewarded last year with the first increase in nearly a decade. He should also be proud that the annual debate over the NEA has become a largely pro-forma affair as Congress has learned that the overwhelming majority of Americans support the NEA and its mission. Chairman Ivey’s success will be a great task ahead, but he will have a strong foundation from which to work, thanks to Bill Ivey.

Recognizing the Retirement of NEA Chairman William Ivey

HON. LOUISE MINTCOSH SLAUGHTER
of New York

In the House of Representatives
Tuesday, October 2, 2001

Ms. SLAUGHTER. Mr. Speaker, I rise to salute one of America’s finest and most respected arts policy advocates who left public office at the end of September—Bill Ivey, Chairman of the National Endowment for the Arts. During his three-year tenure, Chairman Ivey has been an effective leader and has placed the National Endowment for the Arts on sound footing. While in past years, mention of the NEA has frequently been prefaced by such adjectives as “beleaguered” or “embattled,” today, the NEA is a dynamic and forward looking agency.

One of Chairman Ivey’s most enduring legacies is his success in changing the tone surrounding federal funding of the arts here on Capitol Hill. His down-to-earth personality, his tenacity in holding face-to-face meetings with more than 250 Members of Congress, his two and a half decades of experience as the director of a non-profit arts organization, and his astute insight into arts policy and community needs won praise from both sides of the aisle. Today, the NEA enjoys strong bipartisan support, and in 2001, received its first budget increase since 1992.

Chairman Ivey came to Washington with a clear vision for the NEA and the arts in America and he articulated that vision in a five-year strategy. Challenge America is an initiative that has won the support of not only Members of Congress, but of communities and citizens across this nation. This program effectively focuses federal arts funding on some vital American values: education, services to young people, preservation of our cultural heritage, and community partnerships.

Chairman Ivey has also sought cooperation with other federal agencies, establishing new partnerships and strengthening existing ones. Today, the NEA works in partnership across America with more than 20 other federal agencies as well as state arts agencies and local arts organizations on hundreds of projects to enrich the lives of all Americans.

Chairman Ivey is a strong leader and a passionate defender of the arts, artistry and our nation’s living cultural heritage. His influence will long be felt in these areas and his presence will be greatly missed by those of us who have had the privilege of knowing and working with him. The National Endowment for the Arts are fortunate to have had him at the helm of our nation’s federal cultural agency. Best of luck, Bill; I know you will continue working to establish the value of the arts in the hearts and minds of all Americans.

Tribute to the Antioch Bible Baptist Church

HON. SAM GRAVES
of Missouri

In the House of Representatives
Tuesday, October 2, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Antioch Bible Baptist Church for their work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America’s history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and inescapable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shouldering-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of churches like Antioch Bible Baptist Church signify the commitment and concern of Americans everywhere. Our nation’s strength does not lie in its military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the congregations at Antioch Bible Baptist Church have contributed $10,000 to provide for the grieving families and rescue workers. The patriotism and persistence of the Antioch Bible Baptist Church is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation’s war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed an unspeakable horror, America’s virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

A Tribute to Bill Ivey, Chairman of the National Endowment of the Arts

HON. BART STUPAK
of Michigan

In the House of Representatives
Tuesday, October 2, 2001

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Bill Ivey, Chairman of the National Endowment of the Arts. Bill grew up in Calumet, Michigan, a town in the Upper Peninsula in my district. It is with great pleasure that I note Bill Ivey’s remarkable career achievements. In recent years controversy had surrounded the NEA. This controversy has led to strict reform and restructuring of the NEA. Bill has led this reform and was able to build bipartisan support for the arts in Congress. Congress responded by providing the first budget increases in eight years. Bill Ivey spent many of this time explaining and implementing changes needed at the NEA. In his three years running the National Endowment for the Arts, Bill methodically changed the agency from one that was constantly criticized to a bastion of bipartisan consensus.

Bill Ivey’s past experiences prepared him well for the job, including serving as Director of the Country Music Foundation for 25 years. His experience and focus uniquely qualified him to recognize the importance of cultural programs across the country not only in big cities but also in rural communities and small towns.

Under his leadership the NEA began a program to distribute more grant monies to under-represented geographic areas. I receive many letters from local arts councils, senior centers, community theatres, youth programs and museums detailing the positive effect of NEA’s programs have and how even a small amount of federal funding greatly impacts the quality of their programs. These reforms led by Bill deserve much of the credit of the new image of the NEA.

Under Bill’s direction the NEA the “Save America’s Treasures” program helped preserve the Calumet Theatre in Calumet, Michigan. Despite its remoteness, this remarkable theater once provided a stage for some of the greatest actors and actresses who traveled the country shortly after the turn of the century. Like many institutions of its kind, the theater fell on hard times but was rediscovered by farsighted local residents. Now it is the bright jewel of a national project.

I thank Bill for his tireless efforts toward this goal.

Bill has been not just in Washington and other large cities but he also visited the small towns of America witnessing the progress of the NEA. He believes that art should not just be in the big city but also rural America. For example, Bill visited Frazier’s Boathouse in Michigan, and granted them $15,000 to Lake Superior Theater, Inc. to overhaul the lighting system in the boathouse theater.

Bill can be proud to know that he leaves the NEA with a greatly improved reputation and solid Congressional support. I wish Bill the best at Vanderbilt University, and his service at the National Endowment for the Arts will be missed, just as I will miss working with my friend, the Honorable Bill Ivey.

Honing the Fallen Fremont County Sheriff’s Deputy

JASON SCHWARTZ

In the House of Representatives
Tuesday, October 2, 2001

Mr. McINNIS. Mr. Speaker, sometimes we do not realize what we have until it is gone, and today in my district is no exception. The service of our law enforcement officers is another aspect that we often forget, but on October 1, 2001, our hearts and minds were struck with a stark
reminder that our officers of the peace are as vulnerable as any they seek to protect from those that wish to inflict harm on others.

Jason Schwartz, a 26-year old Fremont County Sheriff's Deputy, was mercilessly shot in his car after apprehending Michael and Joel Stovall in Canon City, Colorado. I would like to take a few moments to raise the service and life of this gracious young man to the attention of this body and offer our sympathies to his family and friends at this time.

While we may not ever fully understand the reasons why this event ever happened, we must allow our hearts to be filled with the joy that Jason brought to us while he was with us. Jason was a strong and dependable leader who was just beginning a long career as a sheriff’s officer. Everyday he demonstrated his charisma and enthusiasm for his job and it was evident in all he did. His colleagues as well as members of the community respected Jason. His presence was a shining star for many to emulate.

Jason’s one month-old son, Mason, and his wife Sheryl live to remember the honorable service he offered the people of Fremont County. Words simply cannot begin to express the admiration, the appreciation and the solemnity that we all have at this time of remembrance and mourning.

Mr. Speaker, Jason will live within the hearts and minds of all of those that he touched. His brave and selfless service enforces that he is not a forgotten hero. This tragic event cut short Jason’s dreams and our entire community joins together to offer our sympathies and condolences. At this time of remembrance, I would like to extend my deepest sympathy and the sympathy of this Congress to Jason’s family and friends and let them know that my thoughts and prayers are with them.

TRIBUTE TO BILL IVEY

HON. EARL F. HILLIARD
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. HILLIARD. Mr. Speaker, the retirement of William J. Ivey from the Chair of the National Endowment for the Arts is a great loss for the nation. He has demonstrated a remarkable capacity to bring diverse partners to the conversation of arts policy—fully engaging the nonprofit, foundation and corporate communities in a dialogue about the future of the arts in America. He has put the outcomes of these conversations into practice, initiating new programs that lengthen the reach of federal dollars, spur giving from the private sector, and build community support for the arts.

Meeting the vast needs for arts funding with limited federal resources is a serious challenge. Under Chairman Ivey’s leadership, the NEA created the Challenge America program, which has extended the geographic reach and the leverage capacity of federal arts dollars while strengthening the arts in rural and inner-city communities. Chairman Ivey has challenged America to build a lasting infrastructure of support for the arts at the local level by developing cultural plans, utilizing technology, and strengthening educational opportunities for children.

I join with the rest of Congress at this time to thank him for his work and to wish him well as he continues his life. Without doubt, he will continue to contribute to the culture of the American people in many ways.

FAREWELL TO BILL IVEY

HON. JAMES P. MORAN
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. MORAN of Virginia. Mr. Speaker, I have never been timid about my support for the National Endowment for the Arts or my passionate belief in the arts in our culture and the role of the federal government in fostering the arts. Just as profoundly, I believe we have been blessed to have Bill Ivey at the helm of that agency at a critical time.

I have thousands of civil servants among my constituents. I know the dedication they bring to their work. Billy Ivey would rank among the top of those who came into government only for a time—contributing their special backgrounds and abilities. His appointment as Chairman of the NEA was an inspiration.

Bill did not have to be converted to the idea of connecting the arts and the NEA to communities and families. He was one of its proponents.

As a life-long folklorist, when Bill Ivey talks about America’s Living Cultural Heritage, it’s clearly not a phrase from a good wordsmith. That devotion comes from his very soul. When he says “Living Cultural Heritage,” you can practically see his toes growing into the ground like tree roots.

He also brought another skill to the NEA, one that is as critical to success as it is often overlooked. From having run a non-profit organization for more than 25 years, Bill understood, and had met, the challenges of leading and managing a large organization. We never saw that directly on the Hill. But I have heard from my constituents who have worked for Bill at that agency that he was extraordinary. We have certainly seen the results.

Most heads of agencies or programs might get to know the Chairmen and a few key Members of the Authorizing Appropriating Committees with relevant jurisdiction. Bill Ivey tried to meet all of us, especially all of the critics of the NEA. He pounded the terrazzo and tried to meet all of us, especially all of the critics of the NEA. He pounded the terrazzo and tried to meet all of us.

He gave us concise briefings on the NEA’s programs and procedures, and on his vision for how the NEA could enrich our families and communities.

He took back to the NEA the priorities of our constituents. He instituted many experimental programs, among them: for fostering partnerships among local community organizations, for positive alternatives for young people, and for enhancing the use of arts in education. He promoted outreach in formal and informal initiatives—and in simply making outreach a priority in everything the NEA did. In the last four years, with mostly a flat budget, the NEA increased the number of applications received, and doubled the number of grants given.

Bill Ivey, and the NEA, under his leadership, gave Congress more than ample reason for FY 2001 to give the agency its first budget increase in eight years.

Mr. Speaker, Bill Ivey is moving on to other challenges, but his accomplishments in leading the NEA can never be exceeded. Personally I will miss him.

Our nation now faces a new challenge brought upon by the terrorists attacks on September 11th. I share Bill Ivey’s belief that the Arts community is in a better position to respond to this new challenge.

RECOGNIZING THE LIBERTY BOY SCOUT TROOP 214

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Liberty Boy Scout Troop 214 for its work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America’s history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indefensible. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Liberty Boy Scout Troop 214 signify the commitment and concern of Americans everywhere. Our nation’s strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Liberty Boy Scout Troop 214 has raised more than $6,000 by selling ribbons to assist in the rescue efforts and to provide for the grieving families. The patriotism and persistence of Boy Scout Troop 214 is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation’s war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America’s virtues, determination, and faith continue to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we can, and will win. May God bless the families and children grieving across this great nation and may God bless America.
HON. CHRISTOPHER SHAYS
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. SHAYS. Mr. Speaker, it gives me great pleasure to recognize William J. Ivey for the extraordinary work he has done over the past three years on behalf of the arts.

During his tenure at the NEA Chairman Ivey developed a nonprofit cultural organization and worked to protect America’s living cultural resources. An advocate for various art forms, he has, without a doubt, fulfilled the Endowment’s mission to “foster the excellence, diversity, and vitality of the arts in the United States, and to broaden public access to the arts.”

Chairman Ivey, I thank you for all your hard work over the past three years and wish you well in your future endeavors.

THE DISPLACED OLDER WORKER ASSISTANCE ACT OF 2001

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation to provide targeted tax relief to all workers who are laid off and who receive severance benefits, and to grant re-training assistance to older workers who often have special difficulties when trying to find new employment after a lay-off.

My legislation would allow all workers, of any age, to exclude up to $15,000 from their taxable income for severance pay, effective after the date of enactment. This legislation is based on the common-sense principle that having one’s employment terminated is painful enough for a family to deal with. Clearly, the federal government should not make matters worse by levying additional taxes on non-recurring severance payments.

Severance benefits often create the impression of affluence on paper, and when they are counted as ordinary income (as is the case under current law), the payments boost family incomes into higher tax brackets, and result in higher tax liability. In many cases, a sizeable portion of the severance benefit is lost to the I.R.S. in the form of higher taxes.

This glitch in our tax code was brought to my attention several years ago by a constituent of mine, Mr. Bill Giovannetti of Hamilton, when he told me that he lost thousands of dollars of his severance benefits when he was forced to take early retirement in the early 1990s, as his company was downsizing. Because he was a long-time employee, his severance benefits were not considered to be a passive income. The payments were therefore treated as wages, and the tax code, thinking he was living high on the hog, took a large bite out of his severance pay.

As a result of this tax code, a worker who receives severance pay has a higher tax liability. In many cases, a sizeable portion of the severance benefit is lost to the I.R.S. in the form of higher taxes.

This exclusion can be taken either in the year the severance payment is received, or in one of the next two succeeding taxable years. I have capped the exclusion at $15,000, to ensure that taxpayers are helping those who really need our assistance, not padding the “golden parachute” bonuses of CEOs.

Mr. Speaker, since the horrible events of September 11, literally tens of thousands of workers—particularly those in the airline, travel, and tourism industries—have been laid off. Over 100,000 workers have been displaced from the airline industry alone when all is said and done. Our economy has taken a body blow, and we will need to provide our laid-off workers all the help we can give so that they can land on their feet.

Severance payments are more than just a reward for service. Severance benefits are often used by laid-off workers as seed capital to start their own businesses. They are used for retraining purposes, such as tuition or fees for specialized training programs. Taxing these benefits is like throwing an anchor to a drowning swimmer. Instead of being a tax abatements, severance payments should be a lifeline that unemployed workers can rely upon when trying to find another job.

Not all workers who are laid off find it easy to get another job that pays wages similar to their last job. In fact, older workers—especially those over the age of 50—often experience major difficulties. To address this problem, my legislation provides a $2,000 targeted tax relief for displaced older workers to help them with retraining expenses. Workers over age 50 usually have spent most (or all) of their careers at the same firm, and often experience difficulties finding new employment after suffering a lay off. This is the result of a number of factors, including: (1) middle-aged employees do not always receive continuous training, and therefore existing job skills might be obsolete in the current job market, (2) the middle aged employee often has higher salary requirements than other workers seeking employment in his or her field, (3) prospective employers are often reluctant to invest additional training in older workers because the firm will not be able to recoup that investment before the employee retires, and (4) the termination may need to switch industries entirely, necessitating training, since the old industry skills are specialized and not easily transferable.

Since the employer often does not have an incentive to invest in retraining for older workers, this tax credit will help individuals retrain and find new employment so that they may be gainfully employed for a period of time before retirement. Because only workers over age 50 can claim the $2,000 credit, this should significantly reduce the costs of the credit, and it also targets the relief where it is most needed. The credit is also refundable, so it can be claimed as a refund even if the person has no taxable income. In this way, the legislation is certain to benefit lower-income workers.

The qualified retraining expenses under the bill are for items such as tuition and fees, books, supplies, equipment for college or technical retraining courses, and/or meals and lodging at an educational institution. There is a means test which affects those earning over $100,000 for a married person filing jointly, $75,000 for an individual, or $50,000 for a married person filing separately. The value of the credit steadily diminishes for those earning over these amounts. The means test was included to ensure that the retraining credit is targeted to help the middle class.

Lastly, my bill initiates a comprehensive study on the special needs of displaced older workers. As many of my colleagues know, federal job assistance programs ought to be tailored to meet the various needs of workers seeking new jobs. Anecdotal evidence suggests older workers may have unique retraining needs. This study will focus on the needs of such workers, and help agencies meeting these needs decide how existing programs should be improved.

The bill would require the General Accounting Office (GAO) to study the special needs of older (age 50+) displaced workers, and would examine: (1) the unique differences in needs between older and younger workers trying to find a job after a lay off, (2) an assessment of whether current programs adequately meet these special needs (if any) of older workers, (3) an assessment of whether older workers are disproportionately and negatively impacted by job losses attributable to international trade, and (4) an assessment of whether the private sector has sufficient incentives to invest in worker retraining for older workers.

Mr. Speaker, our workers who have suffered a lay off need our help. In the wake of September 11, we now have two enemies to fight: terrorism and recession. My proposal is just one component of the effort to get our economy moving again and to help unemployed workers regain their financial footing.

RECOGNIZING THE LIBERTY ROTARY CLUB

HON. SAM GRAVES
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Liberty Rotary Club for their work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on our nation on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America’s history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indecipherable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these
terrible terrorist attacks. America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Liberty Rotary Club signify the commitment and concern of Americans everywhere. Our nation’s strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Liberty Rotary Club has joined more than 8,000 Missouri Rotarians in their statewide effort to provide for the grieving families and rescue workers. The patriotism and persistence of the Liberty Rotary Club is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation’s war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed un-speakable horror, America’s virtues, determined faith, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

A MORMON MOMENT

HON. JAMES V. HANSEN
OF UTAH
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. HANSEN. Mr. Speaker, the national news publication, Newsweek, has published an article entitled “A Mormon Moment,” authored by Mr. Woodward. This article made the case that the Church of Jesus Christ of Latter Day Saints, sometimes referred to as the LDS Church, or “Mormon Church” in world religion, and in particular, its influence in my home State of Utah. As home to the upcoming 2002 Winter Olympic Games, Salt Lake City, also serves as the world headquarters for the church.

Woodward’s article made the case that the church, its history, its doctrine and influence on political and civic affairs will be under the world’s media spotlight during the 2002 Winter Games in February. I think that is a safe assumption.

Religious belief is a deeply personal subject. Religious faith, or the lack thereof, defines largely who we are as a person. It is one of the most profound influences on our individual thoughts and actions. It is inherently difficult for a person of one faith to objectify and completely explain the doctrines and beliefs of another faith. I believe that, as a non-LDS reporter, Mr. Woodward’s characterizations, assumptions and teachings may have encountered some of this same difficulty.

As a fourth and fifth generation member of the LDS church, I must admit that I found some of Mr. Woodward’s characterizations of my beliefs and the history of the church to be strained or not entirely accurate in some instances, and perpetuates some unfortunate and outdated stereotypes.

However, it is not really appropriate or productive to engage in debate or detailed discussions on religious beliefs on the floor of the U.S. House of Representatives, and that is not my purpose in bringing this subject up tonight. Again, religious belief is deeply felt and personal, and each person should be left to discover and follow his or her own faith.

My purpose in coming to the floor on this subject tonight is to dispel the notion inherent in this article that the Church of Jesus Christ of Latter Day Saints, or LDS Church, is actively seeking to exploit the 2002 Winter Games. I also want to dispel the notion that the Salt Lake Organizing Committee for the 2002 Winter Games is somehow beholden to or acting improperly in concert with the LDS Church.

I think that a few points must be made in counterbalance to Mr. Woodward’s article that will help place all of this in perspective.

First, I respectfully disagree with the author’s assertion that “[n]ot since the ancient Olympiads were held under the gaze of Zeus and his randy band of gods and goddesses have the Games been in local hands so thoroughly saturated by a single religion.”

Approximately 72% of Utahans statewide claim membership to the LDS church. Even though 72% is still a substantial majority, the author failed to point out that within Salt Lake City itself, the majority are 50% LDS members to 50% non-members. He also failed to point out that while many of Utah’s prominent government leaders are LDS (which should not be a surprise when reflecting the composition of the general population), he failed to note that the last two mayors of Utah’s largest city and capitol, Salt Lake City, including the current mayor, are not Members of the LDS church.

For balance, I think it’s important to recognize that religious influences often permeate local cultures, however one chooses to look. Olympic events have been held in several other venues where there have been even greater religious majorities than Salt Lake City.

For example, I recall the Winter Olympic Games being held in Grenoble, France, in the late 1960’s. France’s population is over 90% Roman Catholic, and that particular faith and the history of the French people and culture are inseparable. The French have historically viewed their national identity as being intertwined with Catholicism. It is part of “who they are.”

Another example is the Winter Olympic Games which were held in Lillehammer, Norway. I recently visited Norway. It is an extraordinarily beautiful country. Approximately 86% of the population are Lutheran. In addition, Lutheranism is the State Church. One could say the same about the influence of Protestantism on Norwegian culture and politics as that which Catholicism had on France.

Yet another example is the most recent winter games held in Nagano, Japan. 98% of Japanese are followers of the ancient Shinto and Buddhist religions.

I’m sure that if we looked further, we could find other similar examples. Therefore, it should not strike the world, nor the media, as unusual that religion plays an important part in the culture and history of Salt Lake City and its people. To the extent that this fact is news-worthy is the result of decisions made by the media themselves, and is not part of any organized effort on the part of the church or the Salt Lake Organizing Committee. I sincerely hope that the motivation for some of the media coverage of the LDS Church and its doctrines in the context of the 2002 Olympics is not motivated by some religious bias or prejudice based on specific beliefs.

For example, wouldn’t it strike most people odd to have Newsweek write articles discussing specific Catholic or Lutheran, or Shin-to religious beliefs in detail in the context of an Olympic story in France, Norway or Japan? To some extent, the attention focused on specific LDS religious beliefs in the context of the 2002 Winter Games seems out of place.

Second, I think the author did not adequately express the separateness of the 2002 Winter Games and the Salt Lake Organizing Committee from the LDS Church. They are separate, autonomous organizations. One is a professional sports organization and the other is a secular organization. While there are LDS members who serve on the SLOC Executive Committee, a substantial majority of SLOC officials and employees are not members of the LDS Church.

It has been my experience that both organizations have sought, very diligently, to ensure that there is no undue influence, or even the appearance of undue influence, by the Church on the organization or outcome of the games. Any assertion that there has been undue influence is totally unsubstantiated.

Further, I would like to point out that these are America’s Games. They’re the world’s games. They’re not Utah’s Games, nor the LDS Church’s games. Like any other American city or state, we’re proud to host, for a short time, the premier winter sports events in the world.

In closing, Mr. Speaker, I hope that people would recognize that the reason that Salt Lake City was chosen to host the 2002 Winter Games is because of its reputation as having the “Greatest Snow on Earth.” It has world-class skiing opportunities and venues.

We are all working together to ensure that all visitors feel welcome in Utah and in the United States. If you come to the games, you will have a good time. The experience will be on the athletic competition, as it should be.

We welcome the world to our state. We have nothing to hide and nothing to be embarrassed about. We also have nothing to apologize for. Utah’s citizens of whatever religious background share in their pride and enthusiasm for upholding the Olympic Spirit. There is, and will be, a place at the table for everyone.

IN HONOR OF BALTIMORE COUNTY PROFESSIONAL FIRE FIGHTERS ASSOCIATION—LOCAL 1311

HON. ROBERT L. EHRlich, JR.
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. EHRlich. Mr. Speaker, I rise to express my gratitude and admiration for the men and women of the Baltimore County Professional Fire Fighters Association, Local 1311
of the International Association of Fire Fighters. This organization represents more than one thousand fire fighters, officers, and EMS workers in Baltimore County. Each and every day, these heroes risk their lives serving the citizens of Baltimore County.

In the wake of the tragic and cowardly attacks on the World Trade Center and the Pentagon, Local 1311 sprung into action. Recognizing that over three hundred and fifty fellow fire fighters lost their lives during the horrific events of September 11, 2001, members of Local 1311 rapidly organized a fundraising drive to assist the families of our fallen heroes. Inspired by the IAFF’s creation of the New York 9/11 Disaster Relief Fund, the association began a direct campaign to solicit donations for this worthy effort. Local 1311 members hit the streets of Baltimore County from September 21–23. Fire Fighters diligently worked street corners and shopping malls asking for contributions. I am pleased to report the public responded generously. While the final tally has not been calculated, approximately $300,000 was raised for the 9/11 Fund. All Baltimore County Fire Fighters merit our thanks and appreciation.

I want to express my personal thanks to Local 1311 Trustee, Mr. Ted Moffitt, for coordinating the overall effort. The entire leadership of the organization led by President Mike Day, Secretary-Treasurer Jim Kinard, and Office Assistant Elizabeth Grove assisted with logistical support. Finally, my heartfelt thanks and appreciation is extended to Mr. Edwin F. Hale, Chairman of First Mariner Bank, for the support and assistance he and the bank provided in handling, counting, and safeguarding the voluminous amount of coin and currency collected. This group effort represents the best in America: it will undoubtedly provide much needed relief to survivors of our fallen heroes.

Mr. Speaker, fire fighters are truly America’s bravest. I applaud the Baltimore County Professional Fire Fighters for their hard work and commitment to their county, country, and fellow citizens.

THE TALIBAN AND TERRORISM

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. LANTOS. Mr. Speaker, I rise today to bring to my colleagues attention a recent op-ed in the Los Angeles Times by Karl Inderfurth, Assistant Secretary of State for South Asian Affairs under the previous administration. The piece by Mr. Inderfurth details the warnings that the United States clearly, directly and emphatically issued to the Taliban in 1999 regarding their support for, and terrorists activities of, Osama bin Laden. Assistant Secretary Inderfurth informed Mullah Abdul Jalil, a close associate to Mullah Omar, in February of 1999 that the United States would not condone criminal acts, especially those who commit or condone criminal acts, either socially or ideologically.

Today, the Taliban and their leader, Mullah Omar, are facing another hour of truth. Let us hope they will change their mind promptly and turn over Bin Laden to appropriate authorities in a country where he can be brought to justice and close down the terrorist training facilities in Afghanistan. If they do not the United States will respond. The Taliban have been warned.

PERSONAL EXPLANATION

HON. PATRICK J. TIBERI
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. TIBERI. Mr. Speaker, on Monday, September 24, 2001, I was delayed in returning to Washington, D.C. from Columbus, OH due to inclement weather. As a result, I was unable to record a vote on rollcall No. 349 (H.R. 717) and rollcall No. 350 (H.J. Res. 85). I fully support these important measures and had I been present, I would have voted in favor of both.

POWER TO CHANGE OUR WORLD

HON. WILLIAM D. DELAHUNT
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. DELAHUNT. Mr. Speaker, on Tuesday, September 18, family and friends gathered together at St. Helen’s Church in Norwell, Massachusetts to mourn the loss of John J. Corcoran, a victim of the tragic terrorist attack on the World Trade Center on September 11. The memorial service was a stirring reflection of the life and spirit of Mr. Corcoran. From the depths of grief came a deeply moving tribute from his sister, Debi Corcoran of Helena, Montana. Her words of eulogy were so genuinely inspirational that I commend them to all of my congressional colleagues:

On the morning of September 11th, my brother Jay kissed his two children and his wife good-bye and raced to catch United Airlines flight 175 from Boston to Los Angeles, where he would resume his job as a Merchant Marine engineer officer. At 9:03 a.m. EST, his plane crashed into the south tower of the World Trade Center, killing all on board and thousands within the building as the tower crumbled to the ground. There had been the possibility that Jay might have survived, but my family and I, like many other families, held a vigil of prayer for most of the day while we awaited official word from the air-lines. Knowing when the cruel news arrived, I was extremely relieved that it was all too surreal I had just spent the most wonderful family reunion with all my sisters and
RECOGNIZING THE LIBERTY FIRE DEPARTMENT AND THEIR SPOUSES

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Liberty Fire Department and their spouses for their work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America’s history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrible terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of organizations like the Liberty Fire Department signify the commitment and concern of Americans everywhere. Our Nation’s strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, the Liberty Fire Department and their spouses have participated in the “Pass the Boot” activities at Arrowhead Stadium and fundraising at the Liberty Fall Festival raising thousands of dollars to assist in the rescue efforts including the 911 Relief Fund, the Red Cross, and to provide for the grieving families. The patriotism and persistence of the Liberty Fire Department is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation’s war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our Nation has witnessed un-speakable horror, America’s virtues, determination, and faith continue to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great Nation and may God bless America.

CONSUMER PRODUCT RISK REPORTING ACT OF 2001

HON. EDWARD J. MARKEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 2001

Mr. MARKEY. Mr. Speaker, I rise today to introduce the “Consumer Product Risk Reporting Act of 2001,” a bill intended to improve consumer safety by achieving increased compliance with existing requirements to report hazards. The legislation would increase the civil and criminal penalties that the CPSC can seek from firms that do not inform the Commission when they have reason to believe a product could pose a substantial hazard to consumers. The legislation would also help make some product recalls more effective.

The CPSC is the government agency that makes sure cribs, toys, and other products in your home or around your recreation areas are not hazardous, and recalls them when they are hazardous. The CPSC oversees the safety of 15,000 different kinds of consumer products. Each year there are more than 29 million injuries and about 22,000 deaths associated with consumer products.

Current law provides that if companies have information that one of their products has a safety defect that could create a serious product hazard or presents an unreasonable risk of serious injury or death, they are required to report that to the government. However, some companies are not obeying the law. The CPSC estimates that in half of the most serious cases they deal with, the company has failed to report injuries. Instead, the information comes to the attention of the agency from others and investigators. Those are tragic, and often, from hospital emergency room reports or death certificates.

When companies don’t report, dangerous products that should have been recalled or modified remain on store shelves. They continue to be sold and they stay in consumers homes where they can cause serious injury or death.

Some consumers pay a very high price for a company’s failure to report.

For example, a 3-year-old girl died while playing on her swing. Her grandfather was cutting weeds in the yard using a weed trimmer with a replacement head that was made with metal links. The end link broke off and it flew through the air, piercing her skull and killing her.

The company didn’t tell the CPSC about this defect because they didn’t tell the 40 other serious injuries from chain breakings. The CPSC was forced to do its own investigation and recalled the product nationwide in May 2000.

Such failures to report can result in tragic losses of life and limb that are avoidable and preventable if compliance with reporting were higher.

Under current law, the CPSC can fine companies for violating the law, but the amount of the fine is limited by statute to a level that does not sufficiently deter violations. Under current law, companies can face criminal penalties for violating consumer product safety laws, but they are only misdemeanors. Under current law, in any recall, companies elect whether to provide a repair, replacement or refund for defective products. In most cases, the CPSC can find a good solution to the problem for consumers. But in other cases, especially where the product is older and has been on the market for many years, companies argue that they can elect a refund that may not result in an adequate recall thus resulting in the dangerous product remaining with consumers.

To remedy these deficiencies, the legislation would:

1. Increase civil fines and criminal penalties.
2. Increase consumer outreach by the CPSC.
3. Require companies to provide repairs, replacements, or refunds for defective products.
4. Provide for adequate recalls when companies offer refunds but do not provide repairs or replacements.

These reforms are necessary to protect the public from dangerous products and to hold companies accountable for their actions.

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Eliminate the cap on civil penalties for violations of product safety laws. Under current law, the CPSC cannot assess more than $1,650,000 for a related series of violations against a company that knowingly violates consumer product safety laws. The legislation will raise this maximum civil penalty. Many of the cases in which the Commission seeks civil penalties involve very large corporations that can easily absorb a $1.65 million fine. For them, it is a cost of doing business. More substantial civil penalties would provide a needed incentive for those companies that fail to notify CPSC of dangerous products so that the agency can take timely action to protect consumers. Other agencies, including the Federal Trade Commission, enforce laws with no “cap” on the amount of the penalty.

Increase the penalty for a “knowing and willful” criminal violation of product safety laws from a misdemeanor to a felony and eliminate the requirement that the agency give notice to the company that is criminally violating the law.

The legislation would increase the potential criminal penalties for a “knowing and willful” violation of consumer product safety laws from a misdemeanor (up to one year in prison) to a felony (up to three years in prison). It would also increase the maximum monetary criminal penalty that an individual can receive for violations of criminal laws. These heightened penalties are commensurate with the seriousness of product safety violations, which can result in death or serious injury to children and families. Other agencies have authority to seek substantial (felony) criminal penalties for knowing and willful violations of safety requirements, including the Food and Drug Administration for prescription drug marketing violations and the Department of Transportation for the transportation of hazardous materials.

The legislation would also eliminate the requirement under the Consumer Product Safety Act that the Commission give notice of non-compliance before seeking a criminal penalty for a willful violation of the Act. The notice requirement makes it all but impossible to pursue a criminal penalty for violations of the Act, even in the most serious cases. The threat of a criminal felony prosecution would create an additional strong incentive for companies to report product defects to the Commission.

Give CPSC clear authority to overrule the remedy chosen by a manufacturer to address a defective product in a product recall when the Commission determines that an alternative remedy would be in the public interest.

Under current law, a company with a defective product that is being recalled can elect the remedy to be offered to the public. The company can choose repair, replacement, or refund “less a reasonable allowance for use.”

The legislation would continue to permit the company to select the remedy in a product recall. However, the legislation would allow the Commission to determine (after an opportunity for a hearing) that the remedy selected by the company is not in the public interest. The Commission may then order the company to carry out an alternative program that is in the public interest.

Some companies try to choose a remedy in a recall that does not further public safety. For example, a manufacturer may argue it can choose to refund the purchase price of a product, less a reasonable allowance for use even though the product has been on the market for a long time and the amount due consumers may be so insignificant that there is no incentive for the consumer to take advantage of the recall. This is especially true where the hazardous product is still useful to the consumer and the cost of replacement is not substantial. Companies may try to choose an insubstantial refund even though people have been at risk for a number of years. Thousands of products are still in use, injuries are continuing to occur and a repair is available and feasible. In this example, it is no remedy at all, and offering a minimal refund would not serve the public interest.

AGRICULTURAL BIOTECHNOLOGY
AMENDMENT TO H.R. 2646
HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. Speaker, I would like to introduce an amendment to H.R. 2646, the Farm Security Act of 2001, on the floor of the Congress in the CONGRESSIONAL RECORD.
My amendment establishes a program under the Foreign Agricultural Service in the Department of Agriculture to award grants for the research and development of biotechnology on agricultural products that can be grown in the developing world. Eligible grant recipients include historically black or land grant colleges or universities, Hispanic serving institutions, and tribal colleges or universities that have agriculture or the biosciences in its curricula. Non-profit organizations or consortia of for-profit institutions with in-country agricultural research institutions are also eligible. Grants are awarded on a competitive, merit-reviewed basis.
If you have any questions about this amendment, you may contact John Tustin at 225-8885. I appreciate your attention to this matter.

SALUTE TO PULASKI
HON. MARK FOLEY
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001
Mr. FOLEY. Mr. Speaker, as American Polish clubs across the state prepare to celebrate the Pulaski Day Celebration, I would like to recognize General Casimir Pulaski and all Polish Americans.
General Pulaski came to America in 1777 to aid our fledgling Nation during the Revolutionary War. As a cavalry general, he earned the title “Father of the American Cavalry” leading many successful campaigns and directly contributing to our overall victory.
Pulaski understood that America would become a beacon of freedom. In the wake of recent events, and as we assemble an international coalition, it is my sincere hope we can find individuals that have the same dedication and courage as Casimir Pulaski to assist us in seeking justice.
The United States is a country with many Polish Americans that live their lives in the tradition of Casimir Pulaski. It is this tradition that makes our country great and will assure our victory once again.
Mr. Speaker, again, I pay tribute to all Americans of Polish ancestry as we celebrate Pulaski Day.

HONORING FALLEN FIREFIGHTERS
HON. KEN BENGTSEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001
Mr. BENGTSEN. Mr. Speaker, I rise today in support of the Resolution to honor the brave men and women who lost their lives while shielding others from fire. Everyday at firehouses across America, thousands of men and women shelve fear and self-interest, strap on boots, and await the alarms or cries for help. They form the frontline of our homeland defense. They enter blazing buildings and risk their lives to save strangers—knowing full well that each day at work could be their last. These heroes are the veterans of domestic tragedies.
On September 11th, while thousands of workers raced from the blazing twin towers, hundreds of New York City’s bravest stormed in—pushing aside fear and clearing paths to free those trapped inside the rubble. For many of New York’s firefighters, their service during the fires of September 11th was their last heroic acts. Their lives of courage and selflessness exemplify the meaning of compassion and concern for others.
September 11, 2001 is a day in history that all of us wish we could erase. The visions of our symbols of capitalism and security ablaze are permanently etched in our memories. We cannot wipe out these horrific images, nor can we forget the tragic tales of lost loved ones. But we can choose to move on and carry with us the memories of bravery and brotherhood that so embody the American spirit. The fallen firefighters leave behind a legacy of valor and an unyielding commitment to the common good.
Mr. Speaker, it is only fitting that we lower our nation’s flags each year in honor of these individuals so that we never forget the sacrifice they made for the betterment of the rest of us. As a result of the egregious attack on our nation many fathers, mothers and children were killed. Our burning tears of sorrow will never be forgotten. We will be eternally grateful for the courageous sacrifice of these men and women.

IN RECOGNITION OF THE PRESERVATION OF THE ISLAND FOX
HON. LOIS CAPP
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001
Mrs. CAPPS. Mr. Speaker, I rise today in recognition of the preservation efforts for endangered island fox. This unique species inhabits San Miguel, Santa Rosa, Santa Cruz, San Nicolas, Santa Catalina, and San Clemente Islands in the chain of Channel Islands off the coast of Southern California, and its once thriving population has declined in recent years.
The Channel Islands have been called the “Galapagos of North America” and I believe that this is an accurate description of the extraordinary natural resources that exist on the islands. Each of the islands has a unique ecosystem, which is home to numerous indigenous species.

The island fox is one of these distinct species. It is found only on the Channel Islands and is a distant relative of the gray fox. These playful animals have spent most of the last 10,000 years thriving at the top of the island food chain. However, in recent years they have become threatened due to a variety of circumstances.

However I am happy to report that extraordinary efforts are being made to reverse this trend towards extinction. In the last month the U.S. Fish and Wildlife Service has proposed listing the Island Fox as an endangered species. That act was an important step forward in the work to reestablish this species.

Finally, I would like to recognize the inspirational efforts of the fifth grade students at Mountainside Elementary in Ventura County. They have chosen the preservation of the Island Fox as their G.A.T.E. project, and have formed their own organization, “Save Our Species,” which is an affiliated educational unit of Jane Goodall’s “Roots and Shoots” organization. I believe that we should all follow the example set by these devoted young people and work together to ensure the Island Fox population returns to its historic levels.

SAFETY AND SYSTEM STABILIZATION ACT

SPEECH OF
HON. LUCILLE ROYBAL-ALLARD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, September 21, 2001

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in support of the Air Transportation System Stabilization Act. This is far from an ideal bill, because it does not address the crisis faced by tens of thousands of air travel industry workers who have also been devastated by the terrorist attacks of September 11. But as we know, America is in crisis and these are not ideal times.

The fact is that our aviation industry is a vital part of a strong and robust economy and it is facing unique and dire consequences as a result of the recent brutal terrorist attacks on our nation. It is therefore important that Congress take action now to stave off the financial calamity facing this industry and the resulting impact it could have on the entire nation.

This bill, however, must only be the first step. To succeed in strengthening our economy, it is essential that we address the needs of related businesses, and America’s hard working men and women, who have also been devastated by the tragic events of September 11. Just as we are helping our ailing aviation industry today, tomorrow we must also help all those who have been affected by the economic impact of this national tragedy.

We must provide assistance to workers who have lost or will lose their jobs because of the crisis—assistance such as worker retraining programs, health insurance and unemployment insurance.

It is only because Congressional leaders have committed to quickly bring forth legislation to address the needs of workers that I will support this legislation. And I challenge our leaders to keep their word.

Mr. Speaker, America’s workers deserve the same quick attention we are providing the aviation industry today. We must answer this moral call and come to their aid.

WILLIAM BANACH HONORED AS OUTSTANDING AMERICAN OF POLISH DECENT

HON. GERALD D. KLECZKA
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. KLECZKA. Mr. Speaker, on Friday, October 12, 2001 William Banach will be honored as the Outstanding American of Polish Decent at the Milwaukee Society’s Pulaski Day Banquet.

This annual event celebrates the life and achievements of local individuals who embody the spirit of Casimir Pulaski. Appointed a brigadier general by George Washington, Pulaski was engaged in a number of major Revolutionary War battles. He was killed in the fight to capture Savannah on October 11, 1777 and today Americans and Polish Americans celebrate his legacy of heroic service and ideals of freedom.

Bill has demonstrated a commitment to his family and to service of his community throughout his lifetime. He served the City of Milwaukee Bureau of Engineers for 31 years. While he no longer works a traditional full time job, he nevertheless remains extremely active in the community. He is on the Board of Directors of SHARE, a self-funding food program that provides food to needy families.

Active with the Boy Scouts of America for over 60 years, Bill has served as Cubmaster, Scoutmaster, Explorer Scout Advisor and Merit Badge Advisor. In “semi-retirement” he remains very active with the Cub Scouts.

Bill has dedicated 14 years to the Milwaukee Society Polish National Alliance Lodge 2159 as chair of the Christmas Basket Program. Under his leadership, the Lodge collected, packaged and delivered Christmas goodie baskets to those most in need of holiday cheer, and did so without the families ever knowing the identity of their generous benefactors. In addition, he is an active member of American Legion Post 444 and the Knights of Columbus Cardinal Stritch Council 4614.

A wonderful husband and devoted father, Bill and his wife Janet will celebrate their 50th wedding anniversary this year. They have three wonderful children and three beautiful grandchildren.

So it is with great pride that I join with the Milwaukee Society Polish National Alliance in celebrating Bill’s many achievements and years of community service. Congratulations William Banach, Polish American of the Year for 2001.

THE VISIT OF MINISTER JASWANT SINGH

HON. JOSEPH CROWLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. CROWLEY. Mr. Speaker, I rise today to welcome to the United States India’s Minister of External Affairs and Minister of Defense, Jaswant Singh.

As a leader of the world’s largest democracy, Minister Singh’s visit to America is timely. In light of the tragic events of September 11, it is increasingly important for leaders of the world’s great nations to unite to protect the freedoms and liberties of democracy.

On behalf of the United States government and the American people, I would like to thank Minister Singh and the government of India for strongly condemning the terrorist attacks on the United States, and for expressing their unconditional willingness to assist in fighting the new global war on terrorism.

As has America, India has experienced firsthand the devastating consequences of cross-border terrorism. In the past fifteen years, approximately 53,000 civilians in India have been killed by indiscriminate terrorist acts. The global nature of terrorism and its far-reaching effects require concerted global action. We trust that future cooperation with India’s leaders to combat terrorism, not only in South Asia and here in the U.S., but together around the world, will strengthen and will reinforce the important relationship between our countries.

In recent years, the United States and India have moved towards increased cooperation and improved understanding. The trend toward improved bi-lateral relations is evidenced by the US-India Summit Meetings held in New Delhi in March of 2000, and the formation of our Joint Working Group on Counter-Terrorism early that same year.

In light of the current situation in the U.S. and instability in South Asia, we recognize that open communication, dialogue, and partnership between our democratic nations must be maintained and enhanced as we strive together to achieve common goals and to promote peace in the region. We remain committed to cooperating with the government and people of India on issues of common interest, and we commend India for the role that she has undertaken in working towards greater prosperity and stability in South Asia.

Of global war on terrorism, however, is the return of Pakistan to a democratic government, and the establishment of peace in the Kashmir region. Such shared goals offer opportunities for collaboration, and indeed, require international collaboration if they are to be realized. Clearly, these issues remain central to South Asia’s future stability.

The war on terrorism aside Mr. Speaker, as a member of the India Caucus, I look forward to continuing work to improve America’s trade, investment, and military cooperation with India. It is my hope that we will continue the processes begun in past years to construct a valuable working relationship with India, one that is mutually beneficial to both our countries. We recognize India’s role as a political,
economic, and military force in regional and world affairs, and thus seek her continued co-operation and partnership.

I extend my sincere wishes to your Minister Singh for a most productive visit to Washington. Your country is an extremely important friend of America’s, and I again thank you for the support that your nation has offered to the United States.

RECOGNIZING THE STUDENT BODY OF RIDGEVIEW ELEMENTARY

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize the Student Body of Ridgeview Elementary for their work and sacrifice in honor of all the people who both survived and who lost their lives in the terrorist attacks on September 11th, 2001, their families and their friends.

These terrorist attacks mark a solemn moment in America’s history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain for a cause so terrible, so heinous, and so despicable that we find it unimaginable and indescribable. United, Americans seek to find meaning and hope in a seemingly hopeless and meaningless act. In the days since these terrorist attacks, America has been shoulder-to-shoulder in a struggle to meet the challenges of a world that is a little less safe, a little scarier, and far less predictable. The efforts of young people like the Student Body of Ridgeview Elementary signify the commitment and concern of Americans everywhere. Our nation’s strength does not lie in her military might but rather in the collective compassion of its people.

Since the September 11th terrorist attacks, Student Body of Ridgeview Elementary has raised and contributed more than $1,000 to provide for the grieving families and rescue workers, mothers and fathers, who lost their lives. The Student Body of Ridgeview Elementary is a lasting memorial to the thousands of victims who perished in New York, Washington, and Pennsylvania.

Through the days, weeks, and months ahead, all Americans must come together and do what they can to assist the nation’s war effort. Whether it is giving blood, sending donations, praying for the thousands of grieving families, or simply saying thanks to the brave men and women who put their lives on the line each and every day so that we may be free, it is important that the American people are vigilant in their efforts to overcome this evil. Though our nation has witnessed unspeakable horror, America’s virtues, determination, and faith continues to shine brightly on the world.

I am confident that the United States will seek out those that harbor hatred, terror, and depravity in their hearts; and we will defeat them. This is a war that we must, can, and will win. May God bless the families and children grieving across this great nation and may God bless America.

MEMBERS TAKE TRIP ABROAD REGARDING THE WAR AGAINST TERRORISM

HON. BRIAN D. KERNS
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. KERNS. Mr. Speaker, throughout the past three weeks we have seen a tremendous outpouring of patriotism and American pride from coast to coast. After having the opportunity to spend several days traveling abroad through Russia, Turkey, and Rome and meeting with leaders from each of these countries—I am proud to return home to the USA with the rest of my colleagues with the understanding that we are not in this fight against terrorism alone. My deepest appreciation goes to Chairman WELDON, and Ranking Member ORTIZ for their leadership in putting together a thorough and productive trip.

Having completed our trip we came to some important conclusions.

First of all, these nations and many others are united like never before. They stand firm with us in our fight against terrorism, and will continue to support the efforts of President Bush and our nation to root out this evil.

Second, justice will be served to Osama Bin Laden and his radical followers. We must recognize, while this may take some time—we will persevere. Osama Bin Laden and his network is only a small part of the cancer of terrorism that is spreading throughout our world. This evil cancer must and will be eradicated.

While meeting with the former King of Afghanistan, Mohammad Zahir Shah, the King told us that he supports the United States in the war against terrorism and that he would back efforts to bring Bin Laden to justice and end the radical Taliban control of Afghanistan and support free democratic elections in his country.

In our conversation with the former Afghan King, and the field commanders for Afghanistan’s United Front which is formerly known as the Northern Alliance, I found it fascinating that in fighting this war we must also fight the continuous war against drugs—Afghanistan is currently one of the leading producers of opium, and the majority of Bin Laden and other terrorist activities are funded through this drug trafficking. We must cut off their financial base at the root. That means putting an end to their drug trade.

I believe that our meetings were successful and established the important ground work in this fight against evil. As President Bush has envisioned, we must continue to build effective coalitions to win this war against terrorism.

CALLING ATTENTION TO SPINA BIFIDA AND HONORING THE SPINA BIFIDA ASSOCIATION OF AMERICA FOR HELPING VICTIMS AND FAMILIES OF THIS DISEASE FOR NEARLY 30 YEARS

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to pay tribute to more than 70,000 Americans—and their family members—who are currently affected by spina bifida, a debilitating disease caused when a baby’s spine fails to close properly during pregnancy. Additionally, Mr. Speaker, I rise to highlight the good works of the Spina Bifida Association of America, an organization that has helped people with spina bifida and their families for nearly 30 years.

Mr. Speaker, as most Members know, spina bifida, is the most frequently occurring permanently disabling birth defect affecting 1 out of every 1,000 babies born in this country each year. There are three different forms of spina bifida with the most severe being Myelomeningocele spina bifida, which causes nerve damage and severe disabilities. This severe form of spina bifida is diagnosed in 96 percent of children born with this disease. Between 70 to 90 percent of the children born with spina bifida are at risk of mental retardation when fluid collects around the brain.

With proper medical care, people who suffer from spina bifida can lead full and productive lives. But they must learn how to move around using braces, crutches or wheelchairs, how to learn and how to function independently. They must also be careful to avoid a host of secondary health problems ranging from depression and learning disabilities to skin problems and latex allergies.

Because spina bifida can be detected before birth by using prenatal tests, more than 50 percent of babies diagnosed with spina bifida are aborted—their lives cruelly snuffed out because of their anomalies. Tragically, expectant parents are wrongly pressured to abort their child if spina bifida is detected during pregnancy. It is imperative to get the word out and let expectant parents know that spina bifida is not a death sentence. These parents who have rejected such pressure have had their lives enriched through the love they share with their child.

The Spina Bifida Association of America works tirelessly to help families meet the challenges and enjoy the rewards of raising their child. As part of its service through 60 chapters and more than 100 satellite groups across the country, the SBAA puts expecting parents in touch with families who have a child with spina bifida. These families answer questions and concerns and help guide expecting parents so that they make life-affirming, family enriching decisions. The SBAA then works to provide lifelong support and assistance for affected children and their families.

Today, about 90 percent of all babies diagnosed with this disease live into adulthood, about 80 percent have normal IQs and about 75 percent participate in sports and other recreational activities. We also know that spina bifida may be prevented if women consume folic acid supplements during their child-bearing years and early stages of pregnancy. The daily amount of folic acid needed is typically found in most multivitamins.

It is heartening to see such promising statistics for people with spina bifida. The spina bifida community and our nation owe a tremendous debt to the SBAA for its work over the past three decades. Much more work still needs to be done, and I am confident this fine organization will lead the effort for decades to come.
VISIT OF JASWANT SINGH, INDIA'S MINISTER OF EXTERNAL AFFAIRS AND DEFENSE

HON. FRANK PALLONE, JR., OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to note that Jaswant Singh, who serves as both Minister of External Affairs and Minister of Defence of India, is visiting the United States. He arrived on Sunday, September 30th and will depart on Tuesday, October 2nd.

During Minister Singh's visit, he met with New York Mayor Rudolph Giuliani to show support to the U.S. in the fight against terrorism on the global level. Minister Singh is also visiting Washington, DC to meet with top officials at the White House, the State Department and the Defense Department, as well as House and Senate leaders.

Minister Singh's visit to the U.S. is symbolic of India's unconditional support for the U.S. This support is based on shared democratic principles and common interests. Additionally, from the very day that the terrorist attacks in New York and Washington occurred, India has come forward in strong support of the United States, offering its unwavering support for the war against terrorism.

India's prompt and bold action in coming forth to stand united with the U.S. stems from the fact that this country has been on the front lines in the fight against international terrorism for the years. Over the past 10 to 15 years, more than 53,000 civilians in India have been killed as a result of cross-border terrorism. These victims have suffered at the hands of many of the same terrorist networks believed to be behind the attack on the U.S.

India continues to be subject to the ravages of cross-border terrorism to this very day. Just yesterday afternoon, Monday, October 1st, a massive explosion near the main entrance of the jeep exploded into a massive ball of fire. Eyewitnesses said a suicide bomber drove a terrorist vehilce in the heart of the city, leaving behind a trail of death and destruction. The jeep exploded in the heart of the city, leaving behind a trail of death and destruction.

The activities of the IHRF have been appreciated by one and all irrespective of political-religious affiliations. During the cul of violence in Punjab, Kashmir, Delhi, Assam, Bengal and elsewhere, the IHRF played a significant role in exposing inhuman & barbaric treatment and excesses by the State against the innocent & law abiding citizens.

About web site Burning Punjab: Burning Punjab's first ever media site on the Internet is Punjab's (RSF) also objected to various restrictions imposed by the Indian Government on the staff and manager of the web site 'Burning Punjab' RSF General Secretary Robert Menard issued a letter to the Indian authorities opposing unwarranted censorship.

Mr. Speaker, I would like to place the article on the banning of Burning Punjab into the RECORD at this time.

[From Burning Punjab News, Sept. 23, 2001]

VIEWING OF BURNING PUNJAB
HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. BURTON of Indiana. Mr. Speaker, for quite a while, people interested in South Asian issues have had a valuable partner in India's resource in the web site Burning Punjab, located at http://burningpunjab.com. This website has reported many stories about the Indian government's tyranny against Sikhs and other minorities. Now the Indian government has banned the viewing of Burning Punjab in the northwest part of India, where Punjab, the Sikh homeland, is. Punjab, of course, declared its independence on October 7, 1987, calling itself Khalistan. The website has been blocked in Punjab and in the state of Haryana, which has a substantial Sikh population and is Punjab's neighbor. The site has been closed in the state of Himachal Pradesh.

Supressing information is not the way that democratic countries do things. This ban shows that India is a deficient democracy. It has about as much freedom of the press as Communist China. Burning Punjab was founded on September 15, 1997. On March 29, 2000, the site's founder, Sukhbir Singh Osan, was reportedly threatened with murder, apparently by the Indian government. Are these the acts of a democracy?

The massive human-rights violations of the Indian government have been well documented. Over 250,000 Sikhs, more than 200,000 Christians, over 75,000 Kashmiri Muslims, and tens of thousands of Dalits and other minorities have been killed by the government. It holds over 52,000 Sikhs and tens of thousands of others as political prisoners with no charges and no trial. Some have been in custody for 17 years. There have been rapes of nuns, murders of priests, the burning death of a Christian missionary, attacks on Christian prayer halls, schools, and churches, and excesses on mosques, on the Golden Temple. A group of Indian soldiers were caught trying to burn down a Gurdwara (a Sikh temple) but were stopped by villagers.

Why does a country like that receive U.S. aid? Do we support them so they can suppress the information their citizens need? Do we support them so they can maintain bloody repression against the minorities within their borders? We should stop all aid to India until basic human rights like the free flow of information are allowed for all citizens. Furthermore, we should put this Congress on record in support of self-determination for the people of Khalistan, Kashmir, Nagaland, and the 14 other countries seeking their freedom from India. This should take the form of an internationally-monitored, free and fair plebiscite on the question of independence. That is the democratic way and the way of major world powers. We owe it to the principles that gave birth to America to take these measures to promote the principles of freedom in South Asia and around the world.

Mr. Speaker, I would like to place the article on the banning of Burning Punjab into the RECORD at this time.
GOOD GOVERNMENT

HON. BILL SHUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 2, 2001

Mr. SHUSTER. Mr. Speaker, I rise today to bring this great chamber’s attention to another sermon I recently heard. People across the United States of America are still trying to figure out why these men carried out their terrorist attacks on September 11th. I believe this sermon may help those people deal with this tragedy. I recommend everyone to take a moment and read the sermon below.

Mr. Speaker, I would like to place a copy of this sermon into the RECORD.

"PAUL’S ADVICE" (By Pastor Carol Custead, Zion Lutheran Church, Hollidaysburg, PA)

I can’t imagine a more well timed lesson for this week than this second lesson which was appointed for the 16th Sunday after Pentecost, from St. Paul’s First Letter to Timothy. Here we find scriptural affirmation of what I said last Sunday was Luther’s understanding of the role of government in this world—"It is the God-given vocation of good government to maintain order, peace, and safety so that civilization can function.

We also find here a scriptural calling, issued by St. Paul, to prayer for our governmental leaders—something that we have seen much of in these last twelve days. People all over our nation & all over the world, of varying religions, have been flocking into churches, synagogues and mosques to pray—and especially to pray for God to guide the leaders of the nations in wisdom and discernment—this week especially following the terrorist attacks on September 11.

So let’s start this morning by having a look at this scriptural passage. Here in 1 Timothy, Paul commends intercessory prayer for everyone, but most especially for “kings and all who are in high positions”. Why does he single them out? It is “so that we may lead a quiet and peaceful life in all godliness and dignity.” St. Paul explains. In his context, we might expect that Paul is trying, by using these words, to assure the civil authorities that the Christian movement does not subvert or cause trouble for civic stability. Roman officials worried about that, especially since it became clear that the Christian movement was no longer a sect within Judaism, and that some Christians were refusing to sign the annual loyalty oath affirming the divinity of the Roman Emperor.

But there is more reassurance in these words of Paul—reassurance which pertains to our world situation today. As biblical commentators have frequently attested, across the centuries, the Christian movement, except in its most radical fanatic fringe branches, values a stable political order where justice is enforced, and injustice is appropriately restrained—a political order where people can expect to lead a quiet and peaceful life.

Moreover, when the stability of political order is threatened, Christians must participate in efforts to regain that stability. Otherwise we are left in a Darwinian jungle where the survival of the fittest is the rule, and that means sheer power with both the threat and practice of violence. Therefore, Paul’s advice on intercessory prayer for those in authority is more than a formality. It is a persistent reminder in our liturgies and life of prayer that a just political order is a necessity if individual rights are to be secured and opportunities for fulfillment accessible to all.

In a society that has been increasingly cynical about government, about all institutions and people in authority, where professional wrestlers or entertainers are excessively admired and voted into office because the are not politicians, it is especially important for churches and individual Christians to keep up a lively intercessory prayer life for those who hold political positions of authority. It will not only keep us a bit less tainted by that cynicism; it might also lead us into greater participation in public life. It is also the case that when we pray for everyone, especially those in authority, our lives become more peaceful not just because the effect of our prayer is that the state will be governed in greater justice, but also because it leads us to more quietness of spirit. It is peaceful in spirit if we have prayed truly. As we have so greatly seen these past twelve days, intercessory prayer has that effect. It calms us down. It derivatives us from the agitation of not being able to control events. It enables us to live and act with the conviction that this is God’s world, to be guided according to God’s purpose, not according to our own purposes. To pray with all our might, and to trust—that is the good advice we have from Paul.

We have seen all of this at work in recent days. Never before in recent history have those in high positions asked us to pray so straightforwardly. We have seen how prayer can also be a unifying force in our nation and world. It has united Christians in an unprecedented way. Last Sunday evening we hosted a community-wide Prayer Service here at Zion. Approximately 320 people were packed tightly into these pews here at Zion. Approximately 320 people were packed tightly into these pews—people from many different congregations. There were Roman Catholics, Presbyterians, Baptists, United Church of Christ, Methodist, and of course, Luthers. It was a feeling of great comfort to know that in such a time of crisis we can come together in unity of purpose in prayer, for it is the same God that we pray to.

It is also an amazing feeling to know that people all over the world are praying for the same time of great need—to see that also Jews and Muslims are praying the same prayers we are praying. While they do not pray in Jesus’ name as we do, it is still the same God we are praying to. These three great monotheistic religions have come together in unity of purpose in an unprecedented way. The terrorist actions of a fanatic fringe group of Muslims have been the shame of so many Muslims worldwide. We should remember that we also have been shamed in the past by our own fanatic fringe groups such as the incident in Waco, Texas and mass suicide of Jim Jones and his followers. Therefore we can treat our good Muslim brothers and sisters with grace and we can pray with them and for them. We can pray with them for deliverance from the threat of militant Muslims, that those who have used violence as a means to grasp control in places such as Afghanistan might become more quiet and peaceful. We can pray for the lives of Muslims who are being targeted by this violence.

When we pray we dare not do so with an attitude that God is on our side as the fanatics have done. How presumptuous! Rather, let us pray that we may be given the wisdom and strength and insight to discern God’s way in all that lies before us so that we may properly be on God’s side in His ongoing war on evil.

And when we pray, “God bless America” we dare not do so with an attitude of superiority to other nations of this world. For we pray for God’s blessing on all. Indeed that is our annual theme in this Harvest Home celebration. But that does not mean that God does not bless other nations and peoples. As we pray, “God bless America” today in this crisis let us remember that good people all around the world join us in that prayer.

When we pray we dare not forget Jesus’ teaching to pray for our enemies. Perhaps that is most difficult in this crisis. But this prayer is so important because it helps us to keep our focus and perspective. As President Bush said in his speech Thursday night, our enemy is not Islam. Our enemy is not the Arabs. It is not even the majority of Afghan people. But our enemy is all those, wherever and however they may be, regardless of the world, who will inflict terror and violence on innocent people. To pray for these enemies means neither to cover up the conflict we have with them nor to downplay it’s enormous seriousness, but rather to endure the tension of our conflict with them without succumbing to their level of hatred—indeed without succumbing to hate in us as well. We do not need to hate the person but only the terrible evil acts that they commit. To pray for one’s enemy in this way means that despite the conflict, we are not enemies. As we do this, we recognize this enemy as a creature of God who has had a right to live—but not the right to commit an unjust act! So we earnestly pray for them to become more quiet and peaceful. Indeed many of the peoples of the whole civilized world. Our purpose, then, for bringing them to justice, is not for the sake of vengeance, but for the sake of restoring all of the whole civilized world. Our purpose, then, for bringing them to justice, is not for the sake of vengeance, but for the sake of restoring all of the whole civilized world. Our purpose, then, for bringing them to justice, is not for the sake of vengeance, but for the sake of restoring all of the whole civilized world. Our purpose, then, for bringing them to justice, is not for the sake of vengeance, but for the sake of restoring all of the whole civilized world.
HIGHLIGHTS


Senate

Chamber Action

Routine Proceedings, pages S10027–S10104

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 1481–1485, S. Res. 165, and S. Con. Res. 74. Page S10058

Measures Passed:

National Defense Authorization: By a unanimous vote of 99 yeas (Vote No. 290), Senate passed S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, after taking action on the following amendments proposed thereto: Pages S10027–55

Adopted:

Reid Amendment No. 1760, to strike the condition precedent for the effectiveness of the dual compensation authority provided in section 651. Pages S10033–39

Levin (for Thomas/Gramm) Amendment No. 1834, to strike the exemptions provisions in section 821 of the bill, which revises requirements relating to the purchase of Federal Prison Industries products by the Department of Defense. Pages S10039–41

Allard Modified Amendment No. 1755, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each of the votes cast by such voters is duly counted. Pages S10045–47

During consideration of this bill today, the Senate also took the following action:

By a unanimous vote of 100 yeas (Vote No. 289), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to close further debate on the bill. Page S10031

Senate sustained a point of order that Inhofe Amendment No. 1735, to express the sense of the Senate on comprehensive national energy legislation that ensures the availability of adequate energy supplies to the armed forces, was dilatory and therefore not in order, and the amendment thus fell. Pages S10031–32

Senate sustained a point of order against Helms Amendment No. 1724, to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not party, that the amendment was ruled as not germane, and the amendment thus fell. Pages S10041–44

Department of Energy Defense Activities Authorization: Senate passed S. 1417, to authorize appropriations for fiscal year 2002 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof Division C of S. 1438, Department of Defense Authorizations, as amended. Page S10055

Military Construction Authorization: Senate passed S. 1418, to authorize appropriations for fiscal year 2002 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 1438, Department of Defense Authorizations, as amended. Page S10055

Department of Defense Authorization: Senate passed S. 1419, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof Division A of S. 1438, Department of Defense Authorizations, as amended. Pages S10055–56

A unanimous-consent agreement was reached providing that with respect to S. 1438, S. 1417, S. 1418, and S. 1419, (all listed above as passed by the Senate), that if the Senate receives a message from the House of Representatives with regard to any of these bills, that the Senate be deemed to have disagreed to the amendment(s) to the Senate-passed bill, that the Senate request or agree to a conference
with the House thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

**Pages S10054–55**

**Vietnam Trade Act:** Senate agreed to the motion to proceed to consideration of H. J. Res. 51, approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam, and then began consideration of the resolution.

A unanimous-consent agreement was reached providing for further consideration of the resolution at 10 a.m. on Wednesday, October 3, 2001.

**Pages S10104**

**Nominations Confirmed:** Senate confirmed the following nominations:

Leslie Lenkowsky, of Indiana, to be Chief Executive Officer of the Corporation for National and Community Service. (Prior to this action, Committee on Health, Education, Labor and Pensions was discharged from further consideration.)

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. (Prior to this action, Committee on Finance was discharged from further consideration.)

**Committee Meetings**

(Committees not listed did not meet)

**TRADE PROMOTION COORDINATING COMMITTEE**

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine the annual report of the Trade Promotion Coordinating Committee, focusing on efforts to generate a unified trade program for the United States government, after receiving testimony from Donald L. Evans, Secretary of Commerce; John E. Robson, Chairman and President, Export-Import Bank of the United States; Hector V. Barreto, Administrator, Small Business Administration; Peter S. Watson, President and Chief Executive Officer, Overseas Private Investment Corporation; and Thelma J. Askey, Director, U. S. Trade and Development Agency.

**ECONOMIC OUTLOOK**

Committee on the Budget: Committee concluded hearings to examine the U.S. economic situation prior to and after the recent terrorist attacks, focusing on the need for security and confidence, finding the right economic response to the crisis, and minimization of collateral damage to the United States and the global economy, after receiving testimony from R. Glenn Hubbard, Chairman, Council of Economic Advisers; Martin Neil Baily, Institute for International Economics, Washington, D.C.; Alan B. Krueger, Princeton University, Princeton, New Jersey.

**RAILROAD AND MARITIME SECURITY**

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine concluded hearings to examine passenger and
cargo security issues in the railroad and maritime industries, after receiving testimony from Adm. James W. Underwood, USCG, Director, Office of Intelligence and Security, Department of Transportation; George D. Warrington, President and Chief Executive Officer, National Railroad Passenger Corporation (Amtrak); Edward R. Hamberger, Association of American Railroads, and Joseph J. Cox, Chamber of Shipping of America, both of Washington, D.C.; and J. Michael Crye, International Council of Cruise Lines, Arlington, Virginia.

ALASKA NATURAL GAS PIPELINE

Committee on Energy and Natural Resources: Committee concluded hearings to examine the status of proposals for the transportation of natural gas from Alaska to markets in the lower forty-eight states and on proposed legislation to expedite the construction of a pipeline from Alaska, after receiving testimony from Robert S. Kripowicz, Acting Assistant Secretary for Fossil Energy, and Patrick Wood III, Chairman, Federal Energy Regulatory Commission, both of the Department of Energy; Drue Pearce, Senior Advisor for Alaska Affairs, Department of the Interior; Alaska Governor Tony Knowles, Juneau; Alaska State Senator John Torgerson, Soldotna; Scott Heyworth, Municipality of Anchorage, on behalf of the Citizens Initiative for the All-Alaskan, All-American Gasline, Joseph P. Marushack, Phillips Petroleum Company, Richard Glenn, Arctic Slope Regional Corporation, and Mark Aron, CSX, Inc., all of Anchorage, Alaska; K. Terry Koonce, ExxonMobil Production Company, William D. Sullivan, Anadarko Petroleum Corporation, and Forrest Hoglund, Arctic Resources Company, all of Houston, Texas; Robert A. Malone, BP America, Inc., Los Angeles, California; Patricio Silva, Natural Resources Defense Council, Washington, D.C.; Keith Bailey, Williams, Tulsa, Oklahoma; and Dennis McConaghy and Michael Stewart, Foothills Pipe Lines Ltd., Calgary, Alberta, Canada, on behalf of the Alaskan Northwest Natural Gas Transportation Company.

FOREST PROTECTION

Committee on Energy and Natural Resources: Subcommittee on Public Land and Forests concluded hearings to examine the interaction of old-growth forest protection initiatives and national forest policy, after receiving testimony from Representative DeFazio; Henri Bisson, Assistant Director for Renewable Resources and Planning, Bureau of Land Management, Department of the Interior; Sally Collins, Associate Chief, U.S. Forest Service, Department of Agriculture; Alaska State Senator John Torgerson, Kasilof, on behalf of the Alaska Forest Association; Jerry F. Franklin, University of Washington College of Forest Resources, Seattle; Thomas M. Bonnicksen, Texas A&M University Department of Forest Science, College Station; Eric S. Palola, Northeast Natural Resource Center/National Wildlife Federation, Montpelier, Vermont; James Johnston, Cascadia Wildlands Project, Eugene, Oregon; and Bruce Daucsavage, Ochoco Lumber Company, Prineville, Oregon.

NOMINATION

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on the nomination of Eugene Scalia, of Virginia, to be Solicitor of the Department of Labor, after the nominee testified and answered questions in his own behalf.

### House of Representatives

#### Chamber Action

**Measures Introduced:** 31 public bills, H.R. 2973–3003; and 7 resolutions, H. Con. Res. 238–240 and H. Res. 247, 249–251, were introduced.

**Pages H6135–37**

**Reports Filed:** Reports were filed today as follows:

- H.R. 1992, to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications, amended (H. Rept. 107–225); and
- H. Res. 248, providing for consideration of H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011 (H. Rept. 107–226).

**Pages H6135**

**Recess:** The House recessed at 12:51 p.m. and reconvened at 2 p.m.

**Pages H6069**

**Private Calendar:** On the call of the Private Calendar, the House passed over without prejudice H.R. 392, for the relief of Nancy B. Wilson.

**Pages H6070**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:
Federal Employee Antidiscrimination and Retaliation: H.R. 169, amended, to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws (agreed to by a yea-and-nay vote of 420 yeas with none voting “nay,” Roll No. 360);

Pages H6071–76, H6100

National Fallen Firefighters Memorial Service in Emmitsburg, Maryland: H.J. Res. 42, amended, memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland (agreed to by a yea-and-nay vote of 420 yeas with none voting “nay,” Roll No. 361);

Pages H6076–80, H6100–01

Congratulating Cal Ripken: H. Res. 247, honoring Cal Ripken, Jr., for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to baseball, to the State of Maryland, and to the Nation;

Pages H6080–83

Congratulating Tony Gwynn: H. Res. 198, congratulating Tony Gwynn on the announcement of his retirement from the San Diego Padres and from Major League Baseball;

Pages H6083–86

National Small Business Regulatory Assistance: H.R. 203, amended, to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns;

Pages H6086–90

Vocational and Technical Entrepreneurship Development: H.R. 2666, amended, to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program;

Pages H6090–93

Virgin River Dinosaur Footprint Preserve: H.R. 2385, amended, to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property;

Pages H6093–95

Tomas G. Masaryk Memorial: H.R. 1161, amended, to authorize the Government of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia. Agreed to amend the title;

Pages H6095–96

Navajo and Mescalero Apache Indian Tribes Long Walk National Historic Trail: H.R. 1384, amended, to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System. Agreed to amend the title; and

Pages H6096–97


Pages H6097–98

Recess: The House recessed at 5:06 p.m. and reconvened at 5:30 p.m.

Pages H6098–99

Recess: The House recessed at 5:43 p.m. and reconvened at 6 p.m.

Pages H6099–H6100


Agreed to the Olver motion to instruct conferees to insist on the House position regarding all items included in the House passed bill for overseas military construction by a yea-and-nay vote of 417 yeas to 1 nay, Roll No. 362.

Pages H6099, H6101–02

Committee Election: The House agreed to H. Res. 249, electing the following members to the Committee on the Judiciary: Representative Bryant, to rank after Representative Goodlatte, and Representative Pence.

Page H6102

Amendments: Amendments ordered printed pursuant to the rule appear on pages H6138–63.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H6100, H6100–01, and H6101–02. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:23 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power approved for full Committee action the following bills: H.R. 2115, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility...
FARM SECURITY ACT
Committee on Rules: Granted, by voice vote, a modified open rule providing two hours of debate on H.R. 2646, Farm Security Act of 2001. The rule waives all points of order against consideration of the bill. The rule provides that, in lieu of the amendments recommended by the Committees on Agriculture and International Relations now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text printed in part A of the Rules Committee report accompanying the resolution, modified by the amendment printed in part B of the report. The rule waives all points of order against the amendment in the nature of a substitute and provides that it shall be considered as read. The rule makes in order only those amendments that have been pre-printed in the Congressional Record before October 3, 2001, and provides that each such amendment may be offered only by the Member who caused it to be printed or a designee and shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Combest and Representatives Smith of Michigan, McHugh, Boehlert, Gilchrest, Miller of Florida, Sherwood, Stenholm, Clayton, Baldacci, Etheridge, Kind, and Sanders.

RAIL INFRASTRUCTURE DEVELOPMENT AND EXPANSION ACT
Committee on Transportation and Infrastructure: Subcommittee on Railroads held a hearing on H.R. 2950, Rail Infrastructure Development and Expansion Act of the 21st Century. Testimony was heard from public witnesses.

NEW PUBLIC LAWS
(For last listing of Public Laws, see DAILY DIGEST of October 1, 2001, p. D954)

S. 1424, to amend the Immigration and Nationality Act to provide permanent authority for the admission of “S” visa non-immigrants. Signed on October 1, 2001. (Public Law 107–45)
Committee on International Relations, hearing on Al Qaeda and the Global Research of Terrorism, 10:15 a.m., 2172 Rayburn.

Subcommittee on International Operations and Human Rights, hearing on the Role of the International Atomic Energy Agency in Safeguarding Against Acts of Terrorism, 1 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following measures: H.R. 2975, Provide Appropriate Tools Required to Intercept and Obstruct Terrorism (PATRIOT) Act of 2001; H.R. 2336, to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers; and H.R. 2559, to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance, 2 p.m., 2141 Rayburn.

Committee on Resources, to mark up the following measures: H.R. 400, to authorize the Secretary of the Interior to establish the Ronald Reagan Boyhood Home National Historic Site; H.R. 980, to establish the Moccasin Bend National Historic Site in the State of Tennessee; H.R. 1576, James Peak Wilderness, Wilderness Study, and Protection Area Act; H.R. 1776, Buffalo Bayou National Heritage Area Study Act; H.R. 2488, to designate certain lands in the Pilot Range in the State of Utah as wilderness; H.R. 2924, to provide authority to the Federal Power Marketing Administration to reduce vandalism and destruction of property; H.R. 2925, to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation; the Healing Opportunities in Parks and the Environment Pass Act; and to consider the issuance of a subpoena; to be followed by an oversight hearing on Potential Alternative Energy Sources Available on National Public Lands, 10 a.m., 1324 Longworth.


Committee on Science, to mark up H.R. 64, to provide for the establishment of the position of Deputy Administrator for Science and Technology of the Environmental Protection Agency, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on the Wetlands Permitting Process: Is it Working Fairly? 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Policy and National Security, executive, briefing on Financial Intelligence Issues, 2 p.m., H–405 Capitol.

Subcommittee on Terrorism and Homeland Security, hearing on “Protecting The Homeland from Asymmetric/Unconventional Threats,” 9 a.m., 2322 Rayburn.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine United States policy toward the Organization for Security and Cooperation in Europe (OSCE), the institution which evolved from the Helsinki process, 10 a.m., SR–485.
Next Meeting of the **SENATE**

10 a.m., Wednesday, October 3

**Senate Chamber**

Program for Wednesday: Senate will resume consideration of H.J. Res. 51, Vietnam Trade Act.

Also, Senate may begin consideration of Foreign Operations Appropriations Act.

Extensions of Remarks, as inserted in this issue

- Hilliard, Earl F., Ala., E1772
- Israel, Steve, N.Y., E1755, E1758
- Johnson, Eddie Bernice, Tex., E1777
- Kerns, Brian D., Ind., E1779
- Kiczkowski, Gerald D., Wisc., E1778
- Langevin, James R., R.I., E1756
- Lantos, Tom, Calif., E1762, E1775
- LaTourette, Steve G., Ohio, E1760
- Lowey, Nita M., N.Y., E1770
- McDermott, Jim, Wash., E1758
- McKinney, Scott, Colo., E1763, E1765, E1766, E1767, E1769, 
  E1768, E1771, E1772, E1773, E1776, E1779
- Maloney, Carolyn B., N.Y., E1765, E1766
- Markey, Edward J., Mass., E1776
- Miller, Dan, Fla., E1758
- Moran, James P., Va., E1772
- Nadler, Jerrold, N.Y., E1770
- Ney, Robert W., Ohio, E1759
- Northup, Anne M., Ky., E1759
- Ose, Doug, Calif., E1765
- Otter, C.L., “Butch”, Idaho, E1761
- Pallone, Frank, Jr., N.J., E1790
- Radanovich, George, Calif., E1769
- Rahall, Nick J., W.Va., E1765
- Rogers, Mike, Mich., E1756, E1757
- Rothman, Steven R., N.J., E1761
- Roukema, Marge, N.J., E1759
- Roybal-Allard, Lucille, Calif., E1778
- Sanders, Bernard, Vt., E1757
- Shays, Christopher, Conn., E1773
- Shuster, Bill, Pa., E1781
- Slaughter, Louise McIntosh, N.Y., E1781
- Smith, Christopher H., N.J., E1773, E1779
- Speier, Jackie, Calif., E1775
- Tibert, Patrick J., Ohio, E1775
- Udall, Tom, N.M., E1780
- Wamp, Zach, Tenn., E1763, E1766
- Waxman, Henry A., Calif., E1764

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, October 3

**House Chamber**

Program for Wednesday: Consideration of H.R. 2646, Farm Security Act (modified open rule, two hours of general debate).

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